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§153.001 TITLE, PURPOSE & COMPLIANCE

1. Title.

   This Ordinance shall be known as the "Zoning Ordinance" of the City of Tillamook, Oregon. It is part of the City Development Code.

2. Purpose.

   The purpose of this Ordinance is to further the objectives and goals of the Comprehensive Plan and to provide for the public health, safety and general welfare of the citizens of Tillamook through orderly community development and planning with considerations for: desirable concentrations of population; protection of property values; aesthetics and enhancement of the appearance of the community; limitation of dangerous or offensive trades or industries; maintenance of adequate open space for light and air and emergency access; the provisions for access and privacy; facilitation and the adequate provision of community utilities and facilities such as transportation, power, water, sewage, fire, police, schools, parks and other public requirements.

3. Compliance with Ordinance Provisions.

   A parcel may be used and a structure or part of a structure constructed, reconstructed, remodeled, occupied or used only as this ordinance permits. Where this ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this ordinance shall control.

§153.002 ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

1. Classification of Zoning Districts.

For the purposes of this Ordinance, the City is divided into underlying zoning districts designated as follows:

Zoning District	Map Symbol & Abbreviated Designation	Zoning Ordinance Reference Section
Open Space	O	153.005
Residential - Single Family	R-7.5	153.006
Residential - Single Family & Duplex	R-5.0	153.007
Residential - Multiple Use	R-O	153.008
Commercial - Neighborhood	C-N	153.009
Commercial - Highway	C-H	153.010
Commercial - Central	C-C	153.011
Industrial - Light	I-L	153.012
Industrial - General	I-G	153.013
Public & Semi-Public	P&SP	153.014

Additionally, the City is divided into the following overlay zoning districts:

Overlay Zoning District	Map Symbol & Abbreviated Designation	Zoning Ordinance Reference Section
Airport Overlay	AO	153.015
Hazard Overlay	HO	153.016
Town Center Overlay	TC	153.017
Water Resource Protection Overlay	WRP	153.018
Estuary/Shoreland Overlay	ESH	153.019
Flood Hazard Overlay	FHO	153.020

2. Application of Regulations to Districts Generally

Except as otherwise provided in this Ordinance,

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity with the yard, setback, building location, site area and coverage requirements hereinafter prescribed with the district in which such building or open space is located.

D. No yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building or any other building lot.

E. The requirements of an overlay district shall apply to those areas of the underlying zoning district that are located in an overlay district.

3. Zoning Map

A. The location and boundaries of zones designated in this section are hereby established as shown on the map entitled "Zoning Map of the City of Tillamook City" dated with the effective date of this Ordinance, and reflect revised Flood Hazard Overlay Zones as designated by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, and signed by the Mayor and City Recorder, and hereinafter referred to as the "Zoning Map."

B. The signed copy of said zoning map shall be the "official map" of the city of Tillamook zoning districts and maintained on file in the office of the Recorder and is hereby made a part of this Ordinance. Any revisions or replacements of said map, when duly entered, signed and filed with the City Recorder as authorized by this section are a part of this Ordinance.

C. When the zoning of any area is changed by the City Council in the manner prescribed by this Ordinance, the City Manager shall cause the official zoning map to be revised so that it accurately portrays said change, provided that failure to so revise the said map shall not affect the validity of any zone change. The Council may from time to time direct the City Manager to replace the official zoning map, or a portion thereof, with a map, which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing same and shall bear dated, authenticating signatures of the Mayor and City Recorder. Any map or portion thereof thereby replaced shall be retained in a separate file by the City Recorder.

4. Interpretation of District Boundaries.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

A. District boundaries shall follow the outside boundaries of public streets, alleys, or highways**.**

B. Vacation of public ways: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulation of the extended districts.

C. Where boundaries approximately follow property lines: Where district boundaries are indicated as approximately following property lines, such property lines at the date of adoption of this Ordinance shall be construed to be said boundaries. If a district boundary divides a platted lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the district boundary shall be treated as a change of zone.

5. <u>Zoning of Annexed Areas</u>

A. City Zoning regulations and Zoning Districts shall apply to all of the area within the City Urban Growth Boundary.

§153.003 DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and the singular includes the plural. Unless the context of the Ordinance otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Ordinance.

Abutting: adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall be considered as abutting if the common property line between the two parcels measures a minimum of eight (8) feet in a single direction.

Access: a legally and physically defined area available and practical for ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

Access Easement, or Access Way: the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use, and the right to cross between public and private property, as required by this Ordinance.

Access Management: the control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties.

Accessory Dwelling Unit (ADU): a subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same lot or parcel as the primary dwelling unit and which is incidental to the main use of the property. In no case shall the accessory dwelling unit exceed in area, extent or purpose, the principal lawful use of the main structure or land or the area established in the zone district.

Accessory building, structure, or use: a building, structure, or use which is necessary for the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. A use which involves an increase in the number of dwelling units in a building, or on a lot, beyond that which is permitted outright in the district, or which constitutes, in effect, the conversion of a use to one not permitted in the district, shall not be considered an accessory use. Accessory Structures in a residential district include detached garages, sheds, workshops, greenhouses, and similar structures.

Adjacent: next to, touching or contiguous, including sites, structures and parcels which are directly across and on the opposite side of a public street right-of-way.

Adjoin: the same as "Abutting".

Administrative: a discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Administrative Decision: a decision made by the Planning Director or designated staff with public notice and an opportunity for a public hearing. The appeal of an administrative decision is heard by the Planning Commission. See also ‘Ministerial’.

Adult Business: any person, group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to all or portions of the premises to any persons younger than 18 years of age in which an adult use is conducted.

Adult Use: a use of whatever character, conducted on the premises of any business, where persons under 18 years of age are prohibited by law in ORS Chapter 167 and as amended.

Adult Business and Adult Uses: those businesses which are not legally open to minors under age 18 as defined by ORS Chapter 167.060 to 167.090 and as amended.

Adult Day Care: a community-based group program which has been designed to meet the needs of adults who have impairments. Adult day care programs must offer individual plans of care. Nonresidential programs are designed to provide health, social and related support services in a safe and protective setting. Adult day care services can be offered during any part of a day, but for less than 24 hours.

Adult Foster Home, as defined by OAR 411-5-400(2): a State-Certified dwelling operated in a family-type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

Advertising structure: any notice or advertisement, pictorial or otherwise, and any structure or three dimensional form used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities, or for simply attracting visual attention to a business.

Adverse Impact: negative affect of development that can be measured (e.g. noise, air pollution, vibration, dust, etc).

Aesthetic(s): the perception of design elements or elements in the natural or created environment that are pleasing to the eye.

Affordable housing: housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30% of their income on housing expenses. For more information, refer to the Oregon Department of Housing and Community Services.

Aggregate Resources: sand, gravel, rock, stone, loam and dirt.

Agriculture: the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce, provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the operation of a feedlot or other commercial feeding of animals. This definition is not intended to comply with Oregon State Laws relating to Farm Uses.

Airport Approach Safety Zone: a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non-precision instrument approach; 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non-precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Safety Zone extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

Airport Hazard: any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

Airport Imaginary Surfaces: those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

Alley: a public right of way through a block which affords access to abutting property at the rear or sides thereof. Normally used as secondary access, but primary access may be approved by the Planning Commission after consideration of public safety or improved traffic circulation.

Altered: "Structurally Altered."

Alteration: the addition to, removal of or from, or physical modification or repair of any exterior part or portion of a site or structure governed by this Title. Sign changes shall be considered a form of alteration.

Alterations: any change in size, shape, method of illumination, position, location, construction or supporting structure.

Ambient: something that surrounds, as in the level of light, dust or noise.

Amusement, Commercial: any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

Ancillary Unit: a detached accessory building, or an accessory unit attached to the main structure that is designed, constructed and used to provide long term accommodations. An ancillary unit may contain a kitchen facility, laundry or bathroom and may be rented.

An Ancillary Unit is a small building no bigger than 800 sq ft or 50% of the floor area of the dwelling (whichever is the lesser) and must be dependent on the main dwelling.

Ancillary Units are not to be self-contained and must share at least one facility (laundry, bathroom or kitchen) with the main dwelling.

The Ancillary Units needs to be a close distance to the dwelling (typically where a garage would be located, a short walk away) and appear as part of the dwelling rather than a separate building.

An Ancillary Unit must rely on the main dwelling for services, access and parking facilities. An approximate guide would be a maximum of 30-45 feet away, but applications are assessed on a case by case basis.

Ancillary Units are also known as: granny flats, studios, ancillary apartments, sleep out etc.

Animal Hospital: a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. See also Section 26(2)

Antenna: a specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. This includes, but is not limited to, Omni-directional ("Whip") antennas, directional ("panel") antennas, parabolic ("dish") antennas.

Antenna Array: two or more antennas.

Antenna Support Structure: a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Such support structures shall include, but are not limited to the following:

> Lattice tower: a vertical support structure consisting of a network of crossed metal braces, forming a tower with three, four, or more sides.
>
> Guyed tower: a monopole or lattice tower that is tied to the ground or to the surface by diagonal cables.
>
> Monopole: a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

Antique Shop: an establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment.

Apartment: a dwelling unit in a multiple-family building.

Apartment Unit: three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.

Apartment Accessory Uses: permitted uses accessory to an apartment building shall include a recreation room, employees' washroom, manager's office, and laundry facilities for tenants only.

Appeal: request for review of a Planning Staff, Planning Commission, or City Council decision or any interpretation of any provision of this ordinance.

Appliance: large or small household goods including washers, dryers, refrigerators, freezers, ranges, TVs, toasters, electric irons, and the like.

Application: a formal request to the City for development, administered through a form to be filled out by an applicant, approved by the City Planner; such as an application for a Land Use Development Permit, a Zoning Clearance Permit.

Arcade: an arched or covered passageway; often along building fronts or between streets.

Area of Illumination: the area illuminated by lighting in certain areas of a site plan.

Area of Shallow Flooding: a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard: the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Special Flood Hazard Area designation on maps always includes the letters A or V.

Architectural Significance: the term : that the building or structure: (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural-type specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the city; or, (4) contains elements of an architectural design, detail, materials or craftsmanship which represent a significant innovation.

Articulate/Articulation: the jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Assembly or Meeting Hall: a building used for social, organizational, ecumenical, business or educational purposes.

Assessor: the County Assessor of Tillamook County.

Attached: architecture joined to or by a wall, especially by sharing a wall with another building; not freestanding

Automobile: a motor vehicle such a passenger car, truck or trailer.

Automobile, Boat or Trailer Sales Lot: an open lot used for display, sale or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

Automobile-Oriented Use: automobiles and/or other motor vehicles are an integral part of the use. These uses include vehicle repair, sales, rental, storage, and service; and drive-up, drive-in, and drive-through facilities.

Automobile Repair, Major: the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop.

Automobile Repair, Minor: upholstering of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half (1 ½ tons capacity, but not including any operation named under "Automobile Repair, Major", or any other similar operation thereto.

Automobile Service Station or Filling Station: a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary. See also Section 23.

Automobile Wrecking: the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Awning: a shade structure that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, and is supported by either posts or columns and/or by a permanent structure.

Balcony: a platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

Barber and Beauty Shop: a facility, licensed by the state, where haircutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related serves are performed.

Base Course: a course of specified aggregate material of planned thickness placed upon the subgrades.

Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Base Flood Elevation: the crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.

Basement: any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

a. Has one (1) or more rooms for rent on a daily basis to the public; and

b. Offers a breakfast meal as part of the cost of the room;

c. Serves only one breakfast meal a day to guest, staff and owners, only.

d. License requirements per OAR Chapter 333, Division 170.

Berm: an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Beveled Building Corner: a rounded or flat edge on a building usually at a street corner; may include an entrance, windows, pillars or other architectural details and ornamentation.

Bicycle Facilities: a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bicycle Path: a path that is physically separated from the roadway and designed exclusively for non-motorized traffic.

Bikeway: any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

a. Multi-use Path. A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

b. Bike Lane. A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.

e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Billboard: the same as "Advertising Structure."

Blacksmith Shop: a shop for a worker of iron, forging iron, repairing the iron work on a wheel, barrel, or making and shaping plow shares or draft animal shoes and a horse shoer. See machine or welding shop.

Block: a parcel of land or group of lots bounded by intersecting streets.

Board: the Board of County Commissioners of Tillamook County, Oregon.

Boarding or Rooming House: a residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.

Boat Yard: a place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Bollard: a post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative and may contain sidewalk or pathway lighting.

Boulevard: a street with broad open space areas; typically with planted medians.

Buffer: a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Buildable Area (as it relates to the calculation of required landscaping): the area of a lot remaining after other zoning requirement, including, but not limited to setback, off street parking, and ingress/egress have been met.

Building: a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.

Building footprint: the outline of a building as measured with the shape of its foundation.

Building Height: the vertical distance from the average contact ground level of the building to the highest point of the building.

Building Inspector: the Building Inspector of the City of Tillamook, Oregon, as designated by the City Council.

Building Line: a line on the plat map indicating the limit beyond which buildings or structures may not be erected.

Building Lot: a lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

Building, Main: a building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.

Building Mass: the aggregate size of a building or the total height, width and depth of all its parts.

Building Pad: a vacant building site on a lot with other building sites.

Building Scale: the dimensional relationship of a building and its component parts to other buildings.

Bulletin Board: A sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

Bush or Shrub: a planting whose primary purpose is decorative and whose normal height will not be in excess of ten (10) feet.

Business: a commercial or industrial enterprise.

Business or Professional Office: an office of a professional providing a service to the public, including but not limited to medical or dental offices, architectural, engineering or surveying office; certified public accountant or tax preparer's office, realty or insurance office; business or computer consultant.

Business Frontage: the lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

Cabana: a stationary, lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide for additional living space, meant to be moved with the mobile home.

Cabinet, carpentry and woodwork shop, custom: shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

Camping or Recreational Vehicle: vacation trailer, park trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is designed for human occupancy and is being used for temporary vacation/recreational or emergency purposes, as allowable by this ordinance, but not for residential purposes, and may be equipped with plumbing, sink, or toilet.

Capacity: maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Capacity Tower: a tower lower than a "Coverage Tower" with lower antennas and reduced power output, added to fill in the service ability not covered by a "Coverage Tower".

Cartoon: a caricature of an animate or inanimate object.

Cell Tower: please see Utility Facility, Wireless Communication Facility.

Cemetery: land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

Certified Arborist: an arborist having been certified by the International Society of Arboriculture.

Change of Use as relates to a non-conforming use: visible or audible changes that would affect surrounding properties and neighbors, including, but not limited to traffic, parking, noise level, lighting, signing, smoke, dust, odor, vibration, soot, heat or glare. An application for such change of use may be granted administratively or by the Planning Commission in accordance with provisions of Section 27 of this Ordinance.

Church: a permanently located building commonly used for religious worship and religious training, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded), and conforming to applicable legal requirements affecting design and construction. A church is considered a public facility.

City: the City of Tillamook City, State of Oregon.

City Council or Council: the City Council of the City of Tillamook City, Oregon.

City Engineer: the City Engineer of the City of Tillamook City, Oregon, as designated by the City Council.

City Manager: the duly appointed administrative officer of the City of Tillamook or a person designated by him/her to fulfill his/her obligations as set forth in this Ordinance.

City Planner: the duly appointed city planner of the City of Tillamook, or the City Planning Commission.

City Recorder: the City Recorder of the City of Tillamook City, Oregon.

Clear Vision Area: identified in this ordinance under Interpretations and Exceptions.

Clear Zone: an area that extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

Clinic Medical, Dental or Optical: facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.

Critical Clinic: a facility for extensive and continuous care and treatment, and closely monitored health care provided to critically ill patients

Emergency Clinic: a facility for the performance of acts or procedures under emergency conditions in the observation, immediate care and counsel of persons who are ill or injured or who have disabilities.

Urgent Care Clinic: a facility for the delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Urgent care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department.

Walk-in Clinic: a facility, often associated with a hospital or medical school, that is devoted to the diagnosis and care of outpatients.

Club: an association of persons (whether or not incorporated, religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Co-location (collocation): the use of a personal wireless service utility facility or wireless communication facility by two or more wireless communications service providers for more than one type of communication technology and/or placement of two or more wireless service facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct by more than one Wireless communications service provider.

Commercial: any use of land or structure involving buying/selling of goods or services as the primary activity.

Commercial Enterprise: any use of land, structures or natural resources for profit, or non-profit making activities not residential, public facility, or industrial in character.

Commercial Retail: any commercial enterprise of, relating to, or engaged in the sale of commodities or goods in small quantities directly to the ultimate consumer.

Commercial Service: any commercial enterprise which provides a useful labor that does not produce or involve the sale of a tangible commodity or good.

Commission or Planning Commission or Planning and Zoning Commission: the Planning and Zoning Commission of the City of Tillamook City, Oregon.

Common Open Space: an open area within a development, designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

Community Building and Community Center: a facility whether owned or not by a governmental agency or a nonprofit community organization, for the purpose of public assembly, used for meetings, recreation or education.

Compatibility: aspects of buildings and other constructed features which, by material, shape, scale, and architectural detail, tend to support the ambient quality of the City of Tillamook. Compatibility may be achieved through building design, setbacks, screening, materials choices, building orientation, site design, or other design solutions.

Comprehensive Plan: the Tillamook City Comprehensive Plan is the official document adopted by the City which delineates the general long range policies on how the City's future development should occur. The Tillamook City Comprehensive Plan ~~which~~ interrelates all functional and natural systems and lands, including, but not limited to, sewer and water systems, transportation systems, education systems, and recreational management programs. The City Comprehensive Plan includes several parts among which are the following: an inventory, a policy element which includes the City's policies on future development, community plans, functional plans, a plan map, and implementing measures.

Comprehensive: all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.

Conditional uses: are those uses which may be appropriate, desirable, convenient or necessary in the zone district in which they are allowed, but which by reason of their height or bulk, intensity of use or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed.

Condominium: a structure containing more than one dwelling unit, each of which is owned individually, exclusive of the land of the land upon which the structure is located.

Conflict of Interest: as described in ORS 244.135, when the prospect of personal gain prevents a member of some public body from carrying out the purposes of that body in a fair and objective fashion, Oregon Law requires that a Planning Commissioner not take part in a decision in which he or she may have such a conflict, reference ORS 244.135 regarding cities.

Conical Surface: an area that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.

Consolidation: the act of aggregating two or more tax lots or tracts of land into one or more parcels.

Construction sign: a sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

Contiguous: lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right of way or flagpole. Lots or parcels are not contiguous if their common boundary is an arterial or collector street.

Contract Annexation: a binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by City action into city jurisdiction.

Convenience Store: A small retail store that is open long hours and that typically sells staple groceries, snacks, and sometimes gasoline.

Conversion Plan: a binding plan which shows how a parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning district; and shows how a proposed land division will be compatible with the allowable ultimate land division, and provides all of the graphic information required for a land subdivision or a partition, based on the ultimate number of lots allowable under the zoning district.

Cooking Facility: an arrangement within a residential unit which provides, but is not limited to, the following features: refrigeration capability; hot plate, electrical frying pan, toaster oven, crock pot, counter top burners, stove or microwave; and facilities for washing and cleaning.

Cottage Industry: an industry where the creation of products and services is home-based, rather than factory-based. These products and services created by cottage industry are often unique and distinctive given the fact that they are usually not mass-produced.

County: the County of Tillamook County, State of Oregon.

Country Club: a club organized and operated primarily for social indoor and outdoor recreation purposes, including incidental accessory uses and structures.

Court: an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Coverage Tower: a wireless communication facility tower for initial deployment of a large area. "Coverage Towers" operate at high power levels and are tall.

Creek (see "Stream").

Criterion: a legal threshhold against which an application is compared in order to determine its adequacy.

Critical Facility: include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. A critical facility is a facility for which even a slight chance of flooding might be too great.

Crop and Tree Farming: the use of land for horticultural uses.

Curb cut: a driveway opening where a curb is provided along a street.

Curvilinear: means represented by curved lines.

D.B.H. (Diameter at Breast Height): circumference of the tree's trunk(s) at four and a half feet above grade/ground level, and dividing by 3.14.

Day: unless otherwise specified by this ordinance or statute, all references to days: calendar days. References to days involving deadlines apply to normal department business hours. When a deadline falls on a holiday or weekend, it shall be presumed to be extended to the next working day of the department.

Day Care Center: an institution maintained under public or private auspices and licensed by the state, for which care is provided on a daily basis for three or more children under sixteen years of age. Note Day care centers providing care for more than six children result in an educational ("E" occupancy) status for the structure under the Uniform Building Code and the National Electrical Code. (See "Family Day Care Providers' Home").

Deciduous: a tree or shrub that sheds its leaves seasonally.

Dedication: the designation of land by its owner(s) for any public use as shown on a subdivision plat or deed. The term may also be used for dedication to a private homeowners association.

Demolish or Demolition: to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure.

Density: the number of dwelling units, expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example twenty dwelling units divided by five acres, equals a density of four units per acre.)

Developable: buildable land as identified by the City's Comprehensive Plan. This shall include both vacant land and land likely to be redeveloped.

Developer: a person or other legal entity who subdivides or partitions land, or constructs on more than one parcel of land.

Development: any manmade change to improved or unimproved tracts of land, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area.

Development permit: any permit or authorization issued by the city as a prerequisite for undertaking any development. It includes permits and authorizations customarily known as certificates of appropriateness, building permits, zoning or rezoning permits, variances,

conditional use permits, street plans, plat approvals, subdivision or planned unit development permits.

Development Schedule: a construction timeline schedule submitted by the applicant showing all major events. If the project is to be constructed in phases, a schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan. It shall indicates the approximate date when construction of a Planned Unit Development is expected to begin and end, or if developed in phases, the development schedule for each phase shall be keyed to a plan that indicates phasing boundaries. It coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of the primary structures in the Planned Unit Development.

Direct illumination: a source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Director: the City Manager or his designated representative.

District: a portion of the territory of the City of Tillamook City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

a. That certain uses are required to be a specified distance from "any R District" as provided in this Ordinance, the term "an R District" shall include any R-7.5, R-5.0 and R-O District.

b. The term "any C District" shall include any C-N, C-H C-C District.

c. The term "any I District" shall include any I-L or I-G District.

Divide: to separate land into two or more parcels or lots for the purpose of transferring a substantial interest in land.

Division: the act or process of dividing land or a tract that has been divided.

Door: a movable structure used for opening and closing an entrance or for giving access to something.

Downslope: of or having 10% or greater slope from an adjoining property line to point of setback.

Double Frontage: a term used to describe a lot or parcel which has road access and frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered "frontage" in this definition.

Drinking Establishment: an establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors. Synonymous with bar, lounge, or tavern.

Drip line: the area on the ground below every tree that would be affected if water were dripping off of the tree's leaves and branches on a calm day. From a plan view, the area on the ground covered by the tree canopy.

Driveway: a legally and physically defined area available and practical for motor vehicle ingress and egress to the building site from a road.

Drug Store or Pharmacy: facility for preparing, preserving, compounding, and dispensing drugs and medicines; and, may include the display and sale of other merchandise, such as cosmetics, notions, fountain service, and similar items.

Dry Cleaner or Laundry, Commercial: a plant for cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

Dry Cleaning or Laundry Shop, Small Custom: an establishment for custom cleaning only of individual garments, fabrics, rugs, draperies, or other similar items, and not a bulk or commercial type plant.

Durable, Dustless Surface: a permanently surfaced area of asphalt, concrete, brick, cobblestone, oil-matte, and/or chip-seal for the standing and maneuvering of vehicles in all zones maintained adequately for all weather uses.

Dwelling: a building, or portion thereof, designed or used for human occupancy as a residence for one or more persons, not including vehicles, travel trailers, or recreational/camping vehicles.

a. Dwelling, Single Family: a building, on a separately platted lot, designed or used for residential purposes by not more than one family, although potentially including one ancillary dwelling unit. Each single-family dwelling must have separate utility services.

b. Dwelling, Two-Family, or Duplex: a building designated and used for residential purposes with two (2) attached dwelling units on one lot or parcel by not more than two families and containing two dwelling units only.

c. Dwelling, Triplex: a building designed and used for residential purposes with three (3) attached dwelling units on one lot or parcel.

d. Attached Single-Family: two or more single-family dwellings on individual lots or parcels with common end walls. See "a", above.

e. Dwelling, Multiple Family: a building containing two or more dwelling units, including units that are located one over the other.

f. Dwelling, Seasonal: a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

g. Dwelling, Townhouse: a single family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire resistive walls, or a single masonry common wall, having a two-hour fire resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

Dwelling Unit: one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of the occupants maintaining the household.

Easement: a non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

Eating Establishment: synonymous with restaurant, but does not include drinking establishment.

Elevated Building: a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, sheer walls, post piers, pilings, or columns.

Elevation a building face, or scaled drawing of the same, from grade to roof ridgeline.

Emergency Medical Facility: a first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.

Emergency Water Storage Facility: a facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, or other reasonable means to store an emergency water supply on the premises.

Emergency Measures: unforeseen or sudden occurrences usually caused by civil unrest or natural disaster, esp. of a danger demanding immediate remedy or action.

Engine or Motor Repair Shop: a shop for the repair of engines or motors. Term includes electric or fuel power motors.

Equipment, Heavy: farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

Evergreen: a plant with foliage that persists and remains green year-round.

Ex Parte Contact: private meetings or discussions between a member of a reviewing body and a person or persons who have some interest in a case to be heard by that body. Oregon law doesn't forbid such contact but requires that decision makers disclose them publicly. ORS 227.180 is the pertinent statute for cities.

Family: an individual or two or more persons related by blood, marriage, adoption or legal guardianship using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen. The maximum occupancy allowed in special group homes that permitted outright by State Law in single or multifamily zones shall not exceed the number of persons allowed by State statute.

Family Day Care Center: a day care facility where care is provided in the home of the provider to fewer than 13 children, including children of the provider, regardless of full or part-time status.

Farm Use: the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

"Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

Feed Store, Retail (No Mill): facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items, and the sale of additional pet items, gardening supplies and farm equipment.

Fell: to remove or sever a tree or to use any procedure the natural result of which is to cause the death or other substantial destruction of the tree. Fell does not in any context include normal trimming or pruning.

Fence, Sight Obscuring: any fence which contains any sort of non-transparent paneling, lath, sheeting, planking, posts, fabric or organic material either dead or alive, etc., of any material which is not necessary for the support of the fence, shall be termed sight obscuring. This shall not include chain link or other similar fences which are maintained clear and clean of any material, either organic or inorganic.

Fill: the placement by man of sand, sediment, concrete, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill shall also include a properly engineered sanitary landfill.

Final Map: a map prepared in accordance with this Ordinance, which is designated to be filed with the Tillamook County Clerk and the State of Oregon.

Fish Habitat: those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration (According to Oregon Administrative Rule 660-23-090(1).

Fish Use: an area inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Flag Lot: a "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access.

Flagpole: the thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

Flood or Flooding: a general and temporary condition of partial complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters and/or,

b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map: an official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.

Flood Insurance: the insurance coverage provided under the Federal Flood Insurance program.

Flood Insurance Rate Map (Firm): an official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain: the area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

Floodplain 100Year: the land within the City subject to a one percent chance of flooding in any given year, including the floodway and floodway fringe.

Floodprone: areas likely to be flooded by virtue of their location adjoining a river, stream, or other water course or water body to the extent where the level of hazard exceeds acceptable designated floodplain, floodway, and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both

within or outside of FEMA mapped areas which are either known to be flood prone or where flood hazard conditions may be more extreme than indicated by FEMA and development would jeopardize life or property.

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: the maximum horizontal area of living space, to include guest house and/or ancillary unit, not to include decks, balconies, porches, exterior stairways, garages, carports, and storage.

Floor Area Ratio (FAR): the gross floor area of all buildings or structures on a lot divided by the total lot area.

Fluorescent colors: extra bright and glowing type colors; includes "dayglow" orange, fluorescent green, etc.

Fluorescent lighting: light provided by fluorescent tubes. Fluorescent lighting is a type of electric discharge lamp consisting of a glass tube filled with a mixture of argon and mercury vapor. Fluorescent lamps are cooler and more efficient than incandescent lamps.

Food Cart/Food Trailer: a mobile kitchen and food service establishment that is vehicle-mounted or wheeled and is capable of being readily moved, set up on the street to facilitate the sale and marketing of prepared food to people from pedestrian traffic. Food carts and Food Trailers can be found selling food of just about any variety. Food carts and Food Trailers either allow the vendor to sit or stand inside and serve food through a window, or have all of the room inside the cart for storage and to house the cooking machinery, usually some type of grilling surface. The cart style is determined principally by the type of food served at the cart. Some food carts are towed by another vehicle or are part of a vehicle, while some alternatively are pushed by a human. Food Carts/Food Trailers include the following:

Conventional Unrestricted Units which are enclosed trucks, trailers, buses with open foods - mobile taquerias, barbecue trailers, snow-cone units, grilled chicken buses.

Conventional Restricted Units includes trucks, trailers, vans with packaged foods only prepared at an approved commissary.

Ice cream tricycles and push carts (Individually-packaged ice cream)

Unrestricted fixed location and park vendor units such as hot dog and other open-foods carts

Ice cream trucks and vans (Individually packaged frozen desserts)

Food Store, Retail Sale: an establishment where diversified foods and associated items are kept and displayed for retail sales. Synonymous with grocery store, supermarket, and convenience grocery.

Foster Family Home, as defined by OAR 412-22-010 (4): any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster, family, group, and shelter homes.

Foundation (permanent): primary support for a structure through which the imposed load is transmitted to the footing or earth.

Fraternal or Lodge Building: a building for a chartered private service organization, club, society, or order.

Frontage: that portion of a parcel of property or building which abuts a dedicated public street or highway.

Building Frontage: the single wall surface of a building facing a given direction.

Double Frontage: a parcel of property or building which abuts two (2) dedicated public streets or highways.

Fuel Alcohol Production: the distillation of fuel alcohol from agricultural products, byproducts, or waste.

Fuel break: an area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuel break may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands.

Garage: an attached or accessory structure, designed primarily for storage of the family automobile(s). Also used for the storage of additional items, personal shop activities, but limited to non-habitable uses.

Garden Shop and Plant Sales, Display, or Greenhouse: a facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.

Government Facility: projects, activities, and facilities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies. Government facilities shall include federal, state, county or municipal offices or facilities. See also "Public Facility"

Government Offices: projects and activities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies, and shall include federal, state, county or municipal offices.

Grade: the average elevation of the existing ground at the centers of all walls of the existing building.

Grade (Natural): the elevation of the ground level in its natural state, before construction, filling, or excavation.

Grocery Store: See food store.

Gross Floor Area (GFA): the gross floor area of a building is the same (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-

over spaces, except as defined above, are to be excluded from the area calculations. Any roofed-over areas with three or more sides and used for storage of materials or goods shall be included in the gross floor area.

Ground Cover: a plant material or non-plant material (e.g. mulch, bark chips, dust) that is used to cover bare ground.

Group Home: a licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five. The maximum occupancy allowed in group homes shall not exceed the number of persons allowed by State statute. ORS 443.400.

Guest House: living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house contains no kitchen or kitchen facilities. A guest house must conform to the dwelling density and standards of the zoning district.

Guest Suites: an accommodation with two or more contiguous rooms comprising a compartment, with or without doors between such rooms, that provides living, sleeping, sanitary, and storage facilities.

Habitable Floor: any floor which is or can be made suitable for living purposes. These areas may be walled and are suitable for use as a place of working, sleeping, cooking, recreation, or the like, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor does not include mechanical rooms, elevators and fireplaces.

Hammerhead turnaround: a "T" or "L" shaped dead-end street that allows for vehicles to turn around.

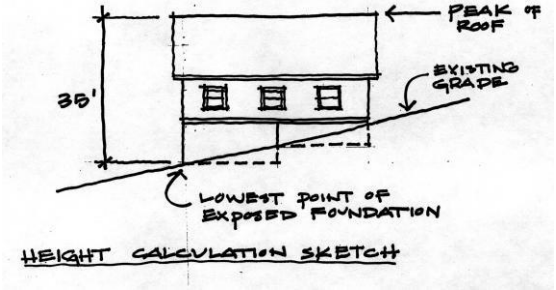
Handcraft, Ceramic Sculpture or Similar Art Work Studio or Facility: facility to create custom, artistic or decorative objects such as leather goods, jewelry, glass, ceramic or other oven-fired nonmetallic mineral products, woodwork or other carved, three-dimensional works of art, made by hand.

Hazardous Waste: discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410, OAR 34063100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

Health Related Center or Spa: a facility which offers health related treatment, education, recreation, with equipment and facilities for exercising and improving physical fitness, not including long-term or emergency care.

Hedge: any combination of non-annual plantings intended to form an obstruction to ingress or egress, and/or vision, such plantings providing no physical or visual space between individual plantings and where branches or foliage of one planting physically contact adjacent plantings.

Height of Building: the height of all structures measured vertically from the natural grade at the lowest exposed portion of the foundation to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade.



Heritage Tree: all broadleaf trees (except poplar trees) equal or greater than two feet DBH (for multi-stem trees, if the sum of the areas of all stems four inches in diameter or larger at DBH is greater than 3 square feet, it is a heritage tree). All conifers equal or greater than three feet DBH. Also any documented historically significant trees or trees that are rare or of outstanding size and/or form for their species, as noted in the adopted Heritage Tree list.

Historic Rehabilitation: the act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Historical Significance: the term : that the site or structure (1) has character interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of an historic event with an effect upon society, (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community.

Historic Resource: any building, structure, or site having historic or architectural significance as defined by OAR 660-023-0200(7).

Home Occupation: an accessory use, usually of a nonresidential nature, carried on in a dwelling unit except where otherwise allowed by this ordinance, and which:

a. Is incidental to the primary occupancy of the home as a dwelling,

b. Is for gainful employment involving the manufacture, provision or sale of goods and/or services,

c. Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and conforms to the standards specified for home occupations.

Home Schooling: homeschool, home education or home learning is the education of children at home, typically by parents but sometimes by tutors, an academic curriculum at home rather than in other formal settings of public or private school.

Horizontal Surface: a horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

Hospital: any institution, place, building, or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period. A hospital is considered a Critical Care Facility and an Urgent Care Facility.

Hotel: an establishment that provides lodging as a temporary abiding place, containing guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

Hydraulics: a study of the mechanical behavior of water in physical systems and processes. In floodplain management, hydraulics refers to determination of the lateral and vertical extent of a particular flood. Hydraulics also encompasses the flow characteristics around and through hydraulic structures such as bridges, culverts and weirs.

Hydrological Study/Hydrologic Analysis: an analysis used to estimate flood flow rates in a floodplain to develop a reasonable estimate of the future conditions of the 1 percent annual chance flood flow, relying on rainfall runoff simulations with altered land use conditions. Common methods are stream gage analysis, rainfall-runoff models, or a combination of the two. All of the currently accepted hydrology models for peak flow determination can be used to estimate future conditions by changing land cover/use parameters. All runoff models should be calibrated to past flood events before they are used for base flood determination. It is recommended that a conservative assumption be used that all of the areas in the watershed will be developed as planned. This information can be used in the hydrologic model's land use-to-land cover relationships to describe a build-out condition within the watershed. These flood studies are necessarily dependent on past precipitation and flow records, which do not provide information on flows generated under different climatic conditions.

Illustration: a line drawing or silhouette of a realistic object.

Incompatibility of land uses: an issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

Immediate Danger of Collapse of a Tree: that a tree may already be leaning, with the; surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. Immediate Danger of Collapse does not include hazardous conditions that can be alleviated by pruning or treatment.

Impervious surface: development that does not allow for water infiltration (e.g. pavement, roofs, etc) and any material which reduces and prevents absorption of stormwater into previously undeveloped land.

Industrial: any use of land, structure, or natural resources involving the manufacturing, processing, or assembly of semi-finished or finished products.

Infill: the development of vacant bypassed lands located in an area that is mainly developed.

Intensity: the floor area ratio (FAR). Floor area ratios are used as a measure of the intensity of the site being developed. The ratio is generated by dividing the building area by the parcel area, being sure to use the same units

Junk Yard : a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

Kennel: a facility. 1. In which dogs are given training for which a fee is charged, or 2. Operated, not for profit, and intended to provide temporary care for lost, strayed, or abandoned animals; or 3. In which dogs, which are not licensed under ORS 609.100 (1), are kept, when such dogs are kept for farm use, breeding or sale; or 4. Which is a business conducted for the purpose of boarding and/or sale of dogs or cats.

Kindergarten: Public or private school or class for children usually from four to six years old.

Kitchen: any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Laboratory, Manufacturing: operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.

Laboratory, Scientific Testing Precision: facility which performs scientific tests or analysis or experimental studies.

Land Division: the process of dividing land to create parcels or lots. Please see Partition Land for further details. See also Partition.

a. Expedited Land Division Process. a land division process with distinct procedures and requirements from the quasi-judicial process (see administrative).

Land Use: the main activity that occurs on a piece of land, or the structure in which the activity occurs.

Landscaping: not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete, or stonework areas, and artificial turf, mulch or carpeting, but excludes artificial plants, shrubs, bushes or flowers.

Landscape or Plant Nursery: facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

Lawn: grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Legislative Decision: matters involving the creation, revision, or large scale implementation of public policy, zone changes and comprehensive plan amendments which apply to entire districts. Legislative decisions are initially considered by the Planning Commission whose job it shall be to provide a recommendation to the City Council, with the final decision being made by the City Council.

Light Fabrication and Assembly Process: manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item.

Light Industrial: any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance, or similar impacts. Vehicular access to and use of streets shall be no greater than that generated by a commercial enterprise.

Loading Space: an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Local Improvement District (LID): a small district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Local Utilities: the usual electric power, telephone, gas, water, sewer drainage lines, and those inline facilities such as gas regulating stations and water pumping stations.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 20 5B(1)b.

Lot: a unit or parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created by a subdivision or ordinances in effect at the time of its creation.

Lot Area : the computed area contained within the lot boundary lines, measured in a horizontal plane; said area to be exclusive of street or alley right-of-way.

Lot, Corner: a lot, parcel, or portion thereof, situated at the intersection of two or more streets.

Lot Coverage: that percentage of the total lot area covered by structures as herein defined.

Lot Depth: the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of its longest front lot line.

Lot, Flag: a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Lot, Interior: a lot or parcel of land other than a corner lot.

Lot Line: the property line bounding a lot or parcel.

Lot Line, Front: the property line separating the lot or parcel from the road or street, other than an alley. In the case of a corner lot or parcel or a lot with double frontage, the shortest property line along a street or road which has been improved and for which addresses have already been assigned, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

Lot Line, Rear: a property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.

Lot Line, Side: any lot line not a front lot line or a rear lot line.

Lot of Record: a lot held in separate ownership as shown on the records of the County Assessor at the time of the passage of an Ordinance or regulation establishing the zoning district in which the lot is located.

Lot, Through: an interior lot having a frontage on two (2) streets and/or highways.

Lot Width: horizontal distances between the side lot lines or parcel lines measured within the lot or parcel boundaries or the main distance between the side lot lines within the buildable area. In the case of a corner lot, lot width : the main horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Lumber Yard: facility for stocking and selling lumber and other materials needed for building. Term includes hardware and building materials and supplies.

Machine Shop: facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, and gun shop.

Machinery Sales and Service: facility for repairing equipment and selling and/or servicing machinery.

Maintain: to cause or allow to continue in existence. When the context indicates, the word: to preserve and care for a structure, through improvement, alterations of site conditions or to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

Management Unit: a discrete geographic area, defined by physical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

Manufactured Dwelling:

a. A Residential Trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

b. A Mobile Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 16, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

c. A Manufactured Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal

manufactured housing construction and safety standards regulations in effect at the time of construction.

Manufactured Dwelling Park: any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Tillamook.(added per Ord. 1121, effective 2/22/92)

Manufactured Home Accessory Building or Structure: any awning, portable, demountable, or permanent cabana, ramada, carport, porch skirting, or steps established for use of the occupant of the manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

Man: as used by this ordinance the word man refers generally to humans and is inclusive of both the masculine and feminine, unless the context otherwise requires.

Map: a final diagram, drawing or other writing concerning a major or minor partition.

a. Comprehensive Plan Map: a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs.

b. Flood Map: the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency

c. Wetlands Map: the City map with graphic representations of the type, size and location of the wetlands in the City of Tillamook

d. Zoning Map: the City map that depicts current zoning designations in the City of Tillamook.

Marquee: a permanent, roofed, non-enclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

Massing or Building Mass: the height, width, and depth of a structure. Often used in comparison to the relative masses of the buildings around the subject structure, hence "massing."

Master Plan: a long range plan or long range site plan which provides for development of an applicant's property or properties or specified area of the City.

Medical Services: establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentist, nurses, and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers, Critical care facilities, Emergency Care facilities, Urgent Care facilities, and Walk-in facilities.

Ministerial Decision: decisions made by the Planning Director or designated staff where there is clear and objective criteria and the decision requires no use of discretion. These decisions are made without public notice or public hearing. See Administrative Decisions.

Microfacility: an attached wireless communication facility which consists of antennas equal to or less than four (4) feet in height, or six (6) feet in height for omni-directional antennas and with an area of not more than 580 square inches.

Mineral Resources: precious metals and other earth or natural materials other than aggregate resources.

Minifacility: an attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height, or a parabolic antenna up to one (1) meter in diameter and with an area of not more than fifty (50) square feet as viewed from any one point.

Mini-Warehouse/Storage Units: a structure or structures divided into units, used only for storage of goods by an individual or business on a rental basis.

Mitigation: to avoid, rectify, repair or compensate for negative impacts, which result from other actions and restoration of riparian areas, enhanced buffer treatment or similar measures.

a. Off-Site Mitigation means mitigation undertaken in areas distant from or coterminous with a development site.

b. On-Site Mitigation means mitigation undertaken within the lot or parcel affected by a development action.

Mitigation Plan: a detailed plan to compensate for identified adverse impacts on water resources, riparian setback areas, and wetlands that result from alteration, development, excavation or vegetation removal within the Wetland-Riparian overlay district. A Mitigation Plan must be prepared by qualified biologists (According OAR 660-23-090(1).

Mobile Home/Modular Home: a structure or vehicle fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities, has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes.

Mobile Home Park: (As described in ORS 446.003) Any place where four or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is:

a. To rent or lease space for mobile homes for a charge or fee paid or
b. To be paid for the rental, lease, or use of facilities for mobile homes; or

c. To offer space free for location of mobile homes in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

Motel: a building or group of buildings used for transient residential purposes containing guest rooms and/or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers with lodging for motorists in rooms usually having direct access to an open parking area; including groups designated as auto cabins, motor courts, motor hotels and similar designations.

Mural: a large picture, painting or wallpaper pattern painted or affixed directly on an interior or exterior wall or ceiling. The size of the mural usually is limited to the size of the surface on which it is to be affixed.

Natural Hazard: natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Negotiate: to confer with another or others in order to come to terms or reach an agreement.

Neighborhood: a geographical area lived in by neighbors and usually having distinguishing character.

Neighborhood identification: a sign located at the entry point to a single-family subdivision comprising not less than two (2) acres, or a sign identifying a multiple-family development.

Neighborhood-scale design: site and building design elements that are dimensionally related to housing and pedestrians, such as narrow streets with tree canopies, smaller parking areas, lower building heights and similar neighborhood characteristics. ~~These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.~~

Neon light: a form of illumination using inert gases in glass tubes. Includes "black light" and other neon lights.

Net Loss: a permanent loss of riparian functions provided by native riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

Noise: a level of sound which disturbs, injures or endangers the health, safety or welfare of others, capable of being heard at or beyond the boundary of property from which the noise

originates, results in the disturbance of peace, and exceeds sound in volume made by any make and model of engine or machine that is not consistent with its new or stock, manufactured condition.

Noise Sensitive Areas: areas used as a church, day care center, hospital, nursing care center, school or place used for overnight accommodations of persons, including but not limited to, individual homes, individual apartments, trailers and nursing homes.

Nonconforming Lots or Parcels: lots or parcels legally created prior to the effective date of a land division or zoning regulation and not meeting the minimum lot area, width, or access requirements of those regulations.

Nonconforming Structure: a building, structure, or portion thereof, which lawfully existed prior to adoption of a zoning regulation with which the structure does not conform. Such structures may be nonconforming as to height, setback, lot coverage, or similar requirements of the zone.

Nonconforming Use: a use lawfully made prior to adoption of a zoning regulation with which the use does not conform.

No-Rise Analysis: Any project in a floodway reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM).

Nuisance: an intentional, negligent or reckless act or failure to act by a person which interferes with the use and/or enjoyment of the life or property of another person or which interferes with the rights of the public and for which the law will presume resulting damage.

Nursing Home or Convalescent Home: facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. A nursing home may furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitorium.

OAR: Oregon Administrative Rules. The official compilation of rules and regulations having the force of law in the state of Oregon. It is the regulatory and administrative corollary to Oregon Revised Statutes, and is published pursuant to ORS 183.360 (3).

Off-street Parking: all off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. "Off-street Parking" areas shall be a durable and dustless, surfaced and marked area.

On-street Parking: parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb.

Open Space: any portion of a building lot not covered by a building, and shall more specifically include parks, landscaped viewsheds, natural areas, former orchards or groves, outdoor parking areas, covered and partially enclosed patios, terraces, and courtyards provided such areas have at least one side open, and are available for public use and enjoyment in conjunction with commercial use of the premises.

Ornamental Tree: a tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

ORS: Oregon Revised Statutes – (State Law). The codified body of statutory law governing the U.S. state of Oregon, as enacted by the Oregon Legislative Assembly, and occasionally by citizen initiative. The statutes are subordinate to the Oregon Constitution.

Overburden: soil, rock, sand, and similar materials that lie above natural deposits of minerals.

Overlay Zone: a special zone that is applied "over" or in addition to a base zone, of which such properties are subject to the requirements of both the base zone and the overlay zone. Also known as a "combining" zone.

Owner/Landowner: a person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or purchasing a parcel of property under written contract.

Parcel: includes a unit of land created:

a. by partitioning land as defined in ORS 92.010 in compliance with all applicable planning, zoning, and partitioning ordinances or regulations, or

b. by deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

The term parcel does not include a unit of land created solely to establish a separate tax account.

Park or Playground: a recreation area or park owned or operated by a private entity, public agency, or school district, and available to the general public.

Parking Area, Public: an open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking Space: a durable and dustless, permanently surfaced and marked area in a range between seven and one-half (7 1/2) feet and nine (9) feet wide and fifteen (15) feet and twenty (20) feet long, exclusive of maneuvering and access area, permanently reserved for the

temporary storage of one (1) automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

a. A parking space for a compact vehicle shall be of the dimensions seven and one-half feet by fifteen feet.

b. A parking space for disabled parking shall be of the dimensions thirteen feet by nineteen feet.

c. A parking space for Recreational Vehicles shall be of the dimensions twelve feet by thirty feet.

Parking Strip: the area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting; also known as Planter Strip or Tree Lawn.

Partition: either an act of partitioning land or an area or tract of land partitioned as defined in this section. A partition does not include the creation of a street.

Partition Land: to divide land into two or three parcels within a calendar year, but does not include a division of land that creates a road or results from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. Partitioning of a lot or parcel or a portion thereof into more than three parcels in a calendar year results in a subdivision.

Peddler: includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers.

Pedestrian Facilities: improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pedestrian Way or Pedestrian Pathway: a right-of-way for pedestrian traffic.

a. Reasonably Direct Pathway: a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and Convenient Pathways : bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

Permittee: the person who is proposing to use or who is using the land pursuant to any permit required herein.

Person: a natural person, firm, partnership, association or corporation.

Pet Shop: facility for the display and sale of small animals, fish, and birds as pets, and accessories, but not involving commercial boarding or treating of any animal, fish, or bird.

Place of Public Assembly: a structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Planned Unit Development: a development of primarily residential character which gives special attention to areas not built upon by varying the orientation of structures for energy and space conservation, and by allowing types of structures and uses which otherwise would not be considered under conventional zoning specifications.

Planning Commission: a commission appointed by the governing body of the City to be responsible for the administration of planning as provided by ORS 227.020.

Planned Community: a development, as provided for in the Tillamook Zoning Regulations, of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi-public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

Planter strip: a landscaped area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk. See also Parking Strip or Tree Lawn.

Plat: a diagram, drawing, replat, or other writing concerning a partition or subdivision

a. A "preliminary plat" is a plat submitted prior to actual application and is intended only for department review or discussion.

b. A "Tentative plat" is a plat submitted as a part of an application for a partition or subdivision, also referred to as a Tentative Plan.

c. A "final plat" is a plat which has been prepared for recordation after approval of the tentative plat.

d. A "replat" is an alteration of a previously recorded plat. A property line adjustment is not a replat. A partition of an existing lot is not a replat.

Platted Lot: a lot whose legal boundaries have been established by a legally created plat which has been duly recorded in the office of the Tillamook County Clerk.

Plaza: a public square or extra wide sidewalk (e.g. as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activities.

Pocket Park: a small park, usually less than one-half acre.

Pollard: a tree cut back to the trunk to promote the growth of a dense head of foliage.

Porch, Covered, : a covered entrance to a building. This includes an enclosed patio.

Portable Accessory Structure: any portable, demountable or permanent structure, including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, ramps, piers and pilings, that is:

a. Owned and used solely by a tenant of a manufactured dwelling or floating home; or

b. Provided pursuant to a written rental agreement for the sole use of and maintenance by a tenant of a manufactured dwelling or floating home.

Poultry Farm: any premises used for the breeding, raising, or maintaining of poultry for sale of eggs or poultry.

Primary Surface: a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.

Preservation, Historic: the act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Primary revenue source: no less than seventy-five percent of gross total principal income derived from a business.

Public Facility: projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal facilities, recreation facilities, public recreational uses, including ball fields (baseball, soccer, football, cricket, etc), golf course, club

house, driving range, putting greens, pro shop, swimming pools, tennis and basketball courts, walking paths and jogging/bike trails, public utilities, utility facilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. (OAR 660-011) A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.

Public right-of-way: the area commonly shared by pedestrians and vehicles for right of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

Public Utility: any corporation, company, individual, association of individuals, governmental entity or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers or for the production, transmission, delivery or furnishing of communication, heat, light, sewer, water or power, directly or indirectly, to the public, and includes a structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar services.

Quasi-Judicial: an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code, and usually involves a public hearing.

Radio, Television, or Microwave Towers: structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.

Ramada: a stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

Real estate sign: a sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

Rear Lot: a lot which at its widest point (measured by a parallel to the City Street of access or a tangent to such street) lies with at least one-half its width behind another lot, i.e., a perpendicular to the City street of access which intersects the lot in question at its widest point will pass through another (front) lot for half or more than half of the width of the lot in question. (Refer to the accompanying diagram at the end of this Section for clarification).

Reclamation: the employment in a mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.

Reclamation Plan: a written and graphic proposal for rehabilitation of the mined area, further defined as being one of the below: 1 . Natural Reclamation Plan A reclamation and/or

rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan. 2. Second Use Plan A reclamation and/or rehabilitation process that involves development of the land to a specific use.

Recreation Club or Area, Private: a building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.

Recreational Facility: facilities deemed to be necessary for the maintenance of recreational purposes consistent with Comprehensive Plan policies including public and private recreational uses, including ball fields (baseball, soccer, football, cricket, etc), golf course, club house, driving range, putting greens, pro shop, swimming pools, tennis and basketball courts, walking paths and jogging/bike trails. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated.

Recreational Vehicle: a vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle), and is:

a. Built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; or

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park or Campground: an area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Rectory: a place of residence for the pastor of a church.

Recycling Dropbox: an enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

Residential: any use of land or structure of or relating to a place where people dwell.

Residential Care, Training, or Treatment Facility: any facility which provides care, training, or treatment for six (6) or more physically, mentally, emotionally, or behaviorally disabled

individuals as defined by ORS 443.400. Facilities that provide for five (5) or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

Residence Home for Aged: a facility for the care of six (6) or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

Residential Home: as provided by Oregon Revised Statutes, a residence licensed by the State for the care of five or fewer physically or mentally handicapped persons, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.

Residential or Day Treatment Facility: a facility licensed by the State for the care of five or more related or unrelated persons who are physically or emotionally handicapped by functional limitations in one or more major life activities. Term includes shelter care facility.

Resource Land: any land that has been identified and designated on the Tillamook County Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land. This definition shall not be construed to exclude from protection under the provisions of city, state or county law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.

Resource Tree: all broadleaf trees (except alder and poplar trees) equal or greater than one feet DBH (for multi-stem trees, if the sum of the areas of all stems four inches in diameter or larger at DBH is greater than 113 square inches, it is a heritage tree). All conifers equal or greater than eighteen inches DBH are resource trees.

Restore: revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

a. Active restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

b. Passive restoration is the use of natural processes, sequences and timing of which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Retail Sales: the sale or rental of commonly used goods and merchandise for person or household use. Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retirement Home: facility providing living quarters, either owned or rented, to persons 62 years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.

Right-of-way: the area between the boundary lines of a street.

Riparian Area: the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem (According to Oregon Administrative Rule (OAR) 660-23-090(1).

Riparian Corridor: a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (According OAR 660-23-090(1).

River (see "Stream").

Road Approach Permit: a formal agreement between the developer/land owner and either the state, county or city concerning the private use of public right-of-way and facilities for access to adjoining property. The terms "road approach permit" and "approach road permits" are interchangeable in the context of this title, and includes both driveways and intersecting roads.

Roadside Stand: a temporary structure designed or used for the display or sale of merchandise and/or produce, or agricultural products produced on the premises upon which such a stand is located.

Roadway: the portion of a street right-of-way developed for vehicular traffic.

Root zone: any area within the drip line of any tree and any area within 20 feet of any resource tree trunk, whichever is further from the tree trunk.

Row Houses: a series of individual houses having architectural unity and a common wall between each unit.

Scale: the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

School: any institution for learning, whether public or private, meeting State of Oregon accreditation standards.

School, Business: a business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

School, Commercial, Vocational, Trade or Craft: a business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.

School, Home: education in the children's home, taught for a period equivalent to that required of children attending public schools the courses of study usually taught in grades 1 through 12 in the public school by a parent, legal guardian, or private teacher.

School, (Public/Private): an educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.

Screen: a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Second Hand Store, Used Furniture or Rummage Shop Facility or Pawnshop: facility for the sale of second hand or used items.

Secondary Use: a use which is supplementary or subordinate to an allowed principal use in that it functions to furnish direct aid or support to the use.

Senior Housing: housing designated and/or managed for persons over the age of 55.

Sensitive Fish and/or Wildlife Habitat: areas important to the survival of a species, or group of species, and habitats with a limited area.

Service Station: commercial facility which offers petroleum products and limited accessory sales of products for motor vehicle use, including limited vehicle repair service to the public.

Setback: the distance from a right-of-way of a public or private road, or from a lot line to any point of a building.

Sewage: water-carried wastes from a home, business operation or community.

Sewage Treatment Plant: facilities for the treatment and disposal of sewage.

Shade Tree: usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shadow Plan (Future Re-division Plan): a plan for future division of lots or parcels that exceed the maximum lot size standard of the underlying zone. Large lots (i.e., those that exceed the minimum lot size by more than 200 percent) shall be of such size, shape, and orientation as to

facilitate future re-division in accordance with the requirements of the underlying zone. The re-division plan shall identify:

a. Potential future lot division(s) in conformance with all applicable city standards.

b. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

c. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owner(s), except as may be required through conditions of land division approval.

Shared driveway: when land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shelter Care Facility: a home licensed by the state to provide for short term emergency care for no more than nine children at any one time. See also halfway house or residential/day treatment facility.

Shopping Center: three (3) or more commercial retail or service establishments on a single unit of land.

Shrub: a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

Sign: a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising; any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This includes the board, metal, or surface upon which the sign is painted, included, or attached; or any material used to support the sign. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

a. Blinking sign: a sign which shines with intermittent or momentary brief beams or flashes of light, flashing on and off.

b. Building register sign: A sign which identifies four or more businesses contained within a single building structure or complex.

c. Flashing sign: a sign with sequential light source giving off light suddenly or in transient bursts where the period of time of illumination is equal to the period of non-illumination, and is used solely to attract attention in a non-informative way.

d. Flashing sign: A sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination.

e. Fluttering sign: a sign which moves, vibrates, in quick, irregular motions, with irregular spasms or trembling motions.

f. Rotating sign: a sign which turns/revolves around as on an axis or center point.

g. Wind sign or device: Any sign or device in the nature of a series of one, two or more banners, flags or other objects, fastened in such a manner as to move upon being subject to pressure by wind or breeze.

Sign, Area of: in determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two planes of two faces exceeds one hundred thirty-five degrees, they shall be deemed a single face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

Sidewalk: a pedestrian walkway.

Site: a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site Design Review, Development Review, Plan Review: please see Section 22.

Site Plan: a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a special parcel of land.

Slope: gradient of a line describing its steepness, incline, or grade.

Slope Easement: an area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.

Solar Energy System: any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.

Solar Orientation: the layout and design of parcels and siting of a structure on building lots to take advantage of solar insolation for optimal utilization of the sun as an energy source.

Specimen Tree: a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Speculation Support Structure: an antenna support structure designed for the purpose of providing location mounts for wireless communication facilities without a binding commitment

or option to lease a location upon the tower by a licensed service provider at the time of initial application.

Standards: standards are code requirements, such as rules governing the size or dimensions of a lot or parcel, or the placement of buildings or activities thereon.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes: slopes of greater than 25 percent.

Step-backwater analysis: an option used in a No-Rise Analysis/Certification to calculate BFE's if more than one (1) cross section is warranted to cover the extent of the property. Generally if the property parallels more than 500 feet of a flooding source, this option is used.

Storefront character: the character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g. awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm Water Facility: a detention and/or retention pond, swale, or other surface water feature that provides storage during high rainfall events.

Story: any area that can be reasonably considered habitable and has floor surface with clear standing head room (6 feet, 6 inches, minimum) regardless of their use.

Stream: a channel such as a river or creek that carries flowing surface water including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels (According OAR 660-23-090(1).

Streams, Class I and II

1. Class I Stream Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.

2. Class II Stream: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

Streets (or Roads): the following definitions apply to roads (none of these definitions is intended to supersede ORS 368.001):

a. Road: the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by mean of vehicles. "Road" includes, but is not limited to:
Ways described as streets, highways, throughways or alleys,
Road related structures that are in the right of way such as tunnels, culverts or similar structures: and structures that provide for continuity of the right of way such as bridges.

b. Alley: a narrow street, with a sixteen (16) to twenty (20) foot right-of-way and the minimum of a twelve (12) foot travel lane, through a block primarily for vehicular access to the back or side of properties.

c. Arterial: a road which carries traffic through and between major centers of activity in urban, suburban, and rural areas.

d. Collector: a road which is used primarily as a connector from local roads to one or more arterials.

e. County Road: a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.

f. Cul-de-sac: a local or limited local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.

g. Dead-end Street: a road or street with no outlet to other roads or streets.

h. Frontage Road: a road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.

i. Public Road: a road over which the public has a right of use that is a matter of public record.

j. Stubbed Road: a road having only one outlet, but which is intended to be extended or continued.

k. Through Street: a road or street that connects to another road. Not all through streets are arterials.

Street frontage: the lineal dimension in feet of the property upon which a structure is built that fronts the street.

Street Furniture/Furnishings: benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street Line: a property line between a lot, tract or parcel of land and an adjacent street or private way.

Street Tree: a tree on land located within a dedicated right-of-way along either side of a street, avenue, or other way within a dedicated utility easement of the City.

Street Vendor: any person duly licensed upon a public sidewalk or other public way or place carrying, conveying or transporting merchandise which is offered for sale from a mobile type device or as a pedestrian.

Structure: anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground or is attached such as a structural addition, to something having a location on the ground, including swimming and wading pools, and covered patios. This does not include outdoor areas such as paved areas, driveways or walks, and other minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks but shall exclude fences six feet in height or less and uncovered patios.

Structural, Alteration: any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Studio, Broadcasting and/or Recording: facility for broadcasting live or prerecorded programs by radio and/or television and/or recording on records, tapes, video tapes or other suitable media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals.

Subdivide Land: to divide an area or tract of land into four or more lots (three with a road) within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision: either an act of subdividing land or an area or tract of land subdivided.

Subgrade: that portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

a. Before the improvement, reconstruction or repair is started; or,

b. If the structure has been damaged and is being repaired, reconstructed or improved before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

c. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surface Mining: all or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or onsite construction projects are not considered surface mining.

Swale: a type of storm water facility. Usually a swale is a broad, shallow depression with plants that filter and process contaminants.

Swimming Pools, Private: a swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.

Tax Lot: a parcel, lot or other unit of land as created by the County Assessor for the purpose of taxation. A tax lot may also be a lot or parcel when created at a property owner's request for the purpose of land division consistent with applicable planning and zoning regulations in effect at that time.

Telephone Exchange, Switching and Transmitting Equipment: non-attended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

Temporary: temporary: 27 days or less in any 12 month period, unless otherwise specified by a provision of this ordinance; ~~a land use that is~~ not permanent and only allowed for this limited time period.

Temporary Field or Construction Office: temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

Temporary Mobile Home: a mobile home which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires 24 hour care or the person providing that care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

Tent: a fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

Tentative Plans: the preliminary proposal for a subdivision which includes the information specified in Section 22.

Top-of-bank: a clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage"; the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage (According OAR 660-23-090(1).

Townhouse: a single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides.

Tract, private/public: a piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g. open space, recreation facilities, sensitive lands, etc.).

Top Course: a course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

Transient: an individual who occupies a site for a period of twenty-seven days or less, counting portions of days as full days, and cannot demonstrate the intention and legal ability to construct a permanent dwelling upon that site.

Transitional Zones: an area that extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

Transportation Facilities and improvements: the physical improvements used to move people and goods from one place to another (e.g. streets, railroad tracks, sidewalks, pathways, bike lanes, airports, transit stations, bus stops, etc). Transportation improvements include the following:

a. Normal operation, maintenance;

b. Installation of improvements within the existing right-of-way;

c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;

d. Landscaping as part of a transportation facility;

e. Emergency Measures;

f. Street or road construction as part of an approved subdivision or partition;

g. Transportation projects that are not designated improvements in the Transportation System Plan; (Conditional Use Permit for Transportation System Facilities and Improvements) and

h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition (Conditional Use Permit for Transportation System Facilities and Improvements).

Transportation Mode: the method of transportation (e.g. automobile, train, bus, walking, bicycling, etc.).

Travel Trailer: a "Recreational Vehicle"

Tree: any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one (1) tree if greater than six (6) inches DBH. Plants commonly planted as shrubs, including but not limited to English Laurel, Photinia, Arborvitae, Poison Oak, English Holly, and English Ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge shall additionally not be considered a "tree". Tree types are described further in Ordinance #1266. Different classifications of trees include the following:

a. Dead Tree: A lifeless tree. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

b. Heritage Tree: A tree listed on the Official City of Tillamook Heritage Tree.

c. Park Tree: A tree, shrub, bush or other woody vegetation located in a public park or other area owned by the City having an individual name, and all other areas owned by the City, or to which the public has free access as a park.

d. Private Tree: A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or City utility easement or public parks and grounds.

e. Significant Tree: A tree having a trunk eighteen (18) caliper inches or larger in diameter.

f. Street Tree: A tree, shrub, bush or other woody vegetation on land lying within a dedicated right-of-way along either side of a street, avenue, or other way within a dedicated utility easement of the City.

Tree Cut-out: the area between the street and a sidewalk in the public right-of-way, for street tree planting, as described further in Ordinance #1266; also known as Tree Well.

Tree Lawn: the area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting; also known as Parking Strip or Planter Strip.

Tree Removal: to cut down a tree, or remove 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes topping. "Removal" includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

Tree Topping: the severe cutting back of a tree's limbs to stubs three(3) inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of "pollarding" when conducted in accordance with the standards established by the International Society of Arboriculture.

Tree Well: the area between the street and a sidewalk in the public right-of-way, for street tree planting, as described further in Ordinance #1266. Also known as Tree Cut-out.

Underlying Zone: the base zone district; the parent zone district.

Unhealthful Conditions: conditions and circumstances that are detrimental, not conducive to good health.

Urban Growth Area (UGA): land that is inside the City's Urban Growth Boundary but outside the City Limits. Land in the UGA is considered "urbanizable land".

Urban Growth Boundary: A site specific line imposed on the Official Comprehensive Plan and Zoning map of the City of Tillamook, which identifies and encompasses urban and urbanizable lands in or adjacent to each incorporated city in the County.

Urban Land: those lands which normally have an incorporated city.
Such areas may include lands adjacent to and outside the incorporated city and may also:

a. have concentrations of persons who generally reside and work in the area; and

b. have supporting public facilities and services.

Urban Services Area: the area within the UGB that is served by urban services and facilities of the City.

Urbanized Land: land within the Urban Growth Boundary which is identified and:

a. determined to be necessary and suitable for future urban land;

b. can be served by public facilities; and

c. is needed for the expansion of an urban land area.

Use: the purpose for which land, roadways or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.

Utility Facility: those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other inline facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.

Vacate plat/street: to abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance: a deviation from the requirements of this ordinance which may be granted according to the provisions of Section 32.

Vehicular Storage: a vehicular storage area and area for the storage of abandoned, impounded, dismantled, obsolete or wrecked vehicles.

Violation: an act of any person which is prohibited or prevented by the Tillamook Comprehensive Plan, Land Development Regulations or other federal, state, or county law, or the failure of any person to act as required by the Comprehensive Plan, Land Development Regulations or other federal, state or county law.

Visual Obstruction: any fence, hedge, tree, shrub, device, wall or structure, exceeding three (3) feet in height above the elevation of the top of the curb, which dangerously limits the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six (6) feet. See also Section 26.

Vision Clearance Area: a triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the edge of the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, wall structures or temporary or permanent obstruction exceeding three (3) feet in height above the curb level (see Section 29 (5).

Wall: an upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

Water area: the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream (According OAR 660-23-090(1).

Wetlands: those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted to life in saturated soil conditions (This definition has been selected from OAR 660-23-090(1)). There are two types of wetlands:

a. A "Significant Wetland" is a wetland that appears on the City of Tillamook Wetlands and Riparian Inventory Maps.

b. A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands (DSL) definition of a Locally Significant Wetland. Non-Significant Wetlands are not regulated by the Section pertaining to wetlands in this Ordinance, but do require DSL notification under ORS 227.350 and 21.1.11.

A "Wetland" is also defined by the Federal Clean Water Act (Section 404) and OAR 141-85-010. Wetlands include land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities.

Wholesale, Storage, and Distributing: establishments or places of business primarily engaged in the wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

Width, of a Building: the shortest side of elevation dimension measured horizontally.

Wildlife: wild mammals, birds, reptiles, and amphibians.

Window: all the glass included with one casement.

Winery, Commercial: a facility for the preparation, processing, marketing, and distribution of wines; may include a tasting room and sales area.

Wireless communication facilities shall include cell towers, antennae, monopoles, "coverage" towers, and "capacity" towers, and related facilities, including microfacilities and minifacilities,

and equipment used for radio signal transmission and receiving. A Wireless communication facility is considered a "Utility Facility".

Woodlands, existing: existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Yard: any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky, except for the projections as permitted in Section 26 (6) of this ordinance.

a. Yard, Front: A yard between side lot lines, measured horizontally at right angles from the front lot line, to the nearest point of a building or other structure. (See also lot line, front.)

b. Yard, Rear: A yard between side lot lines, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

c. Yard, Required: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

d. Yard, Side: A yard between the front and rear yards, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

Zone: a section/district of the City in which certain land uses are permitted and other are prohibited by the Ordinance.

Zone Change: an action to change the type of zoning on one or more pieces of land. A "Zone Change" is considered to be a legislative action initiated by a Planning Commission decision.

Zoning Ordinance: a set of land-use regulations enacted by the City including districts within which the type, location, density, bulk, height, and lot coverage of land uses are restricted.

§153.004 APPLICATION PROCEDURES AND FEES

1. Application for Land Use Action.

   A. Initiation. An application for a land use action may be initiated by the owner(s) of the property involved or an authorized agent of that owner(s). 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. Applications submitted by or on behalf of a public entity or public, utility having the power of eminent domain with respect to the property subject to the application, are not subject to the ownership requirement**.** 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 other land use request, the applicant may choose to apply for all necessary applications at once. The Planning Commission or City Council may consolidate their review of all necessary applications. This consolidated application procedure shall be subject to the requirements of subsection 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 Planner, 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. Four hundred feet for Annexations, Zone Changes, and UGB/Comprehensive Plan Map Amendments;

   B. Two hundred fifty feet for all other actions covered by Ordinance unless otherwise proscribed by State Law;

   Such names, addresses, and tax lot numbers shall be those listed on the last preceding tax roll 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, the Planner shall, within thirty (30) days of determination of completeness set a date for public hearing at the next available Planning Commission hearing, unless the applicant requests a hearing at a later date, and provide notice 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) and described below (C2). Such consent shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds.

1) 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 following requirements shall be met.

a. Petitioner first consults with Public Works and Planning.

b. Petitioner initiates vacation and submits the required fee to initiate process and petition (letter) which includes
   1. Description of the ground proposed to be vacated;
   2. Map and legal description of ground to be vacated;
   3. Reason for the vacation; and
   4. Proposed use for vacated property

c. Petitioner will be provided a map delineating the required 200 x 400 foot area required for the consent of property owners. Absolute consent of all property owners that are adjacent to the property to be vacated is required. In addition, consent of 2/3 of the property owners on either side of the property to be vacated for a distance of 200 feet or the next parallel street (whichever is closer) and extending 400 feet from each end of the property to be vacated is required. (Note: The “absolute consents” can be considered as part of the 2/3 consents.)

d. Petitioner will bring signed Consents to Vacate to the City for review.

e. A date will be set for petition on Council agenda for public hearing.

f. City will notify Petitioner of date Council will hear petition and Public Hearing.

g. City will publish Public hearing notice two consecutive weeks prior to Public Hearing.

h. City will prepare two signs (consisting of public hearing notice and map)at least 14 days prior to public hearing but not more than 5 days after first publication announcing public hearing. Signs to be posted by City at each end of proposed vacation.

i. If Council does not deny petition at Public hearing, a motion may be made for a first reading of vacation ordinance after public hearing. The ordinance authorizing vacation shall be prepared for first and second reading by Council.

j. Deed of Dedication shall be prepared and adopted with the ordinance authorizing vacation, and the original ordinance (and Deed) shall be sent to County Clerk for recording.

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 to Estuaries

2) 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.

3) The City shall review, under the provisions of ORS 271.300 - 27l.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 Planner 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 Submittals. The application fees as set by resolution of the City Council and application submittals 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. 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'). A copy of the proposed drawing and applicable land use information shall also be submitted by PDF for electronic circulation.

Required Submittals: the following information is required, as listed above, for all land use actions, handled administratively and brought before the Planning Commission, within the Urban Growth Boundary of the City of Tillamook

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

A. A list of the names, addresses, and tax lot numbers of all property owners situated within the distances listed under 3 of this section.

B. A drawing of the affected area shall contain the date of preparation, a NORTH arrow, and written and graphic scale.

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), and include the site plan procedures listed separately for each land use action.

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:

1. Total area of the property (square feet).
2. Building coverage (square feet), setback and dimensions.
3. Parking and other impervious surface coverage (square feet).
4. Parking lot landscape area (square feet).
5. All other landscape area coverage (square feet).
6. Number and type of parking stalls provided.
7. Number of units as appropriate.
8. 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.

O. A legal description of the property. If the property is part of a recorded plat, a reference to the plan may be used.

P.<u>Transportation System Plan Compliance.</u>

1. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – "TPR"). "Significant" means the proposal would:

a. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City of Tillamook Transportation System Plan ("TSP"); or

b. Change the standards implementing a functional classification system; or

c. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

d. Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

2. Amendments That Affect Transportation Facilities. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:

a. Amending the TSP to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirements of the TPR; or,

b. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

c. Traffic Impact Study. A Traffic Impact Study shall be submitted with a plan amendment or land use district change application. See Section XXX - Traffic Impact Study.

Q. The location of all pedestrian and bicycle circulation areas and bicycle racks/storage, including sidewalks, internal pathways, pathway connections to adjacent properties and any bicycle lanes or trails.

9. <u>Pre-Application and Post-Application Meetings</u>.

A. A pre-application meeting shall be scheduled prior to the submittal of the land use application. The pre-application meeting includes participation by the Planning Department, City Public Works, Fire District, Police Department, and other appropriate agencies (including State and Federal) that need to be involved.

B. A post-application meeting shall follow the submission of a land use application.

10. <u>Rehearing</u>. 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

11. 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 and limited land use actions shall include findings that describe the applicable substantive criteria listed in the applicable section(s) of this ordinance which will be used to review the land use action.

    a. Testimony at the hearing must be directed towards the criteria, and other city and state land use standards that apply, which will be used to review the land use action;

    b. Failure to address a criterion precludes an appeal based on that criterion.

    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.

12. Notice of Hearings. Upon fixing the time of public hearing before the Commission, the Planner 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 first class mail to applicant and all property owners as shown on the ownership list filed with the application. However, failure to ***receive*** 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.

D. Mailed notice to the Oregon Department of Transportation (ODOT) for all land use requiring a public hearing with the Planning Commission or City Council of land use applications related to property within 500 feet of a state highway or that impact State facilities.

E. Mailed notice to the Oregon Department of Transportation (ODOT) for the following public hearings; subdivisions and partitions and any land use application affecting private access.

13. Posting Notices. The City Planner 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. The template for such signs shall be provided to affected applicants by the Planner.

14. 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) 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 Land Partitions
(b) Preliminary Subdivision/PUD 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 4 (8).

C. The Planner shall, within thirty (30) days of receipt and acceptance of an application for a land use request act administratively according to the procedure set forth in Section 4 (14A) through (14J) 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 Planner decides that the land use request would have significant impacts that extend beyond areas of notice per Section 4 (3). If the Planner 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 Planner acts administratively based on the requests set forth in Section 4 (14) (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 adjacent property per Section 4 (3);
3) such other persons, agencies or departments as the Planner deems appropriate.

E. No land use request approval shall be invalidated because of failure to receive the notice provided for in Section 4 (14D) hereof.

F. The notice sent pursuant to Section 4 (14D) 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 4 (14D), notice of a land use request application shall be posted on the property at least ten (10) days before any administrative decision is made. The posting 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 posting. 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 Planner shall have ten (10) days to prepare a written decision approving, disapproving, or approving with conditions the application for a land use request. The Planner 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 Planner to the Planning Commission in accordance with Section 33. Only those who are considered to be parties that have standing to make an appeal of an administrative decision made pursuant to Section 4 (13) may do so.

J. Copies of all on administrative actions shall be provided to Planning Commission members for their review.

15. <u>Final Action of Application for Permit or Zone Change Request</u>.

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 land use request 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 180 days 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 handled administratively for action with the issues related to incompleteness noted.

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.

§153.010 OPEN SPACE LAND USE, OR OS DISTRICT

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. Uses Permitted Outright. The following uses are permitted in the OS District:

   A. Open Space.

   B. Signs permitted as per §153.053 of this development code.

   C. City Park Facilities, Improvements and Projects as identified in the City Parks and Recreation Master Plan

      1) Normal operation, maintenance;

      2) Installation/Replacement of improvements within the existing city parks;

      3) Landscaping as part of a park facility;

   D. Urban Farming, gardening, horticulture , field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in §153.052 of this development code.

3. Uses permitted through the Conditional Use Permit process. The following conditional uses may be permitted subject to a Conditional Use Permit as per the provisions of §153.070 of this development code:

   A. Commercial facilities incidental to the operation of a use permitted outright.

   B. Indoor Recreational Facilities – tennis courts, gymnasiums, swimming pools.

   C. Land Filling, not including the dumping of garbage, refuse, or like material.

   D. Accessory buildings and uses customarily incidental to a use permitted outright.

   E. Park projects and/or recreational uses that are not designated improvements in the Parks and Recreation Master Plan;

4. Height Regulations. None.

5. Lot Requirements and Design. The following lot requirements and design standards shall be observed.

A. Site and Building Design.

1) Parking lots are located on the subject property in such a manner for reduced interrupted pedestrian circulation and safety and site appearance.

2) Site entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances apply to the property.

3) Permanent solid waste containers and receptacles shall be screened away from public view.

4) Address numbers on buildings shall be oriented towards the street for clear identification of the building.

5) The property is able to be surveilled from the street for security and safety wherever possible.

B. Landscaped areas. A minimum 50% of each lot shall be maintained as landscaped area for any type of development.

6. Off-Street Parking. As required in §153.054 of this development code.

7. Other Required Conditions.

A. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

B. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.011 SINGLE-FAMILY RESIDENTIAL, OR R-7.5 DISTRICT.

1. Purpose. To encourage, accommodate, maintain and protect a suitable environment for family living. The R-7.5 District is intended to provide for single-family residential homes at urban standards in areas with community services.

2. Uses Permitted Outright. The following uses are permitted in the R-7.5 District:

   A. Detached Single-family dwellings, including manufactured homes subject to the applicable requirements of §153.052 of this development code.

   B. Duplex on corner lots with 7,500 square feet minimum lot area.

   C. Accessory uses are permitted as follows:

      1) Rooming and boarding of not more than two persons.

      2) Guest houses, not rented or otherwise conducted as a business.

      3) Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.

      4) Signs according to §153.053 of this development code.

      5) Home occupations subject to the requirements of §153.052 of this development code.

   D. Attached single-family dwellings with 3,750 square feet of minimum lot area per dwelling; provided one dwelling is on a corner lot, and not more than two dwellings are attached consecutively.

   E. Accessory dwellings, subject to all of the following standards:

      1) Compliance with the Oregon Structural Specialty Code;

      2) The accessory dwelling does not exceed 800 square feet of living area;

      3) Not more than one accessory dwelling unit per lot;

      4) One off-street parking space provided (i.e., in addition to any off-street parking required for other uses on the same lot);

      5) Exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling. Different siding or roofing may be approved by the Planning Commission if it finds that the proposed design is more compatible with surrounding residences;

6) Utility connections and metering comply with applicable city standards and those of utility providers.

F. Residential Care Home (as required by ORS 197.665).

G. Residential Care Facilities, subject to the licensing requirements under ORS 197.660-670.

3. Uses permitted through the Conditional Use Permit process. The following conditional uses may be permitted subject to a Conditional Use Permit as per the provisions of §153.070 of this development code:

A. Any Public Facility as defined in this development code subject to the requirements of §153.052 (subsection 6, Cemetery, Crematory, Mausoleum, Columbarium; subsection 7, Churches, Hospitals or Other Religious or Charitable Institutions; subsection 10, Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs; subsection 22, Nursery School, Kindergarten and Child Care Centers) of this development code.

B. Planned Unit Developments subject to the provisions of §153.052 of this development code.

C. Rear lot development subject to Site Plan Approval as provided in §153.073 and partitioning in §153.052 of this development code.

D. Duplexes on an interior lot with a minimum 7,500 square feet, except as permitted by section 2.C, above.

E. Bed and breakfast establishments consistent with §153.052 of this development code.

4. Height Requirements. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet. For exceptions, see §153.073(3) of this development code.

5. Lot – Requirements and Design. The following lot requirements and design standards shall be observed and apply to all new development.

A. Lot Area: Each lot shall have a minimum area of 7,500 square feet, except as per subsection 2D. A lot for a duplex shall have a minimum area of 7,500 square feet. The Planning Commission may approve smaller or larger lots as provided by subsection "B" below. The maximum lot area standard shall not apply to lots of record, as defined by §153.003, or to lots approved with a shadow plan (future land division plan) according to §153.003.

B. Lot Area Exception: An exception to the minimum lot area standard in "A" may be approved as part of a subdivision or partition application when all of the following standards are met:

1. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than 7,500 square feet;

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (e.g., lots with seven thousand five hundred square feet of area and larger), when such re-division would violate the average lot size provision in subsection B.1. All lots approved for use by more than one dwelling shall be so designated on the final plat.

C. Lot Width: Each lot for an attached dwelling shall have a minimum width of 30 feet, each lot for a detached dwelling shall have a minimum width of 50 feet, except that the lot width may be reduced further for rear lot developments, in accordance with §153.051 and §153.072.

D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks may have one side less than twenty (20) feet, but must have a minimum of fifteen (15) feet. The front yard setback may be reduced to ten (10) feet for a covered porch or enclosed patio.

E. Side Yard: There shall be a minimum side yard of six (6) feet. The portions of buildings or structures that are above the 15-foot height, measured from ground level must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

F. Rear Yard. There shall be a rear yard having a depth of not less than six (6) feet. The portions of buildings or structures, which are above the 15-foot height, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

G. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to §153.051 and shall be subject to the following standards:

1) The common wall shall be a firewall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

H. Site and Building Design.

1) Site and building design shall meet the requirements listed in §153.055, Design and Landscaping Standards and the following:

a) Address numbers on buildings are oriented towards the street for clear identification of the building.

b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

2) Building Sites:

a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the Zoning Ordinance.

b) Through lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterial or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

c) Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

6. Off-Street Parking. Off-Street parking shall be provided as required in §153.054 of this development code.

7. No more than two (2) dwelling units shall be allowed on a piece of property in this zone.

8. Other Required Conditions.

A. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for gardening or fruit raising for subsistence or commercial purposes.

B. §153.052 of this development code, Provisions Applying to Special Uses, shall apply where applicable.

C. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

D. New development or substantial remodel of the following is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

1) Residential Care Facilities, subject to the licensing requirements under ORS 197.660-670.

§153.012 SINGLE-FAMILY & DUPLEX RESIDENTIAL, OR R-5.O DISTRICT.

1. Purpose. To encourage, accommodate, maintain and protect a suitable environment for family living at urban standards in areas with community services.

2. Uses Permitted Outright. The following uses are permitted in the R-5.0 District:

   A. Any Use Permitted Outright in a Single-Family Residential, R-7.5 Zone, subject to the standards in this section.

   B. Attached single-family dwellings with 2,500 square feet minimum lot area, provided that not more than four dwellings are attached consecutively;

   C. Duplex with 5,000 square feet minimum lot area.

   D. Christmas Tree Sales Lot subject to the requirements of §153.052 of this development code.

   E. Triplexes with 7,500 square feet minimum lot area.

   F. Fourplexes with 10,000 square feet minimum lot area.

   G. Residential Care Facilities, subject to the licensing requirements under ORS 197.660-670.

4. Conditional Uses. The following may be permitted subject to a Conditional Use Permit as per §153.070 of this development code:

   A. Any Conditional Use permitted in a Single-Family, R-7.5 zone, except as otherwise provided under subsection 2,"Permitted Uses".

   B. Housing for the Elderly or Handicapped subject to the requirements of §153.052 of this development code.

5. Height Requirements. No building or structure shall be hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet. For exceptions, see §153.050 of this development code.

6. Lot - Requirements. The following lot requirements shall be observed.

   A. Lot Area: Each lot shall have a minimum area of 5,000 square feet unless otherwise allowed or required under 2.B, 2.D, 2.E, or 2.F. The Planning Commission may approve smaller or larger lots as provided by subsection "B" below.

   B. Lot Area Exception: An exception to the minimum lot area standard in "A" may be approved as part of a subdivision or partition application when all of the following standards are met:

1) The average area of all lots and open space tracts created through the subject land division, including public parkland dedications and similar public use areas, shall be no less than 5,000 square feet. The average lot area does not include stormwater facilities and similar utilities;

[Note: This provision provides an incentive for building on smaller lots when developments include open space.]

2) As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of open space tracts and over-sized lots, when such re-division would violate the average lot size provision in subsection B.1.

C. Lot Width: Each lot for an attached dwelling shall have a minimum width of thirty (30) feet, each lot for a detached dwelling shall have a minimum width of fifty (50) feet, except that the lot width may be reduced further for rear lot developments, in accordance with §153.072 and §153.052 of this development code.

D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks may have one side less than twenty (20) feet, but must have a minimum of ten (10) feet. The front yard setback may be reduced to ten (10) feet for a covered porch or enclosed patio.

E. Side Yard: There shall be a minimum side yard setback of five (5) feet, except for attached dwellings with common walls as provided in "H", below. The portions of buildings or structures, which are above the 15-foot height, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

F. Rear Yard. There shall be a minimum rear yard setback of five (5) feet, except for attached dwellings with common walls as provided in "H", below. The portions of buildings or structures, which are above the 15-foot height measured from ground level, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

G. A legally created lot having an area of less than 5,000 square feet of record at the time of passage of this development code may be occupied by one detached or attached single-family dwelling and its accessory uses provided yard requirements of this section are observed.

H. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to §153.073 of this development code and shall be subject to the following:

1) The common wall shall be a firewall and shall be a kind of construction that will insure

fire protection as per the Uniform Building Code as adopted by the State.

2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

I. Site and Building Design.

1) Site and building design shall meet the requirements listed in §153.055, Design and Landscaping Standards and the following:

a) Address numbers on buildings are oriented towards the street for clear identification of the building.

b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

c) Vehicle/Pathway Separation for buildings larger than a duplex. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

d) Parking lots, for buildings larger than a duplex, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.

e) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

1) Building Sites:

a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of this section.

b) Through lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterial or adjacent non-residential activities or to overcome specific disadvantages

of topography and orientation.

c) Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

J. For exceptions to lot requirements see §153.050 of this development code.

7. Off-Street Parking. Off-Street parking shall be provided as required in §153.054 of this development code.

8. Other Required Conditions.

A. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for gardening or fruit raising for subsistence or commercial purposes.

B. §153.052 of this development code, Provisions Applying to Special Uses, shall apply where applicable.

C. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

D. New development or substantial remodel of the following is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

1) Triplexes with 7,500 square feet minimum lot area.

2) Fourplexes with 10,000 square feet minimum lot area.

3) Residential Care Facilities, subject to the licensing requirements under ORS 197.660-670.

§153.013 MULTIPLE USE RESIDENTIAL DISTRICT, OR R-O DISTRICT

1. Purpose. This district is intended to provide for high density multiple family developments in locations close to shopping and services, transportation or public open space, and in appropriate locations to provide a transitional use area between residential areas and other less restrictive districts. The allowance of small-scale commercial services and retail is intended to encourage compatible mixed use development that is transportation-efficient, and enhances the function of this district.

2. Uses Permitted Outright. The following uses are permitted in the R-0 District:

   A. Any Use Permitted Outright in a Single Family and Duplex Residential R-5.0 Zone, subject to the standards in this R-0 zone.

   B. Accessory uses and structures are permitted as follows:

      1) Off-street parking lots when appurtenant to a permitted use, subject to the provisions of §153.054.

      2) Necessary and incidental services such as a dining room, barbershop, beauty shop, hobby shop, etc., included within apartment buildings provided that the facilities are used by the services rendered to only tenants of the building and their guests.

   C. Rooming and boarding houses, including Bed and Breakfast establishments that are consistent with §153.052 of this development code.

   D. Multiple-family dwellings, triplexes, apartment houses and manager's office.

   E. Residential Care Facilities, and the licensing requirement in ORS 197.660-670.

4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit as per §153.070 of this development code:

   A. Any Conditional Use permitted in a Single-Family and Duplex Residential, R-5.0 Zone, except as otherwise provided by subsections 2 & 3, above.

   B. Commercial Retail, not exceeding 3,000 square feet per use. All activities and uses shall be fully enclosed within a building, except that limited outdoor display along the sidewalk shall be permitted provided that such display does not exceed fifty percent (50%) of the front building façade and the display does not conflict with Americans with Disabilities Act requirements.

   C. Commercial Services, not to exceed 3,000- square feet per use. All activities and uses shall be fully enclosed within a building.

D. Residential uses in conjunction with another permitted or conditional use.

E. Nursing Homes/ Housing for the Elderly or Handicapped subject to the requirements of §153.052
of this development code.

F. Hospital, laboratory, orthopedic supply house, sanitarium, (except animal hospital and clinic.

G. Pharmacy within 400 feet of a hospital or clinic and containing less than 5,000 square feet of floor area.

H. Club, lodge and fraternal organizations except those carried on as a business for profit.

I. Manufactured Dwelling Parks subject to the requirements of §153.052 of this development code.

J. Recreational Vehicle Parks subject to the requirements of §153.052 , and the following:

1) Public recreational and accessory uses intermingled with the development.

2) Recreational vehicle storage for use by residents of a Recreational Vehicle Park development within which the storage facility is located.

K. Mortuaries.

L. Recreational and accessory commercial uses intermingled with a residential development (including but not limited to ball fields, golf courses, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis and basketball courts, snack shop, walking paths and jogging/bike trails).

M. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

5. Height Requirements. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of forty-five (45) feet. For exceptions, see §153.050 of this development code.

6. Lot - Requirements and Design. The following lot requirements and design standards shall be observed and apply to all new development.

A. Lot Area: Each lot shall have a minimum area of 1,452 square feet unless otherwise allowed or required. The residential density standards of subsection B, below, shall be met.

B. Minimum and maximum residential density: New development shall achieve an overall density between 8 units per acre and 30 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way). Decimals are rounded to the nearest whole number.

C. Lot Width:

1) Each lot for an attached dwelling or business shall have a minimum width of twenty (20) feet;

2) Each lot for a detached dwelling or business shall have a minimum width of fifty (50) feet;

3) The lot width may be reduced further for rear lot development.

D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks, one side must have a minimum of 10 feet. Front yard setbacks may be reduced to ten (10) feet for an enclosed porch, portico, or other architectural feature that is connected directly to a building entrance.

E. Side Yard: There shall be a minimum side yard of five (5) feet, except for common wall dwellings or businesses as provided in "G", below. The portions of buildings or structures, which are above the 15-foot height, measured from ground level, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

F. Rear Yard. There shall be a minimum rear yard of five (5) feet, except for common wall dwellings as provided in "G", below. The portions of buildings or structures which are above the 15-foot height must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.

G. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to §153.051 and shall be subject to the following:

1) The common wall shall be a firewall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

H. Site and Building Design.

1) Site and building design shall meet the requirements listed in §153.055 , Design and Landscaping Standards and the following:

   a) Address numbers on buildings are oriented towards the street for clear identification of the building.

   b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

   c) Vehicle/Pathway Separation for residential buildings larger than a duplex, and commercial buildings. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

   d) Parking lots, for residential buildings larger than a duplex and commercial buildings, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.

   e) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

   f) Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

   g) Permanent solid waste containers and receptacles shall be screened away from public view.

   h) Address numbers on buildings are oriented towards the street for clear identification of the building.

   i) Pedestrian and Bicycle Access and Circulation

      1) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.

      2) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

3) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of §153.051. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of §153.051. Pathways used to comply with these standards shall conform to all of the following criteria:

   i) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;

   ii) If surrounding streets are lighted, pathways shall also be adequately lit.

7. Signs. Signs are allowed per §153.053 of this development code.

8. Off-Street Parking. Off-Street parking shall be provided as required in §153.054.

9. Other Required Conditions.

   A. See §153.052, Provisions Applying to Special Uses, where applicable.

   B. All activities and uses within the R-O District must be conducted wholly within an enclosed building, except as provided in Subsection 4(B), above.

   C. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for gardening or fruit raising for subsistence or commercial purposes.

   D. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

   E. New development or substantial remodel of the following is subject to the site development standards and requirements as listed in S§153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

      1) Multiple-family dwellings, triplexes, apartment houses and manager's office.

      2) Residential Care Facilities, and the licensing requirement in ORS 197.660-670.

§153.014 - NEIGHBORHOOD COMMERCIAL DISTRICT, OR N-C DISTRICT

1. Purpose. This district is intended to provide for the location of small businesses and services in residential sections of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. New C-N districts have a maximum area of 40,000 square feet of contiguous land. The businesses are intended to fit into the residential pattern of development and not create either land use, architectural or traffic conflicts. The above site sizes for new C-N districts and the following regulations are intended to protect the residential environment.

2. Uses Permitted Outright. The following uses are permitted in the C-N District:

   A. Any Commercial enterprise, provided the floor area of every such use does not exceed 7,000 square feet, except grocery stores which shall not exceed 10,000 square feet.

   B. Multiple-family dwellings, triplexes, apartment houses and manager's office.

   C. Residential Care Homes and Facilities, and the licensing requirement in ORS 197.660-670.

   D. Residential uses in conjunction with another permitted use.

   E. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted.

   F. Bed and Breakfast establishments which are consistent with §153.052 of this development code.

4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.

   A. Any Public Facility as defined in the development code.

   B. Planned Unit Developments subject to the provisions of §153.072 of this development code.

   C. Rear Lot Development subject to §153.072 of this development code.

   D. Nursing Homes subject to §153.052 of this development code.

   E. Recreational and accessory uses (including but not limited to ball fields, golf courses, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis and basketball courts, snack shop, walking paths and jogging/bike trails).

5. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height. For exceptions, see §153.050 of this development code.

6. Lot Requirements and Design**.** The following lot requirements and design standards shall be observed and apply to all new development. Note: Residential uses are required to comply with all lot requirements of the R-O Zoning District.

   A. Lot Area: No minimum requirements. Maximum of 40,000 square feet.

   B. Lot Width:

      1) Each lot for an attached dwelling or business shall have a minimum width of twenty (20) feet;

      2) Each lot for a detached dwelling or business shall have a minimum width of fifty (50) feet,

      3) The lot width may be reduced further for rear lot development.

   C. Lot Depth: No requirements.

   D. Front Yard: The front yard setback shall be a minimum of 20 feet. Corner lot front yard setbacks, one side must have a minimum of 10 feet. Front yard setbacks may be reduced to ten (10) feet for an enclosed porch, portico, or other architectural feature that is connected directly to a building entrance.

   E. Side Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the side yard shall be a minimum of ten (10) feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

   F. Rear Yard: None, except when a rear lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the rear yard shall be a minimum of ten (10) feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

   G. Site and Building Design.

      1) Site and building design shall meet the requirements listed in §153.051, Site Development Standards, and §153.055, Design and Landscaping Standards, and the following:
         a) Address numbers on buildings are oriented towards the street for clear identification of the building.

         b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

c) Vehicle/Pathway Separation for residential buildings larger than a duplex, and commercial buildings. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

d) Parking lots, for residential buildings larger than a duplex and commercial buildings, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.

e) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

f) Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

g) Permanent solid waste containers and receptacles shall be screened away from public view.

h) Address numbers on buildings are oriented towards the street for clear identification of the building.

i) Pedestrian and Bicycle Access and Circulation

    1) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.

    2) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

    3) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of §153.051. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of §153.051. Pathways used to comply with these standards shall conform to all of the following criteria:

        i) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6

feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;

ii) If surrounding streets are lighted, pathways shall also be adequately lit.

7. Signs: As per §153.053 of this development code.

8. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in §153.054 of this development code.

9. Other Required Conditions.

   A. No single business shall have a floor area exceeding 7,000 square feet, except grocery stores.

   B. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.

   C. In any C-N district directly across the street or abutting any R-7.5, R-5.0 or R-O District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way. These areas shall be appropriately landscaped either along the residential street frontage, side yard or rear yard to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.

   D. See §153.052 of this development code, applying to Special Uses where applicable.

   E. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for Urban Farming gardening or fruit raising for subsistence or commercial purposes.

   F. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

   G. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.015 HIGHWAY COMMERCIAL DISTRICT, OR H-C DISTRICT

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. Uses Permitted Outright. The following uses are permitted in the C-H District:

   A. Any Commercial enterprise conducted in accordance with the provisions of this Section.

   B. Accessory uses and buildings customarily appurtenant to a permitted use, or approved conditional use, such as incidental storage are permitted.

   D. Government Facilities.

   E. Rest Stops or Waysides.

   F. Urban Farming, gardening, horticulture , field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.

3. Conditional Use. The following conditional uses may be permitted subject to a Conditional Use Permit as per §153.070.

   A. Apartments.

   B. A Caretaker's dwelling, accessory or incidental to a use on the subject property.

   C. Manufactured Dwelling Parks subject to the requirements of §153.052.

   D. Recreational Vehicle Parks subject to the requirements of §153.052.

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of forty-five (45) feet. For exceptions, see §153.050 (3).

5. Lot, Site Development and Building Design Requirements. The following lot requirements and design standards shall be observed and apply to all new development.

   A. Building Sites.

      1) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review.

      2) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall

radial to the curve.

B. Site and Building Design: the following site and building design standards are required.

1) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

2) Parking, Front Yard. Unless otherwise provided, required parking and loading spaces may be located in a required front yard where parking and loading may occur in all but the first ten (10) feet of yard area from any public right-of-way. Parking spaces may be located within a required side or rear yard.

3) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

4) Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

5) Permanent solid waste containers and receptacles shall be screened away from public view.

6) Address numbers on buildings are oriented towards the street for clear identification of the building.

7) Pedestrian and Bicycle Access and Circulation

a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.

b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of Secti§153.051 on 22. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of §153.051. Pathways used to comply with these standards shall conform to all of the following criteria:

1. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access

for emergency vehicles;

2. If surrounding streets are lighted, pathways shall also be adequately lit.

6. Signs: As per §153.053.

7. Access Requirements. Access requirements will be determined on the basis of the Traffic Capacity Analysis as peer §153.051, and the City of Tillamook City Transportation System Plan.

8. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in §153.054.

9. Other Required Conditions.

   A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an R-7.5, R-5.0, or R-O District, shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall not less than six (6) feet nor more than eight (8) feet in height. Said fence or wall shall not extend into a required front yard area.

   B. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement, except in those portions of the lot maintained as landscaped areas.

   C. Solid waste containers and receptacles shall be screened and away from public view.

   D. Separate stores, shops, businesses, offices or establishments owned and/or operated separately which are parts of shopping mall or shopping center concept or complex may only contain permitted uses as defined in this section.

   E. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.

   F. All uses in the C-H District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.

   G. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

   H. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.016 CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

1. Purpose. This district is intended to serve as the central trading area for the City and surrounding urbanized areas.

2. Uses Permitted Outright. The following uses are permitted in the C-C District:

   A. Any Commercial enterprise conducted in accordance with the provisions of this Section.

   B. Accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, such as incidental storage, are permitted.

   C. Secondary residential uses.

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 subject to §153.052. 13 of this development code.

   C. Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots subject to §153.052 of this ordinance.

   D. Cemetery, Crematory, Mausoleum, or Columbarium subject to §153.052 of this ordinance.

   E. Bed and Breakfast establishments which are consistent with §153.073 .14.

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see §153.050.

5. Lot, Site Development and Building Design Requirements. The following lot requirements and design standards shall be observed and apply to all new development.

   A. Lot Area: No requirements.

   B. Lot Width: No requirements.

   C. Lot Depth: No requirements.

   D. Front Yard: None, except on corners where the setback shall be ten (10) feet.

   E. Side Yard: None, except when a side lot line is abutting a R-7.5, R-5.0 or R-O District.

Then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half (1/2) foot for each foot exceeding 35 feet of building height.

F. Rear Yard: None, except when a rear lot line is abutting a R-7.5, R-5.0 or R-O District. Then the side yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot exceeding 35 feet of building height.

G. Site and Building Design: the following site and building design standards are required.

1. Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

2. Parking lots are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.

3. Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

4. Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

5. Permanent solid waste containers and receptacles shall be screened away from public view.

6. Address numbers on buildings are oriented towards the street for clear identification of the building.

7. Building Sites.

   a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the Zoning Ordinance.

   b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.

   c) Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

8. Pedestrian and Bicycle Access and Circulation

a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this ordinance.

b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of §153.051. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of §153.051. Pathways used to comply with these standards shall conform to all of the following criteria:

9. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;

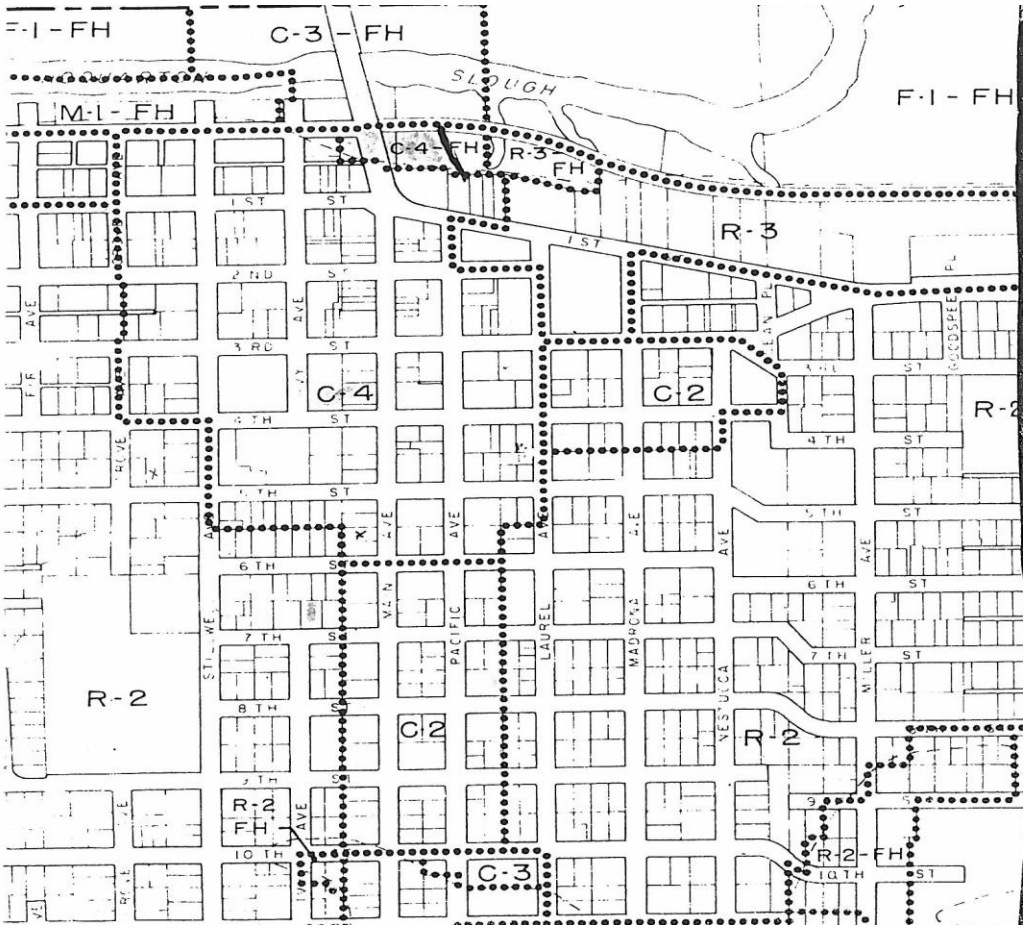
10. If surrounding streets are lighted, pathways shall also be adequately lit;

H. Lot Coverage: No requirements, only that all other lot and parking requirements are met.

6. Signs: Permitted as per §153.053.

7. Off-Street Parking and Loading. Off-Street Parking and loading spaces or an equivalent as accepted by the Planning Commission shall be provided as required in §153.054.

Exception: The parking and loading requirements shall be exempted from the area contained by the C-4 District below.



9. Other Required Conditions.

A. All uses, excepting automobile, truck, trailer and boat sales, car washes, automobile service stations and drive-up windows shall be conducted wholly within an enclosed building.

B. In any C-C district directly across the street or abutting any R-7.5, R-5.0 or R-O District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way. These areas shall be appropriately landscaped either along the residential street frontage, side yard or rear yard to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.

C. Site Plan Review as per §153.073.

D. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.

E. All uses in the C-C District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any

other district.

F. Nothing herein contained shall be deemed to prohibit the use of vacant property or secondary/accessory use of the subject property for Urban Farming for subsistence or commercial uses. Also see §153.052 of this ordinance, applying to Special Uses where Applicable.

G. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

H. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.017 LIGHT INDUSTRIAL DISTRICT, OR L-I DISTRICT

1. Purpose. This district is intended to provide for those heavier commercial and light industrial uses, high tech processing and assembly, warehousing, related office and research facilities as well as small scale cottage industries located in existing built-up areas of the City.

2. Uses Permitted Outright. The following uses are permitted in the I-L District.

   A. Commercial activities (as listed below):
      1. Building/Landscaping material sales and supplies including lumber yards, nurseries, and greenhouses;
      2. Special Trade Contractor facilities for plumbing, roofing, sheet metal, electrical, heating and air conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. This includes the establishment of a sales office, storage of equipment and materials, and fabrication and repair for the special trade;
      3. Automobile sales and service station, including towing services and vehicle washing and polishing facilities;
      4. New and used automobile, truck, motorcycle, trailer, recreational vehicle, agricultural vehicle, mobile home, industrial equipment and boat sales, services and storage;
      5. Retail tire sales and tire recapping, service and repair, painting and body shop;
      6. Bulk cleaning and laundry plants and services;
      7. Feed and seed stores, and wholesale distribution facilities;
      8. Welding shop, blacksmith;
      9. Mini-storage with a maximum storage unit size of 1,000 square feet

   B. Any light industrial use conducted in accordance with the provisions of this Section. These uses include:
      1. Cabinet shops;
      1. Custom manufacturing – ceramic studios, candle-making shops or custom jewelry manufacture;
      2. Machine shops;
      3. Manufacturing, assembly, testing, research and repair of components, devices, equipment, and systems of an electronic or electromechanical nature and precision equipment;
      4. Manufacturing, compounding, bottling, processing packaging, or treatment of food and beverage products;
      5. Manufacturing, compounding, processing, printing, assembling, packaging, treatment or fabrcation, or such facilities to include cosmetics, drugs, glass, leather, paint, ceramics, paper, perfume, plaster, plastics, stone, textiles, rubber, wood, metal products and chemicals;
      6. Freight terminals, including moving and storage, warehouse for short term storage, including mini-warehouse and cold storage
      7. Wholesaling, storage and distribution such as RV storage, household storage and personal storage.

   C. Accessory uses and buildings customarily appurtenant to a permitted or conditional use,

such as:

1. Incidental storage, garages, sheds for storage**.**

2. Dwelling units for caretakers and night watchmen are permitted as accessory uses when incidental to a permitted use**.**

3. Single-Family (attached or detached) dwellings, Multi-family dwellings, for permanent live/work conditions, with either a use permitted through a site plan review or a use permitted as a conditional use.

D. Urban Farming, gardening, horticulture , field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in §153.052 of this development code.

3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.

A. Any Public Facility as defined in this Ordinance subject to the requirements of §153.052 (including subsection 3, Cemetery, Crematory, Mausoleum, Columbarium; subsection 5, Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots; subsection 10, Nursery School, Kindergarten and Child Care Centers) of this ordinance.

B. Communication Services and facilities including wireless communication facilities (as listed in §153.052, Provisions Applying to Special Uses.

C. Professional or Business service establishment.

D. Retail sales establishment.

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. For exceptions, see §153.050 of this development code.

5. Lot Requirements. The following lot requirements shall be observed:

A. Minimum Lot Area: 5,000 square feet.

B. Minimum Lot Width: 50 feet.

C. Lot Depth: Each lot shall have a minimum depth of 100 feet.

D. Front Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the front yard shall be the front yard required in the abutting "R" District.

E. Side Yard: None, except when a side lot line is abutting a R-7.5, R-5.0 or R-O District,

then the side yard shall be a minimum of 20 feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

F. Rear Yard: None, except when a rear lot line is abutting a R-7.5, R-5.0 or R-O District. then the rear yard shall be a minimum of 20 feet. The portions of buildings or structures along a required rear yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

G. Lot Coverage: No requirements.

H. Site and Building Design: the following site and building design standards are required.

1) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if the entrance and opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District cause glare, excessive noise or similar conditions and have an adverse effect on property in the R-7.5, R-5.0 or R-O District.

2) Garages accessed by the alley may be provided to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

3) Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

4) Permanent solid waste containers and receptacles shall be screened away from public view.

5) Address numbers on buildings are oriented towards the street for clear identification of the building.

6) Building Sites.

a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review.

b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.

6. Signs: Permitted as per §153.053.

7. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in §153.054.

8. Other Required Conditions.

A. All business, service, repair, processing, manufacturing, compounding, assembling, packaging, treatment, fabrication, bottling, packaging, storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall.

B. Opening to structures on sides abutting to or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions so as to have an adverse effect on property in the R-7.5, R-5.0 or R-O District.

C. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.

D. In an I-L District directly across the street from a lot in a R-7.5, R-5.0 or R-O District, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet from the right-of-way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

E. Access point from a public road to properties in an I-L District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.

H. All uses in the I-L District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.

I. See §153.052 applying to Special Uses where applicable.

J. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

K. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.018 GENERAL INDUSTRIAL DISTRICT, OR G-I DISTRICT

1. Purpose. This district is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and residential and light commercial uses.

2. Uses permitted outright. The following uses are permitted in the I-G District:

   A. Any outright permitted use in a Light Industrial, I-L Zone and conducted in accordance with the provisions of this section.

   B. Any accessory use permitted in a Light Industrial Zone is permitted when accessory to a permitted use or an approved conditional use.

   C. Automotive and Equipment: Automotive Wrecking Yard;

   D. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups;

   E. Automotive and Equipment: Sales/Rentals, Heavy Equipment – Aircraft Dealers, Boat Dealers, or Heavy Construction Equipment Dealers;

   F. General Industrial – manufacturing, compounding, processing, publishing, assembling, packaging, treatment or fabrication of materials and property, cabinet shops, textiles and metal fabrication;

   G. Heavy Industrial – Processing of Raw Materials and Tannery;

   H. Scrap Operations – Junk Yards, Paper Salvage Yards, Auto Salvage Yards or Appliance Salvage Yards;

   I. Solid Waste Transfer Facility or Recycling Depots;

   J. Wholesaling, Storage and Distribution: Heavy – Monument or Stone Yards, Grain Elevators, Open Storage Yards or Petroleum Storage Facilities;

   K. Wholesaling, Storage and Distribution: Storage in Association with an Authorized Manufacturing Operation.

3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit as per §153.070.

   A. Any public facility, including those listed in §153.019 of this ordinance.

B. Any commercial service or commercial retail use not exceeding 3,000 square feet of gross floor area that is part of a mixed use with any other permitted or conditional use identified in this section provided that the uses are demonstrated to meet both of the following conditions and the criteria listed in §153.070 of this ordinance:

1. compatible with other uses on the proposed site; and
2. compatible with other existing or planned adjacent uses.

C. Communication Services and facilities including wireless communication facilities (as listed in §153.052, Provisions Applying to Special Uses.

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see §153.017 (4D), §153.050 and §153.070.

5. Lot Requirements. The following lot requirements shall be observed:

A. Minimum Lot Area: 5,000 square feet.

B. Minimum Lot Width: 50 feet.

C. Lot Depth: Each lot shall have a minimum depth of 100 feet.

D. Front Yard: None, except when a front lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the front yard shall be the front yard required in the abutting "R" District.

E. Side Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the side yard shall be a minimum of 20 feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

D. Rear Yard: None, except when a rear lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the rear yard shall be a minimum of 20 feet. The portions of buildings or structures along a required rear yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

E. Lot Coverage: No requirements.

F. Site and Building Design: the following site and building design standards are required.

1) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if the entrance and opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District if such access or openings cause glare, excessive noise or similar conditions and have an adverse effect on property in the R-7.5, R-5.0 or R-O District.

2) Alleys are encouraged in new development. Alleys may be provided under recorded

access easements and do not count against required minimum lot area.

3) Permanent solid waste containers and receptacles shall be screened away from public view.

4) Address numbers on buildings are oriented towards the street for clear identification of the building.

5) Building Sites.

D. Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review.

E. Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.

6. Signs: Permitted as per §153.053.

7. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in §153.054.

8. Other Required Conditions.

A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted wholly within an enclosed building unless screened from the R-7.5, R-5.0 or R-O District by a sight-obscuring fence or wall.

B. Opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions so as to have an adverse effect on property in the R-7.5, R-5.0 or R-O District.

C. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas. The above listed along the frontage, side and rear yard (rear yard where applicable), shall use landscaping to protect and maintain the character of the adjoining property and frontage area. Such landscaping shall be maintained.

D. In any I-G District directly across the street from or abutting a R-7.5, R-5.0 or R-O District, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet from the right-of-way, and said areas shall be appropriately landscaped along the residential street frontage and side yards, to protect the character of the adjoining residential property. Such landscaping shall be maintained.

E. Access point from a public road to properties in an I-G District shall be located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character. See Site Plan Criteria as per §153.073.

F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

G. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for Urban Farming for subsistence or commercial purposes.

H. See §153.052 applying to Special Uses where applicable.

I. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

J. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.019 PUBLIC & SEMI-PUBLIC OR P & S-P DISTRICT

1. Purpose. To recognize existing public facility land use and areas for those uses which generate large public gatherings, and to provide for the development of public facility services and other public-oriented uses.

2. Permitted Uses. The following uses listed below are permitted in the P & S-P District:

   A. Fairgrounds

   B. Granges, fraternal organizations' meeting halls

   C. Public/semi-public schools (including colleges)

   D. Churches

   E. Parks

   F. City, county and state school offices

   G. Public/semi-public convention centers

   H. Maintenance and operation of existing structures

   I. Accessory uses/Accessory Structure customarily appurtenant to a permitted or approved conditional use.

   J. Urban Farming, gardening, horticulture , field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.

3. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.

   A. Public offices, including outdoor storage and maintenance facilities.

   B. Motor and non-motorized race track and/or events, and similar uses

   C. Utility substations

   D. Water and sewer pumping facilities

   E. Golf courses, including miniature golf

   F. Public Facilities (as defined in §153.003 of this development code)

4. Dimensional Standards.

   A. Height Regulations. None.

   B. Lot Requirements. None.

5. Development Standards.

   A. Off-street Parking and Loading. Off-street parking in the P & S-P District shall conform to the standards and criteria as set in §153.054 of this development code. Surfaced parking areas shall not be required for short-term uses that generate large parking requirements and shall meet the standards set in "D", Site and Building Design, below.

   B. Sign**s.** Signs in the P & S-P District shall conform to the standards and criteria as per set in §153.053 of this development code.

   C. Design Review, Site and General Development. All new development or expansion of an existing structure or use in the P & S-P shall be subject to the standards and criteria as set in §153.051 and §153.055 of this development code.

   D. Site and Building Design: the following site and building design standards are required.

      1. Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

      2. Parking lots are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.

      3. Garages accessed by the alley may be provided to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

      4. Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.

      5. Permanent solid waste containers and receptacles shall be screened away from public view.

      6. Address numbers on buildings are oriented towards the street for clear identification of the building.

      7. Building Sites.

a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per site plan review.

b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.

8. Pedestrian and Bicycle Access and Circulation

a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.

b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of §153.051. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of §153.051. Pathways used to comply with these standards shall conform to all of the following criteria:

1.Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;

2.If surrounding streets are lighted, pathways shall also be adequately lit.

E. Access Requirements and Management. Access requirements and management will be determined on the basis of the Traffic Capacity Analysis as per, access management standards as per §153.051 and the City of Tillamook Transportation System Plan.

F. Land Divisions. All partitioning, subdividing and planned unit development shall be subject to the procedures, standards and criteria as set in §153.072 of this development code.

1. Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site

restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

9. Other Required Conditions.

   A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted behind appropriate sight screening.

   B. Motor vehicle, boat, or trailer storage lots shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.

   C. All uses in the Public & Semi-Public District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive.

   D. All conditional use permits are required to be taken through the site plan review process as listed in §153.073 of this development code.

   E. New development or substantial remodel is subject to the site development standards and requirements as listed in §153.051, the design and landscaping standards as listed in §153.055 and the site plan review process as listed in §153.073 of this development code.

§153.020 PLANNED UNIT DEVELOPMENT DISTRICT OR PUD DISTRICT

A. Purpose. To encourage development of the Planned Unit Development (PUD) District as planned building groups by making possible greater variety, functionality, and diversification in the location and orientation of buildings and open spaces. It is further the purpose of Planned Unit Developments to serve at least three of the following purposes listed in §153.072.6.B of the City Code of Ordinances

B. Application Requirements. The application for planned unit development approval are listed in §153.072.6.B of the City Code of Ordinances.

C. Limitation on PUD application.

1. Applicability of Planned Unit Development Regulations. The requirements for a Planned Unit Development set forth in this Section are in addition to the conditional use procedures and standards of §153.070.

2. PUD Review Procedures/Approval Process. Planned developments will be reviewed in two phases: a preliminary development plan phase and a final development plan phase. §153.072.6.C.2 of the City Code of Ordinances describes the review and approval process. Pre-application review of the project before these phases is required. No building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

3. Findings for Project Approval. The Planning Commission shall approve a Planned Unit Development only if it finds that the Planned Unit Development will satisfy the criteria of 153.072.6.C.3 of the City Code of Ordinances.

4. Potential Uses allowed in the PUD District. The following uses are allowed in the PUD District if the Planning Commission considers them appropriate for the particular development being proposed and if other applicable standards are satisfied:

   a. Single-family dwellings, detached or attached, row houses, on individual lots or in cooperative or condominium ownership;

   b. Duplexes and triplexes;

   c. Multi-family housing developments;

   d. Manufactured home, mobile house, or modular home;

   e. Commercial uses supported mainly by residents of the planned development when such commercial uses require an area no larger than five percent of the area devoted to residential uses;

f. Industrial uses such as small-scale live-work industries supported mainly by residents of the planned development when such industrial uses are contained in a structure onsite and require an area no larger than five (5) percent of the area devoted to residential uses;

g. Residential/Commercial mixed use developments;

h. Urban Farming, Gardening, Animal Husbandry (meeting the requirements listed in 153.052);

i. Accessory Uses in the Planned Unit Development District. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of the Planned Unit Development District may include the following uses:

    1. Golf courses;

    2. Private park, lake or waterway;

    3. Recreation area (including trails);

    4. Recreation building, club house or social hall;

    5. Other accessory structures which the Planning Commission finds are designed to serve primarily the tenants of the Planned Unit Development, and are compatible to the design of the Planned Unit Development.

5. Density. Generally the density shall be 35 units per acre. The gross area of the PUD shall be used (total area including street dedications) to calculate the density of the PUD District. Areas of common use may be included in calculating allowable density.

6. Deviations to be authorized. The Planning Commission may authorize the design and approval of PUD's which deviate from the strict standards of this Code. The deviations shall be limited to the limitations, restrictions and design standards listed in §153.072.6.C.7 of the City Code of Ordinances.

7. Dimensional and Bulk Standards apply as listed in §153.072.6.C.8 of the City Code of Ordinances.

8. Common Areas. In the PUD District, 25 percent of the total land area shall be devoted to open space, in the form of yards, buffers, setbacks, common open areas, or recreational facilities. A portion of this area shall be common or shared open space. The open space requirements are listed in §153.072.6.C.9 of the City Code of Ordinances. The Planning Commission may increase or decrease the open space requirements depending on the particular site and the needs of the development.

9. Transportation. The requirements for transportation listed in §153.072.6.C.10 of the City Code of Ordinances shall apply in the PUD District.

10. Signs. All signs larger than eight (8) square feet within a planned development are subject to approval of the Planning Commission. The Planning Commission shall consider each such sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and the need for the sign.

11. Compatibility with Adjacent Development. If topographical or other barriers near the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Commission shall require buildings in the planned development to be setback an adequate distance, as determined by the Planning Commission, from the perimeter and/or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms.

12. Utility Easements. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

13. Control of the Development after Completion. The final development plan shall continue to control the Planned Unit Development after it is finished, as required by §153.072.6.C.16 of the City Code of Ordinances

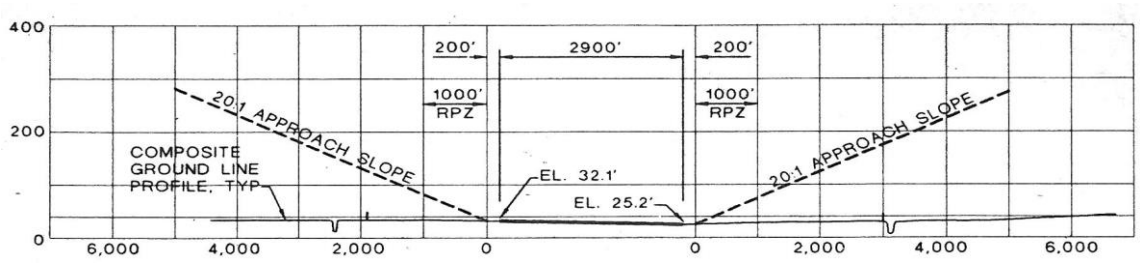
§153.030 AIRPORT APPROACH OVERLAY ZONE, OR AAO DISTRICT

1. Purpose. In order to carry out the provisions of this overlay zone, there is hereby created and established an Airport Approach Overlay District which include**s** all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Tillamook County Airport in Tillamook County at the Port of Tillamook Bay. The Airport Approach Overlay District (AAO District) is shown on the current Airspace and Approach Zones Plan Map, adopted by the Port of Tillamook Bay and the City of Tillamook.

2. Scope. To prevent the establishment of air space obstructions in airport approaches and surrounding areas including the Horizontal Surface and Conical Surface, through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Tillamook.

3. Authorization. In addition to complying with the provisions of the underlying zoning district, uses and activities shall comply with the provisions of this overlay zone**,** as required by the City, the Port of Tillamook Bay and the FAA. In the event of any conflict between any provisions of this overlay zone and the underlying zoning districts, the more restrictive provision shall apply.

4. Permitted Uses Within the Airport Approach Safety Zone. This area extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.



A. Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.

B. Landscape nursery, cemetery or recreation areas which do not include buildings or structures.

C. Roadway, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

D. Pipeline.

E. Underground utility wire.

F. Single family dwellings, mobile homes, duplexes and multi-family dwellings, and structures accessory to a permitted use when authorized in the underlying zoning district.

G. Structures that meet the height restrictions listed in Section 6.

H. Transportation Facilities and Improvements
   1. Normal operation, maintenance;
   2. Installation of improvements within the existing right-of-way;
   3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;
   4. Landscaping as part of a transportation facility;
   5. Emergency measures;
   6. Street or road construction as part of an approved subdivision or partition;

4. Conditional Uses.

A. Commercial and industrial uses, and buildings and uses of a public works, public service or public utility nature when authorized in the underlying zoning district, provided the use does not result in the following:

   1) Creating electrical interference with navigational signals or radio communication between the airport and aircraft.

   2) Making it difficult for pilots to distinguish between airport lights or others.

   3) Impairing visibility.

   4) Creating bird strike hazards.

   5) Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.

   6) Attracting large numbers of people.

B. Places of public assembly.

5. Procedures for a Conditional Use Permit. An applicant seeking a conditional use shall follow procedures set forth in the conditional use section, §153.070, of this Ordinance and shall also include the following information accompanying the application:

A. Property boundary lines as they relate to the Airport Imaginary Surfaces;

B. Location and height of all existing and proposed buildings, structures, utility lines and roads; and

C. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

6. Restrictions for Development in the AAO District.

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above.

1) No structure in the Horizontal Surface shall extend a height greater than 150 feet.

2) No structure in the Conical Surface shall extend a height greater than 200 feet.

B. No structure or building shall be allowed within the Clear Zone.

C. Whenever there is a conflict in height limitations prescribed by this overlay district and the underlying zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

D. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.

§153.031 - HAZARDS OVERLAY ZONE, OR HO DISTRICT

1. Purpose. The purpose of this overlay zone is to avoid development hazards in the areas of the City and the Urban Growth Boundary, which have been mapped as inundation zones (limit construction of new essential facilities and special occupancy structures as defined in ORS 455.447 in tsunami inundation zones). The following special regulations apply to all properties, which lie wholly or partially within one or more of these areas (refer to Tsunami Hazard Map of Tillamook Quadrangle).

2. Scope.

   A. Protect life and property from natural disasters and hazards.

   B. Provide appropriate safeguards to protect development from natural hazards.

3. Authorization. In addition to complying with the provisions of the underlying zoning district, uses and activities shall comply with the provisions of this overlay zone, as required by ORS 455.447.

4. Hazard Overlay Zone Boundaries. The boundaries of the HO zone shall be the same as the boundaries of the Cascadia Subduction Zone Tsunami Inundation Zone Map for Tillamook. These areas shall be part of the Zoning Ordinance. The underlying zoning district regulations shall remain in effect and all development shall be subject to the requirements of both the underlying zone district and the Hazards Overlay Zone.

5. Site Investigation Required. A site investigation shall be required by the City for subdivision, partitioning, conditional use or other site development approved by the City Planning Commission in the Hazards Overlay Zone. The City Planning Official shall require the site investigation in all land use applications handled administratively in which City Planning Commission approval is not required. Site investigation reports shall be performed by qualified engineer or engineering geologist registered by the State to practice as such. In areas requiring specialized knowledge, such as Tsunami inundation zones, the City may require that a person with experience or training in such areas be employed.

   Essential facilities and new special occupancy structures shall not be constructed in tsunami inundation zones established by Department of Geology and Minerals Industries (DOGAMI), unless specifically exempted by ORS 455.446 or given an exception by the DOGAMI governing board.

   New "essential facilities", special occupancy structures and all new hazardous facilities and major structures defined in ORS 455.447 that are constructed in a tsunami inundation zone are mandated to seek advice from DOGAMI.

6. Method for Minimizing Inundation Zone Hazards.

A. The owner or developer will have a site investigation report for the site prepared to determine the nature and extent of inundation area on the site, unless the Planning Commission determines that an adequate site investigation report has already been undertaken**.**

B. The method used to conduct the site investigation report must be acceptable to a qualified engineering geologist and acknowledged by DOGAMI.

C. If the detailed site investigation report indicates that significant amounts of inundation area are in locations required for development, the developer or owner shall have a report prepared by a qualified engineering geologist, which indicates suitable techniques to minimize potential hazards to facilities on the parcel**,** adjacent and nearby property.

7. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.

   A. Transportation Facilities and Improvements
      1. Transportation projects that are not designated improvements in the Transportation System Plan;
      2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

1. Purpose. This district implements the Tillamook Town Center Plan. The district is intended to create a pedestrian-oriented, mixed-use downtown core and preserve and enhance the historic buildings and character of the key historic period of the Town Center which is dated prior to 1950. Existing buildings in the downtown core reflect architectural styles that were popular as late as the 1940s. The most recognized features from this timeframe are:

    - Buildings with no setback from the sidewalk.
    - Uniform architectural rhythm of alternating columns and bays.
    - Large storefront display windows at street level suitable for commercial use.
    - Upper stories, typically for residential use, with "punched" masonry openings and double-hung windows.
    - Articulated parapets and cornices that vary from building to building
    - Masonry as the predominant building material.

    Existing buildings should be restored to their historic forms. In an effort to promote quality design for new infill buildings and the rehabilitation of existing buildings, and so far as practicable, all original exterior materials and details (including doors and windows) should be preserved according the criteria as described in this section.

    All new structures, additions and uses should be compatible with historic forms described above and the prevailing character of the surrounding area to create harmony between the existing architectural character and new elements introduced into the Town Center.

    Streetscape.

    The Town Center should be a pedestrian friendly environment resulting from a combination of features: storefronts, sidewalks, streetlights and other amenities. New construction and rehabilitation should contribute to making the Town Center an inhabitable place that is pleasant for walking, providing a buffer zone of parked cars between automobile traffic and pedestrians, while also reinforcing the rhythm of the street in accordance with the Town Center Master Plan and Resolution 1625.

    - Places provided for public activities. Informational kiosks, historical markers, and flagpoles are encouraged.
    - Places provided with certain services: drinking water, places to sit and rest, places to stand out of the rain or sun, with accessible benches out of pedestrian flow.
    - Unsightly signs and unused sign supports removed; signs better relating to the pedestrian installed.
    - Streetlights and sidewalk elements not obscuring line of vision from automobiles.
    - Historically appropriate streetlights installed.
    - Trash receptacles attractive, serviceable, durable and easily maintained.
    - Street trees on all streets in the Town Center Overlay District.

    In cases of conflict, this overlay district supersedes the standards of the underlying zone.

2. Outright Permitted Uses. The following uses are permitted outright in the TC District:

   A. Uses and structures lawfully existing on the effective date of the original adoption of the Town Center Overlay District which are non-conforming as defined by §153.074 shall be deemed legal non-conforming and may be altered, and/or expanded consistent with §153.074.

   B. Residential Uses

      1) Upper Floor Residential (single-family and multi-family).

      2) Ground Floor Residential Uses (single-family and multi-family) occupying less than twenty-five percent (25%) of the ground floor of commercial buildings, provided that commercial store fronts are maintained on the street front.

   C. Commercial, Educational and Professional Uses, Operations and Activities

      1) Commercial Retail.

      2) Commercial Services.

      3) Hotels.

      4) Restaurants.

      5) Medical, Dental, Veterinary Clinics.

      6) Pharmacy.

   D. Public Facilities

   E. Any uses in buildings incidental/secondary/accessory to a permitted use, such as incidental storage.

   F. This section specifically does not include:

      1) outdoor entertainment or dancing unless approved by the City Council,

      2) peddlers or mobile sales stands and pushcarts unless approved by the City Manager, and

      3) sale of liquor, beer or other alcoholic beverages for consumption on the premises without a security plan that has been approved by the City Council.

3. Performance Review Conditions. Performance Review will be handled by the Planning Commission and is the examination of activities and their locations based on measurable adverse externalities and effects on adjoining properties controlling the intensity of the land

use, not the use itself, with the following performance conditions. Applicability shall be determined by the City Planning Commission.

A. New development in the Town Center may be permitted subject to a review and a determination of compliance with the following performance review conditions:

    1. The proposed uses and/or development shall preserve the historic integrity of and provide maintenance for structures and sites with a historic context dated prior to 1950.

    2. No uses and/or development shall be permitted and no process, equipment or materials shall be used which are found to be harmful or a public nuisance to persons living or working in the vicinity by reason of fumes, dust, smoke, cinders, dirt refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness, or to involve any hazard of fire or explosion.

    3. Adequate fire access routes and clearances must be demonstrated and maintained. Adequacy shall be determined by the Fire Marshal. Adequate vision clearance for traffic safety shall also be provided.

    4. All activities onsite shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas; gasoline service stations; outdoor dining, entertainment, or recreation areas; nurseries; garden shops; Christmas tree sales lots; and bus stations.

    5. The following standards in sections B1 through B7 of this subsection shall be applied unless the subject property overlaps with an area subject to an approved City master plan, in which case the relevant aspects of the master plan shall prevail.

    6. All commercial operations, activities, and enterprises shall emphasize pedestrian or bicycle access.

B. The applicant shall submit a development proposal for the following elements, as applicable to the proposal to conform to the performance review conditions. Applicability shall be determined by the City Planner.

    1. Pedestrian Plan: A pedestrian circulation plan that provides adequate pedestrian access in the vicinity and within the project. The plan must provide compacted, safely lighted walkways and entrances suitable for use by the handicapped.

    2. Traffic Plan: A traffic plan that provides adequate vehicle circulation in the vicinity of and within the project. The traffic plan must coordinate internal and external transportation networks, including bikeways and mass transit to extent possible. Traffic noise must be minimized.

    3. Loading Plan: A plan for loading dock or space that provides adequate room for safe truck backing and turning movements.

4. Open Space Plan: A plan assuring that alterations and additions to existing buildings, and new construction, are compatible with neighboring properties in terms of the relative proportion of impervious/covered area to open space. Any landscape alterations for commercial, fabrication, educational, or professional uses shall be made in accordance with the standards contained in §153.055.

5. Parking Plan: A parking plan describing the impacts upon the City's parking program for both automobiles and bicycles, unless adequate on-site parking can be provided without damaging the integrity of the property.

6. Public Safety Plan: A plan for minimizing the likelihood of criminal activity by eliminating areas that are neither clearly private nor clearly public and by using landscaping that allows maximum observation while providing desired aesthetics.

7. Perimeter Plan: A plan for the perimeter of the project to protect adjacent properties from noise, visual incompatibility, light glare, heat pumps, fans, or other potential nuisances. This may be accomplished through screening, setbacks, siting, or other means.

C. The Planning Commission may impose other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1) Development of a Preservation Plan for historic sites and structures;

2) Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;

3) Requiring landscaping and maintenance thereof;

4) Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;

5) Requiring means of pedestrian/bicycle access pathways to serve the property;

6) Increasing or Limiting the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;

7) Limiting size, location and number of signs;

8) Limiting the location, coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;

9) Increasing, limiting, or prohibiting openings in sides of buildings or structures;

10) Enclosure of storage areas and limitation of outside display and/or storage of merchandise;

11) Requiring maintenance of grounds;

12) Regulating noise, vibration, fumes, etc.;

13) Regulating time for certain activities;

14) Establishing a time period within which the proposed use shall be developed;

15) The requirement of a bond for removal of such use within a specified period of time;

16) Requiring any future enlargement or alteration of the use be reviewed by the Planning Commission and new conditions imposed;

17) Requiring specific lot size, yard dimensions, open spaces or buffer areas;

18) And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.

4. Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 50 feet. For exceptions, see 3, and 9, of this section.

5. Design Requirements.

A. Lot Area: No maximum lot area.

B. Lot Width/Depth.

1) Building Width.

- The width should not exceed that which was traditional for the building styles of the Town Center dated prior to 1950.

- The width should maintain the traditional scale and proportion of the building style and be visually compatible with adjacent historic buildings. Where building sizes will not be equivalent or comparable, larger building facades shall be broken down into units that resemble the size of existing storefront facades.

C. Front Yard Setback: Minimum of zero (0) feet and a maximum of ten (10) feet. The 10-foot maximum applies to the first fifteen (15) feet of building height only. Upper stories may step back for balconies or other outdoor space. For exceptions see 9 of this section. The 10-foot maximum setback area may be used only for plazas, outdoor seating, or other useable pedestrian space related to the adjacent business. See Section 10(B) for Building Frontage requirements.

D. Side Yard Setback: No requirements.

E. Rear Yard Setback: No requirements.

F. Site review as per §153.051, Development Standards.

6. Signs. Signs should not be the dominant feature of a building or site, yet they are a key component in identifying businesses and contributing to the livelihood of the street with their individuality. Signs should allow for pedestrian and automobile traffic to identify businesses without detracting from the architecture or overpowering the streetscape.

A. Wall signs, window signs, marquee signs, canopy and blade signs attached to buildings shall be compatible in scale without obscuring the architectural features, and shall not exceed a size of 40 square feet each.

B. Freestanding, plastic and internally illuminated acrylic sign faces are not allowed.

C. Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

D. The use of gold leaf window signs at an appropriate scale is recommended.

E. Historic product signs painted on building sides should be preserved when possible, as they contribute to the character of the commercial area.

F. Electronic/Digital Display Signs/Reader-boards shall require Performance Review

7. Off –Street Parking, Loading and Circulation.

A. For commercial uses in the Town Center Overlay District, off-street parking is not required. For residential uses, parking shall be provided at a minimum of 1 space per dwelling unit and a maximum of 1 space per bedroom. Exceptions to the minimum requirement may be approved by the city when it is demonstrated that the type of housing proposed does not require parking, and/or when it is shown that use of on-street spaces during off-peak hours will provide adequate parking for the area. Civic uses shall provide parking consistent with the requirements of §153.054.

B. Off-Street Parking lots shall be placed to the side or rear of buildings in accordance with the Building Orientation Standards as described in 10(A) of this section and §153.051. All vehicular driveway entries shall be patterned to differentiate them from sidewalks.

C. For corner lots, parking areas shall not be located within 20 feet of an intersection, as measured from the midpoint of the curb return arc to the edge of the parking area (curb or wheel stop) on corner lots.

D. Loading and service areas (e.g., trash enclosures) shall be located in such a manner to

minimize conflicts with public pedestrian areas, and shall be screened with plantings, shall provide convenient access for trucks, and minimize noise and other impacts with adjoining uses. Loading and service areas shall be located to the rear or sides of buildings, or in alleys when available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.

E. Off-Street Parking areas shall be separated from buildings by either a raised concrete walkway or landscaped strip with a minimum width of 6 feet. Situations where parking stalls directly abut buildings shall be avoided except where wheel stops are provided.

F. Off-Street Parking areas shall be screened from the street by a street wall or arcade between 6 feet and 15 feet in height, and extending a maximum width to screen the view of parked vehicles and allow for safe circulation at the minimum driveway widths required according to §153.054.

G. Rear parking lots shall be designed and located contiguous to each other to the greatest extent practicable so that vehicles can travel from one private parking lot to the other (reciprocal access) without having to enter the street. Shared parking and circulation aisles coordinated between adjacent businesses and/or developments are strongly encouraged.

8. For properties**,** on Main Avenue between First Street and Fourth Street and Second Street between Ivy Avenue and Pacific Avenue, buildings shall be a minimum of 2 stories and a maximum of 4 stories, with a zero (0) foot setback for all floors. Continuous storefronts shall occupy one hundred percent (100%) of the parcel width at the front setback line.

9. <u>Site Planning and General Building Design Standards.</u> The following standards are intended to promote a desired level of future development quality that will stimulate investment and strengthen economic vitality in the Town Center, and renew a positive physical image of the downtown core.

A. Building Orientation: All new buildings shall be oriented to public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances. Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard.

B. Building Frontage: On sites with 100 feet or more of public street frontage, at least eighty percent (80%) of the site width shall be occupied by buildings placed within the maximum setback. For sites with less than one hundred (100) feet of public or private street frontage, at least sixty percent (60%) of the site width shall be occupied by buildings placed within the maximum setback.

C. Differentiation between spaces: Differentiation shall be provided between ground-level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.

D. Ground Floor Windows and Openings in the surface of a structure: Ground floor windows and openings in the structure surface shall be provided on the first floor building facade that faces a street. The main front elevation(s) of buildings shall provide sixty (60%) to eighty (80%) percent windows, transparencies or other openings at the pedestrian level (on corner lots, this provision applies to two elevations).

E. Commercial Storefront. The continuous commercial fronts of the Town Center make for a consistent, pedestrian friendly streetscape for a wide variety of businesses. The storefront is predominately made up of glazing with only structure and decoration revealed. The upper stories consist mostly of wall with "punched" window openings. New construction and rehabilitation should maintain the continuity of the multi-story buildings and the clear distinction between street level storefront and upper floor offices or residences through facade treatment and articulation.

1) Entrances

- Primary entrances should be recessed, glazed and oriented to the street rather than to a rear or interior alley.
- Tiled floors should be used as they are highly effective in marking the recessed entrance.

2) Windows

- Changing the location or size of windows or other openings that alter the architectural rhythm, alignment or character of the original building is prohibited.
- Except for transom windows, windows should not break the plane of the facade.
- Clear plate glass should be used for display windows, and they should be incorporated with transom windows.
- Storefront windows shall be no closer than 18 inches from the ground (bulkhead height). The maximum bulkhead height for new construction should be 36 inches.
- Vertical, double-hung windows, either singly or in groups, should be used on the upper levels.
- When considering new window fenestration (window size, size of window panes, mullion type window materials), it is important that the new design be sympathetic and compatible with the facade theme of the whole block.
- Obstructing or covering mezzanine windows is discouraged.

3) Storefront Facades

- Vertical structural lines (columns, piers, window patterns) should be carried down to the ground. If the lower storefront materials are different, use similar colors and forms to integrate the building facade.

- Non-historic materials above or below storefront windows (such as small areas of decorative stone) should be replaced with material of craftsmanship, color and texture that distinguishes historic from other buildings.
- Street level columns and bays for display windows should be preserved or used. They should provide a clear visual division at the property line.
- Doors should be accentuated with simple details such as a handsome brass door pull, brass kickplate or an attractive painted sign.

F. Roof Form. Roof forms contribute to the identity of the Town Center because historically they were flat with parapets, false fronts or gables concealed by a parapet or false front, in contrast to the pitched roofs in the residential neighborhoods. New construction and rehabilitation should maintain the traditional storefront architecture of the downtown in articulation of its roof forms along the street edge.

- Roof forms should be consistent with those commercial buildings of the key historic period of the Town Center which is dated prior to 1950.
- Parapet and flat roofs are recommended. Pitched roof forms associated with residential structures are not recommended, unless concealed by a parapet.
- Detailing of the parapets with patterned or relief cornices and stepping is recommended.
- Tile, shake shingle and thick composition roofs are strongly encouraged. Standing seam metal, corrugated metal, fiberglass, high contrast or brightly colored glazed tile, and crushed rock roofs are prohibited.

G. Cornices and Architectural Detail. Cornices are important architectural elements. They give interest to the roofline, breaking up the flat lines of a straight parapet wall; they give a building its own individuality.

- Repair existing cornices; if they have been covered up, remove the applied materials and restore; if they have been removed, consider replacing.
- Sheet metal cap flashing should be kept to a minimum unless the building has a flat parapet wall.
- If a building has decorative architectural details, clean them to restore their original character or paint them in contrasting colors to accentuate them.

H. Marquees. Marquees provide a "ceiling" for pedestrian traffic, which helps to give a sense of enclosure to the street and protection from the elements. All new or replacement awnings/overhangs must be marquee style.

- Marquees should fit within window bays so as not to detract from architectural features of the building or obscure transom windows above display windows.
- Marquees may pass over vertical columns or pilasters.
- The color of the awning should be compatible with the building.
- The marquees shall be flat, horizontal metal canopies suspended by chains or rods, if original, should be used as they provide cover for pedestrians and shade within the store.
- The use of internally illuminated, plastic, and/or barrel awnings are prohibited as they detract from architectural features with incompatible materials that are out of scale.

I. Color. Color can dramatically affect the appearance of buildings and should be kept clean and in good repair and carefully considered in relation to the overall design of the building. Color can also affect the apparent scale and proportion of buildings by highlighting architectural elements such as doors and windows.

- Historic masonry facades should not be painted.
- Minimize the number of colors on the building's exterior in order to maintain a cohesive appearance with minimum visual distraction. Commercial buildings shall use no more than four colors.
- The color palette chosen for a building should be compatible with the colors of adjacent buildings in the Town Center**.**
- Colors must be selected from the color chart approved by Council resolution. Bright neon paint colors and large areas of intense white colors shall be avoided.

J. Rear Entrances.

- Signs should be modestly scaled to fit the casual visual character of the alley or rear parking area.
- An awning can soften rear facades and provide a pleasant protected space.
- The rear entry door should be wood and glass similar to the front door.
- Security lighting should be modest and should focus on the rear entry door.
- Selective use of tree plantings, potted plants and other landscaping can subtly improve a rear facade.
- Refuse containers and service facilities should be screened from view by solid masonry walls and landscaping to screen walls and help deter graffiti.

10. <u>Landscaping and Screening.</u> Landscaping and screening shall be required, in accordance with the following standards (These standards apply in the TC District and supersede the landscape standards in other sections of this ordinance):

A. All areas not occupied by structures, parking lots or pedestrian plazas that are visible from public right of ways shall provide landscaping. Landscaping shall include a mix of vertical and horizontal elements.

B. Street trees shall be required on at least one side of all streets except Main and Pacific Avenues between First and Fourth Streets. Species should be compatible with the design features provided below, and shall provide continuity with nearby landscaping. Street tree species to be planted and minimum tree planting dimensions are described in §153.055. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

- Tree Canopies shall be a minimum of 10 feet diameter.
- Trunk setback from curb shall be a minimum distance of 2 ½ feet, maximum distance of 3 feet.

C. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles with screening elements is required and shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features approved by the City Planner.

D. Drought-resistant vegetation is strongly encouraged. Irrigation systems shall be installed to support landscaping that is not drought-resistant.

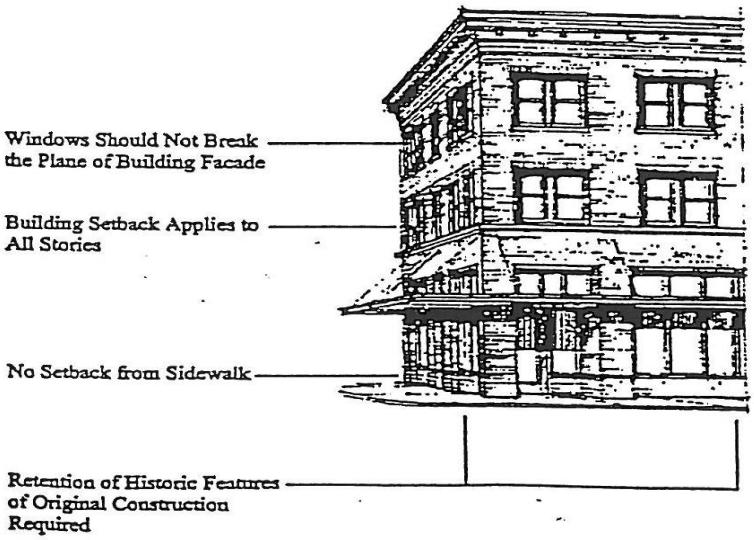
11. Roof-Mounted Equipment. Roof-mounted equipment (e.g., HVAC) shall be screened from view from the street by providing a parapet or cornice at least equal in height to the equipment and by painting the equipment to match the roof. For flat roofs, the parapet shall surround the perimeter of the building. Screening shall be compatible with rooflines and materials so that the rooflines are harmonious.

12. Other Required Conditions.

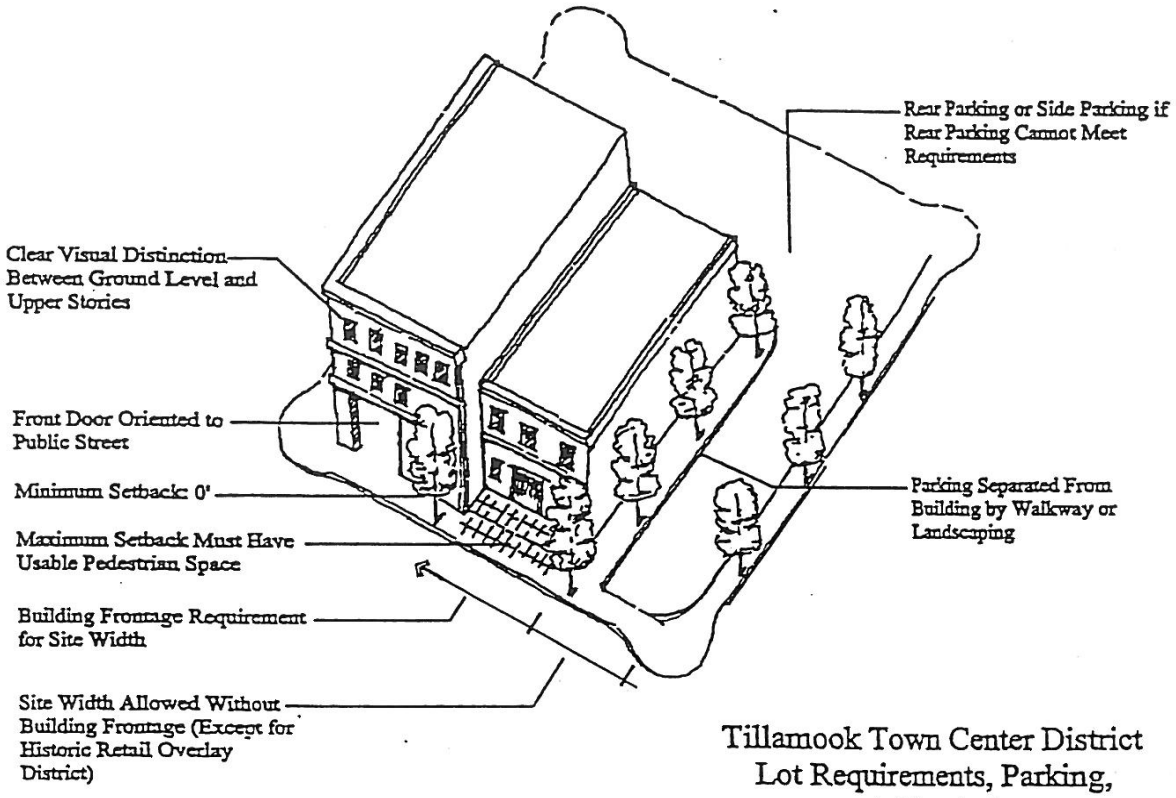
A. Site Plan Review as per §153.073.

B. The following graphics shall be used as a guide to comply with the standards in this section.

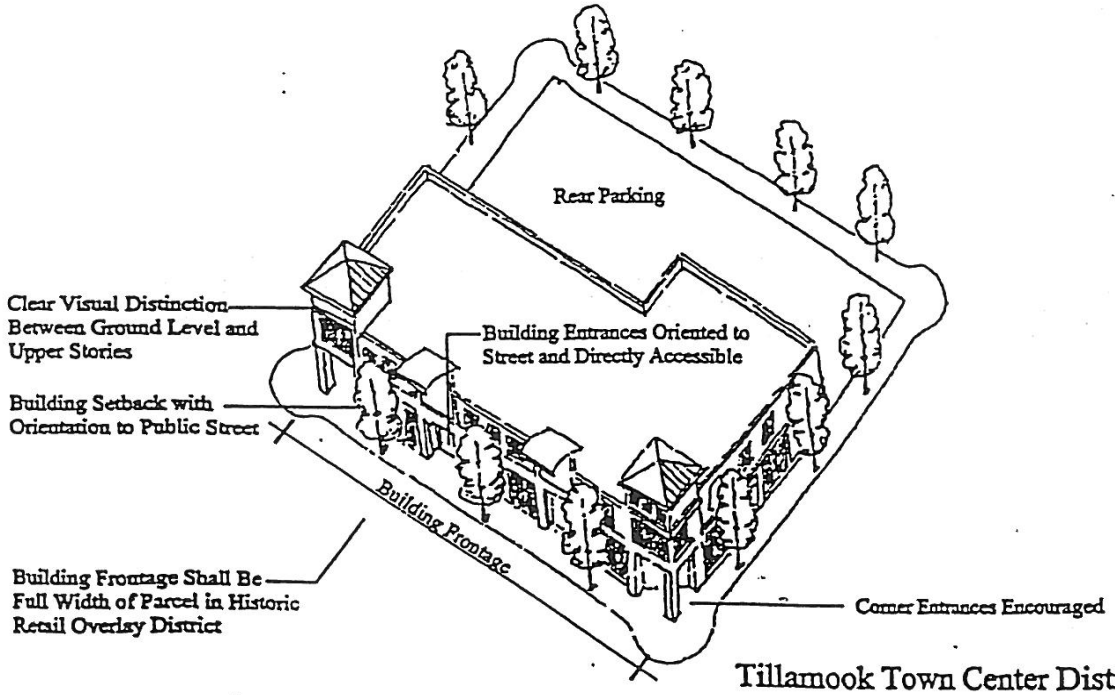
Tillamook Town Center District
Site Planning and
General Building Design



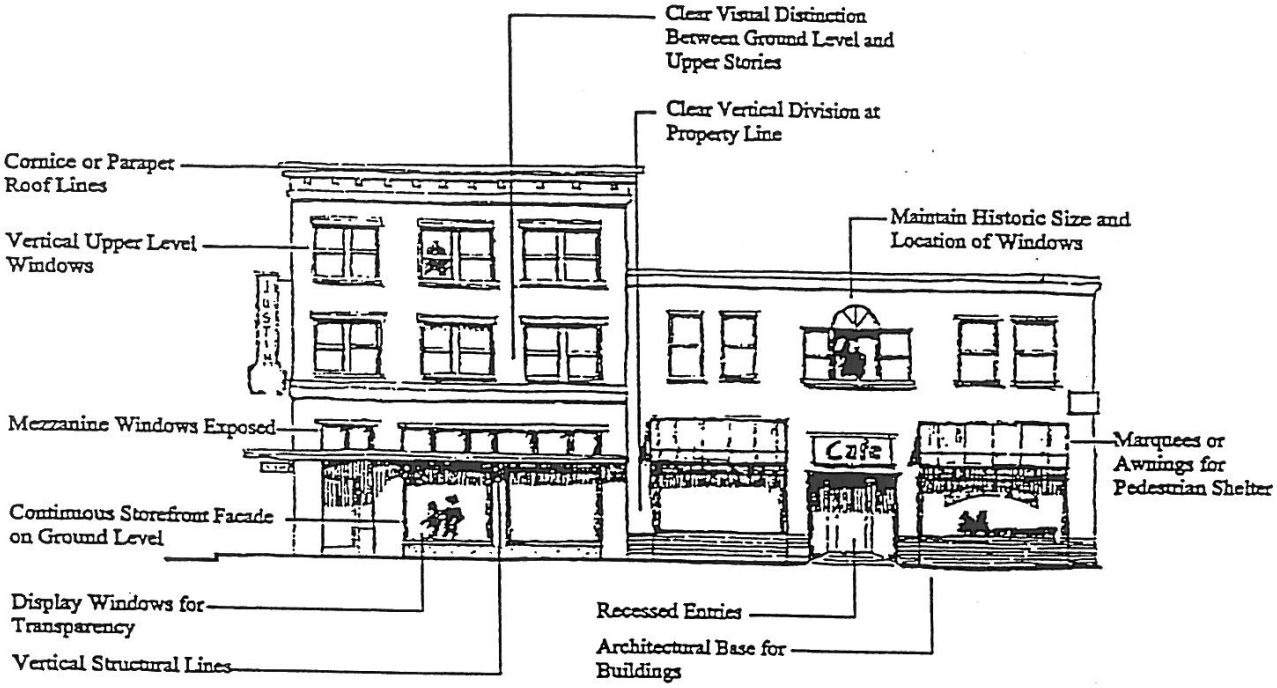
Tillamook Town Center District
Site Planning and
General Building Design
(Historic Retail Overlay District)



Tillamook Town Center District
Lot Requirements, Parking,
and Circulation



Tillamook Town Center District
Site Planning and
General Building Design



Tillamook Town Center District
Historic Architectural Guidelines

Tillamook Town Center District
Awnings and Signs

§153.034 HEALTH CARE OVERAY ZONE OR HCO DISTRICT

1. Purpose. The purpose of the Health Care Overlay District is to allow areas for the concentration of medical facilities and related uses in a campus like setting to enable the provision of a wide range of medical services to enhance the public's health, safety and general welfare and allow for the continuation and flexible expansion of the hospital, medical clinics and associated uses in a planned and coordinated manner so existing and future uses can respond and adapt to changes in technology, the medical profession, and society as a whole.

   The overlay zone standards will:

   - Strengthen the roles currently played by:

     1) The County Hospital Area around Third Street and Ash Avenue, and

     2) The County Health Department area around Ninth Street and Pacific Avenue as regional centers for health care and related services.

   - Provide flexibility within the underlying zones to allow health care related uses.

   - Allow small-scale supportive commercial/retail uses to supplement health care.

2. Applicability.

   A. The standards and procedures, permitted and conditional uses, set forth of this section:

      1. Apply to all health care related development proposed on a lot or parcel located within, or partially within, the HCO District;

      2. Are in addition to the standards of the underlying zone for the uses listed in this section; and

      3. Nothing contained in the proposed Health Care Overlay (HCO) district shall limit the uses permitted outright or conditionally within the underlying zone districts.

3. Permitted Uses. The following uses shall be permitted within a Health Care Overlay District:

   A. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers (both public and private).

   B. Medical staff facilities and similar uses, including but not limited to administrative offices, educational and meeting facilities and staff sleeping quarters;

   C. Childcare and adult care services, including respite care;

D. Short term residential uses dependent upon or directly related to medical care, including convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations;

E. Health care related retail (i.e. pharmacy, medical supplies and equipment);

F. Social service providers including counseling centers and alcohol and drug treatment facilities;

G. Accessory parking;

H. Utilities and public facilities.

4. Conditional Uses. The following uses require an additional conditional use permit for approval:

   A. Medical helicopter landing pad on the following conditions:

      1. The landing pad meets the recommendations of the Oregon State Department of Transportation Aviation Division and the Federal Aviation Administration.

      2. Use shall be limited to emergency medical use only,

   B. Facilities for the treatment and/or temporary storage of biomedical, radioactive and hazardous waste generated within the overlay district; provided however that no materials may be transported to the site from other facilities for storage or treatment purposes.

   C. A building exceeding 45 feet in height.

5. Site Development Standards. Except as otherwise noted, the site development restrictions shall be as follows:

   A. Front Yard Setback. The minimum front yard setback shall be 10 feet except on corner lots where the vision clearance area requirements shall apply and, except when adjacent to a lot outside of the Health Care Overlay District, the front yard setback shall be same as the front yard setback required in the adjacent zone.

   B. Side Yard Setback. The minimum side yard setback shall be five feet. The side yards shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height. The side yard setback distance for one or both sides may be waived for an approved zero lot line development.

   C. Rear Yard Setback. The minimum rear yard setback shall be five feet except when adjacent to a lot outside of the Health Care Overlay District and then the rear yard

setback shall be a minimum of 20 feet. The required rear yard setback shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height.

D. Minimum distance between buildings: 10 feet

E. Maximum building height: 45 feet

F. Maximum lot coverage: 60%.

6. Site Plan Requirements. All development within the Health Care Overlay District shall be governed by a site plan, constituted as a binding site plan and shall be reviewed and approved administratively. In addition to the requirements listed in §153.051 and §153.055, the site plan shall include the following:

   A. Pedestrian connectivity: The campus should have accessible pedestrian connections beyond standard sidewalks along the street and between buildings. Special attention should be paid to crosswalks, connections between parking lots serving adjacent uses and interior walkway connections.

   B. Landscaping: Minimum landscaping shall be as required in §153.055; provided however, that additional landscaping may be required by the City Planner at the time of Zoning Clearance Permit to achieve the following effects:

      1. Effective screening of off-street parking areas and eliminating monotony of parking areas;

      2. Effective buffering of adjacent residential uses;

      3. Enhance the building architecture and on-site landscaping;

      4. Streetscape plantings are required as part of the site plan; including street trees.

      5. Additional landscaping within setback areas to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent residential properties from new development may be required.

   C. Lighting. Lighting shall be provided throughout the site and along all pedestrian paths and building entrances to promote safety.

   D. Building Design: There should be continuity of character and building materials throughout the development and with adjacent development in the Health Care Overlay to enhance a campus setting.

   E. Building design should provide articulation to avoid long blank walls and a scale appropriate to the setting. Building entries shall be recessed. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, board and batt, masonry) are required.

Where possible, buildings should be designed to screen parking and provide useful courtyard settings for users of the facilities.

F. Every building adjacent to a street shall have an entrance on the street side; except if the building design cannot provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) and therefore may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

§153.035 WATER RESOURCES PROTECTION OVERLAY DISTRICT

1. Purpose. The purpose of the Water Resources Protection Overlay (WRPO) District is to implement the City of Tillamook Significant Wetland and Riparian policies of the City of Tillamook Comprehensive Plan and to guide development and conservation of significant wetlands, streams and riparian corridors identified in the City of Tillamook Significant Riparian/Wetlands Inventory (Local Riparian/Wetlands Inventory) and on the City of Tillamook Significant Wetlands and Riparian Corridor Map (Significant Wetlands and Riparian Corridor Map).

2. Scope.

   A. To allow use of properties while establishing clear and objective standards to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide.

   B. To protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, limit development in significant riparian corridors, and reduce the effects of flooding.

   C. To exclude structures from areas adjacent to fish bearing lakes and streams, and their associated wetlands, and restrict native vegetation removal or other alterations in those areas.

3. Applicability and Generalized Mapping

   A. The WRP overlay district applies to all wetlands, streams and riparian corridors, identified as significant in the City of Tillamook Wetlands and Stream Corridors Map contained in the City's Comprehensive Plan. This generalized map is based on the City of Tillamook Wetlands and Riparian Inventory. The Significant Wetlands and Riparian Corridor Map shows the general location of significant resources. However, the edge of the wetlands area cannot be determined, until wetland delineation is completed by a qualified person.

      The standards and procedures of this section:

      1) Apply to all development proposed on a lot or parcel located within, or partially within, the WRPO District;

      2) Are in addition to the standards of the underlying zone; and

      3) In cases of conflict, this overlay district supersedes the standards of the underlying zone.

B. The City of Tillamook wetlands and stream corridors map identifies the significant water resources designated in subsection 2 of this Section.

C. Applicable riparian and wetlands setbacks. The applicant shall be responsible for providing a map of the precise location of the top of the stream bank, the wetland edge, and/or the riparian setback at the time of application submittal.

D. The inventory of significant wetlands and riparian corridors contained in the Comprehensive Plan identifies all significant wetlands, identifies which streams are fish-bearing, and specifies the stream-size category. Based on the classification contained in this inventory, the following significant wetlands and riparian corridor setbacks shall be established:

1) Along all streams identified in the Local Riparian/Wetlands Inventory, the riparian corridor boundary shall be 50 feet from the top of bank. This includes the following water bodies:

a) Colby Creek
b) Dougherty Slough
c) Hall Slough
d) Holden Creek
e) Hoquarton Slough
f) Jack Creek
g) Trask River
h) Wilson River

2) Along all significant wetlands as designated in the Local Riparian/Wetlands Inventory, the wetlands boundary shall be measured horizontally 50 feet from the line of non-aquatic vegetation.

3) Where the riparian corridor includes all or portions of a significant wetland identified in the Local Riparian/Wetlands Inventory, the distance to the riparian corridor boundary shall be measured from the upland edge of the wetland.

4) The measurement of distance to the riparian corridor boundary shall be from the top of bank. In areas where the top of the bank cannot be clearly determined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.

4. <u>Activities Permitted and Prohibited within the Riparian Area.</u> This Section outlines the uses and conditions associated with development in the WRPO District as required by OAR 660-230-090 (8) (a - c).

A. The permanent alteration of the riparian corridor by grading or by the placement of

structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the riparian area, and no other options or locations are feasible:

1) Streets, roads, and paths;

2) Drainage facilities, utilities, and irrigation pumps;

3) Water-related and water-dependent uses;

4) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

5) Non-conforming uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall comply with the standards of this ordinance;

6) Existing lawn within the riparian corridor may be maintained, but not expanded to further intrude into the riparian corridor;

7) Shoreline stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City and appropriate state natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.

B. Removal of riparian vegetation is prohibited, except for:

1) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;

2) Removal of vegetation necessary for the development of approved water-related or water-dependents uses shall be kept to the minimum necessary to allow the water-dependent or water-related use;

3) Trees in danger of falling and thereby posing a hazard to life or property may be felled, following consultation and approval from the Public Works Director. The Public Works Director may require these trees, once felled, to be left in place in the riparian corridor.

4) Existing landscaping, established prior to the effective date of this ordinance may be

maintained. However, no new encroachment into the riparian corridor shall be allowed. Consultation with the Oregon Department of Fish and Wildlife (ODFW) is required prior to trimming/pruning of riparian/wetland vegetation in order to minimize the adverse effect of the trimming on water quality and aquatic habitat.

C. Exceptions: The following activities are not required to meet the standards of this section:

1) Commercial forest practices regulated by the Oregon Forest Practices Act;

2) Normal and accepted farming practices other than buildings or structures, existing in the riparian area ~~since~~ prior to the date of adoption of this ordinance.

D. Development proposed within any wetland or stream, in addition to meeting the standards of this Section, shall also be approved by Division of State Lands (DSL) and Army Corps of Engineers (CoE).

E. Exemptions.

1) When performed under the direction of the City, and in compliance with the provisions of the City of Tillamook Public Works Improvement Standards and Specifications, as well as Riparian Setbacks in this Ordinance, the following shall be exempt from the provisions of this ordinance:

a) Emergency repairs to public facilities; and

b) Routine maintenance or replacement of existing facilities.

2) When performed under consultation with ODFW and other authorities as appropriate, the following shall be exempt from the provisions of this ordinance:

a) Stream and wetlands restoration and enhancement programs; authorized by appropriate permits;

b) Non-native vegetation removal;

c) Planting of native plant species; and

F. Any permitted crossings of significant riparian corridor waterways shall be conducted in consultation with the ODFW, DSL, and CoE.

5. Application Requirements. All development applications on lots within, or partially within, the WRPO District shall submit the following information, in addition to other information required by this development code.

A. Underlying Zone District Permitted Uses. The applicant shall prepare a plan that

demonstrates that the use will be constructed and located so as to minimize grading, native vegetation removal, and the area necessary for the use. The City may require additional information where necessary to determine WRPO District boundaries or to mitigate identified impacts from a proposed development, including but not limited to:

1) Site survey as prescribed in applicable Zoning Clearance Permit application;

2) A map showing the name and location of streams including streambanks and significant riparian corridors including adjacent wetlands;

3) A map showing the location of any wetlands;

4) A map showing the riparian setback area.

B. Underlying Zone District Conditional Uses and Land Division Developments. The applicant shall prepare a required site specific survey. If any conditional use permit or Planned Unit Development activity is proposed within significant water resource site setbacks, the applicant shall provide a survey of the entire site that precisely maps and delineates the following:

1) The location of streams and significant riparian corridors, including adjacent wetlands, and the tops of their respective stream banks or wetland boundaries;

2) Significant wetlands;

3) The area enclosed by the riparian setback;

4) Property lines and easements, existing public rights-of- way, structures, roads and utilities;

5) Vegetation, including trees or tree clusters and under-story vegetation;

6) Existing and proposed contours at 2-foot intervals.

6. <u>Development Standards.</u> The following shall apply to all development, including native vegetation removal and excavation, in the WRPO District. No application for uses identified in this section shall be deemed complete until the applicant has addressed each of these standards in writing.

A. Alternatives considered. In general, land development is expected to occur outside the WRPO District significant water resource setback areas. Therefore, development applications must carefully examine upland alternatives for the proposed use, and explain the reasons why the proposed development cannot reasonably occur outside of the water resource or riparian setback area.

B. Minimize siting impacts. The proposed use shall be designed, located and constructed to minimize excavation, loss of native vegetation, erosion, and adverse hydrological impacts on significant water resources. Site Analysis shall be provided to the City.

1) For land divisions, the applicants must certify that any adverse water quality impacts of the development proposal will be minimized consistent with best management practices.

2) The development shall intrude into water resource or riparian setbacks as little as possible, recognizing the operational needs of the proposed development.

C. Construction materials and methods. Where development within the riparian area is unavoidable, construction materials or methods used within the riparian setback area shall minimize damage to water quality and native vegetation.

D. Alteration Requiring Mitigation. If a use is proposed within a significant resource site or riparian setback area, a mitigation plan shall be prepared and implemented.

1) Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection 5 of this section.

a) Unless permitted under subsection 4(A), a variance to the riparian setback approved through the procedures of Subsection 7 of this section.

b) Proposals for development activities within the riparian area shall be reviewed by ODFW under its Fish and Wildlife Habitat Mitigation Policy. Mitigation recommendations by ODFW may become conditions for approval of a proposed alteration of a wetland or riparian corridor.

2) Conditional uses in the underlying zoning districts , with the criteria listed in Section 27 of this development code, may be approved in the WRPO District where the applicant can demonstrate, through site analysis, that there are no reasonable alternatives and that the proposed use(s) are designed and constructed to minimize intrusion into the significant resource.

E. Erosion and Vegetation Plan implementation. A schedule of planned erosion control and re-vegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures. The approved Erosion Control or Re-vegetation Plan shall be implemented and maintained as follows:

1) Erosion control measures shall be installed prior to any stripping or excavation work.

2) The applicant shall implement the measures and construct facilities contained in the approved Erosion Control Plan in a timely manner. During active construction, the applicant shall inspect erosion control measures daily, and maintain, adjust, repair or

replace erosion control measures to ensure that they are functioning properly.

3) Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from the surface water management system, including storm drainage inlets, ditches and culverts.

4) Water containing sediment shall not be flushed into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or device.

5) In addition, prior to fencing placement and excavation, the applicant shall call for inspection. Prior to the foundation inspection for any building, the applicant shall call for inspection to certify that erosion control measures are installed in accordance with the erosion control plan.

7. Variances

A. In cases where the riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance to the riparian setback. As a replacement to §153.075 of this development code, granting of a variance requires findings that:

1) The proposed development represents a reasonable and legal use of the lot or parcel considering the zoning district requirements; and

2) Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and

3) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity and has exhausted all other options available under this ordinance to relieve the hardship; and

4) The variance is the minimum necessary to retain a use of the property and to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality; and

5) Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises and no significant adverse impacts on water quality, erosion or slope stability will result from approval of the variance, or these impacts have been mitigated to the greatest extent possible; and

6) The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan provision.

8. Mandatory Notification of Permitting Agencies. A riparian corridor and isolated wetlands not designated as significant resources, and wetlands that do not qualify as significant in City of Tillamook Local Wetland Inventory may be subject to permitting requirements of the Division of State Lands and the Army Corps of Engineers. To effectively coordinate permitting responsibilities the City of Tillamook will notify the Division of State Lands of all development applications that may impact wetland resources in the City. The applicant shall be responsible for obtaining any applicable development permits from State and Federal agencies.

   A. Notification Procedure:

      1) The City of Tillamook shall require written application for all Wetland modifications at the time of local permit application.

      2) The City shall record the application and forward a copy of the application to the Division of State Lands.

      3) The City shall not allow review or approval of any application for permit that includes the intent to modify a wetland or riparian resource until such time as the permitting agencies have approved a modification permit.

      4) The City shall report, in writing, a record of modification of the riparian and wetland resources not included on the Significant Riparian Corridor and Wetland List to all permitting agencies with a jurisdictional interest.

9 Changes to inventory maps

   A. Claims of an error in the mapped location of a wetland or riparian corridor on the Significant Wetlands and Riparian Corridor Map may be considered as part of an application for a subdivision, partition, lot line adjustment, site plan review, conditional use permit or variance.

   B. Claims that an identified significant wetland or riparian corridor should be deleted from, or added to, the Significant Wetlands and Riparian Corridor Map shall be considered through the Plan Amendment process.

   C. All Claims of map errors shall be supported by adequate inventory information and analysis to justify the claim, and shall be verified by the Oregon Division of State Lands.

§153.036 ESTUARY STANDARDS, REQUIREMENTS AND SHORELAND OVERLAY DISTRICT

1. Purpose. The purpose of the Estuary Standards and Requirements and Shorelands Overlay District is to bring under special review those projects involving development within designated estuaries in an effort to recognize, protect, maintain, and where appropriate, restore the unique environmental, economic and social values of said estuaries.

2. Scope. Recognition, protection, maintenance and restoration where appropriate, of the unique environmental, economic and social values of the designated estuaries in the City.

   Estuary Standards shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.

3. Standards. For all areas designated as estuary, Section 3.1-- of the Tillamook County Development Code shall apply by reference and shall be made a part of this Development Code.

   A. The Conditional use provisions of §153.070 of this Ordinance shall be applied in this Development Code.

   B. Tillamook Bay Estuary Management Unit Designation Maps and Tillamook Bay Estuary Zoning Maps H, I and J of Tillamook County Ordinance No. 33.

4. Shoreland Overlay Zone (SHO). For all areas designated as shorelands, Section 3.090 of the Tillamook County Development Code shall apply by reference and shall be made a part of this Development Code.

   The City of Tillamook incorporates by reference the County shoreland overlay zone into its proposed appended county coastal ordinances in order to fully address the coastal ordinances.

§153.037 FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

1. Purpose. It is the purpose of this section of the development code to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

   A. To protect human life and health;

   B. To minimize expenditure of public money and costly flood control projects;

   C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

   D. To minimize prolonged business interruptions;

   E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

   F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

   G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

   H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2. Findings of Fact. The flood hazard areas of Tillamook City are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

   A. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

   B. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

      1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Controlling the alteration of natural flood plains; stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

3. Statutory Authorization. The legislature of the State of Oregon has in ORS Chapter 227 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Common Council of Tillamook City, Oregon does ordain as follows:

4. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Many of these definitions also appear in §153.003, Definitions, of this development code. All the definitions listed below apply to this section.

Appeal means a request for a review of the City Manager's interpretation of any provision of this section of the development code.

Area of Shallow Flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals,

police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Elevated Building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, sheer walls, post piers, pilings, or columns.

Flood or Flooding means a general and temporary condition of partial complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters and/or
2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Foundation (permanent) means primary support for a structure through which the imposed load is transmitted to the footing or earth.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5B-(1)b.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Recreational Vehicle means a vehicle which is:

1) Built on a single chassis;
2) 400 square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light duty truck; or
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement or repair is started, or
2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2) Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

5. GENERAL PROVISIONS

A. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Tillamook.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tillamook, dated May l, 1978**,** and as amended with accompanying Flood Insurance Maps, as subsequently amended ***by*** FEMA, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 210 Laurel Avenue in Tillamook, Oregon.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Unless otherwise indicated, non-compliance with the provisions of this ordinance (including violations of conditions and safeguards established in connection with conditions) is classified as a violation punishable by a fine set by resolution.

D. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. In the Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1) Considered as minimum requirements;
2) Liberally construed in favor of the governing body; and,
3) Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply

that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Tillamook City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

6. ADMINISTRATION

A. Establishment of Development Permit

1) Development Permit Required. A development permit, such as the City Zoning Clearance Permit, City Flood Hazard Development Permit, Tillamook County Construction Permit, shall be obtained before construction or development begins within any area of special flood hazard established in Section 3B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also as set forth in the "Definitions."

2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the City Manager and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, ***all of*** the following information is required:

a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
b) Elevation in relation to mean sea level to which any structure has been flood proofed;
c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5B-(2) and
d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administration. The City Manager is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The City Manager may delegate to appropriately trained staff.

C. Duties and Responsibilities of the City Manager. Duties of the City Manager shall include, but not be limited to:

1) Permit Review

a) Review all development permits to determine that the permit requirements of this

ordinance have been satisfied.

b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5C are met.

2) Use of Other Base Flood Dat***a***. When base flood elevation data has not been provided in accordance with Section 3B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Manager may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 5B, SPECIFIC STANDARDS, and 5C, ENCROACHMENTS.

3) Information to be Obtained and Maintained

a) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4C-(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b) For all new or substantially improved flood proofed structures:

(1) Verify, record, and maintain the actual elevation and elevation certification (in relation to mean sea level), and

(2) Maintain the flood proofing certifications required in Section 5B (2).

c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

d) For manufactured homes, maintain the anchoring certifications required in sub sections 5(A) (1) (c) of this section.

4) Alteration of Watercourses

a) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.D.

D. Variance Procedure

1) Appeal Board

a) The Tillamook City Planning Commission as established by Tillamook City shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Tillamook City Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Manager in the enforcement or administration of this ordinance.

c) In reviewing upon such applications, the Tillamook City Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other lands to the injury of others;
(2) The danger to life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(4) The importance of the services provided by the proposed facility to the community;
(5) The necessity to the facility of a waterfront location, where applicable;
(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
(7) The compatibility of the proposed use with existing and anticipated development;
(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

d) The Tillamook City Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

e) The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2) Conditions for Variances

a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-10) in Section 4D-(1) c have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;
(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than water tight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4D-(2) a, and otherwise complies with Sections 5A-(1) and 5A-(2) of the GENERAL STANDARDS.

7. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards. In all areas of special flood hazards, the following standards are required:

1) Anchoring

a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.

c) A registered architect or engineer shall certify that the anchoring system is in conformance with "a" or "b" above prior to final inspection.

2) Construction Materials and Methods

a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d) An elevation certificate for all new construction and substantial improvements shall be provided to the City for both pre-construction (Part 1) and the final lowest floor certification (Part 2) by the property owner.

3) Utilities

a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4) Subdivision Proposals

a) All subdivision proposals shall be consistent with the need to minimize flood damage;

b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source [Section 4C (2)], applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3B, Basis for Establishing the Areas of Special Flood Hazard or Section 4C(2), Use of Other Base Flood Data, the following provisions are required:

1) Residential Construction

a) New construction and substantial improvement of any residential structure shall have the lowest flood, including basement, elevated to two feet above base flood elevation as determined with an elevation certificate.

b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
(2) The bottom of all openings shall be no higher than one foot above grade.
(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to two feet above the base flood elevation as determined with an elevation certificate; or, together with attendant utility and sanitary facilities, shall:

   a) Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;

   b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

   c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4C-(3) b.

   d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5B-(1) b.

   e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

3) Manufactured Homes

   a) All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5A-(1).

   b) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam shall be at or above the Base Flood Elevation (BFE) and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement. Electrical crossover connections shall be a minimum of 12 inches above the BFE. Crossover ducts are allowed below the BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components. This may require an engineer's certification.

   c) Recreational Vehicles. Recreational vehicles may occupy a site in a Special

Flood Hazard Area for periods of 180 consecutive days or greater providing they are fully licensed and ready for highway use, on its wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Recreational vehicles that do not meet these criteria become manufactured homes and must be anchored and elevated pursuant to §153.037 (5)(A)(1)(b) of this ordinance.

4) Floodways. Floodways are designated within areas of special flood hazard established in subsection 3(b) of this Section. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential the following provisions apply:

a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a “no-rise” certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(1) The supporting technical data for “no-rise” certification shall be based upon a step-back water analysis and conveyance compensation analysis as required by FEMA and the procedures for “No-Rise” certification for proposed developments in the regulatory floodway.

b) If subsection "a" above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Subsection 5 of this Section.

C. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point within the flood zone.

D. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1) New construction and substantial improvements of residential structures with AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).

2) New construction and substantial improvements of nonresidential structures within AO zones shall either:

a) Have the lowest floor (including basement) elevated above the highest adjacent

grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 5B-(2) c.

c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

d) Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA)(100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facility construction within the SFHA shall have the lowest floor elevated three (3) feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above the BFE. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

8. RESTRICTIONS

A. Restrictions. Restrictions regarding height, rear yards, side yards, front yard setbacks, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific zone located within the Flood Hazard Overlay Zone area.

B. Prohibited Uses. It shall be unlawful to erect, alter, maintain or establish in a flood hazard overlay zone any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing non-conforming uses, which may continue as provided in §153.074.

§153.050 INTERPRETATIONS AND EXCEPTIONS

1. General Exceptions to Lot Size Requirements. If at the time of passage of the original Zoning Ordinance dated July 28, 1980, or annexation to the city, a legally created lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district, provided however, that the use of a lot in an R-7.5, R-5.0 or R-O Zone District which has an area deficiency shall be limited to a single-family dwelling.

2. Accessory Structures and Uses.

   A. A greenhouse or hot house may be maintained accessory to a dwelling provided there are no sales.

   B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

   C. Sight obscuring fences, as per §153.003 (Definitions), may be located in a required front yard or in a vision clearance area provided that they shall not exceed three (3) feet in height measured from the top of the curb.

3. Exception to Height Regulations. Height limitations set forth elsewhere in this Ordinance shall not apply to: Barns, silos, or other farm buildings and structures, water towers and tanks, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, elevator shafts and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

4. Access. Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street or an alley for a distance of at least 40 feet.

5. Vision Clearance Area. Vision Clearance Area shall be provided within the triangular corner, two sides of which are the intersecting right-of-way lines, and the third side, the connection of points on those right-of-way lines the following distance from the point of intersection of those two lines (See Figures 1 and 2.)

   A. In a residential district, the minimum distance shall be 20 feet at street intersections or, at intersections including an alley, 10 feet**,** measured from the property line.

   B. In all other districts where yards are required, the minimum distance shall be 15 feet or at intersections including an alley, 10 feet, except that when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet**,** measured from the property line.

   In districts where no yards are required, the minimum distance shall be 10 feet**,** measured from the property line.

C. Vision clearance area shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the curb, except that street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of ten (10) feet above the grade, and a maximum of two (2) sign support posts not exceeding eight (8) inches in diameter may be located in this area provided that no portion of the sign or signboard may extend below ten (10) feet above the grade.

D. In the public right-of-way, for objects located in the sidewalk area, the minimum distance shall be 30 feet at street intersections measured from the curb tangent point where the arc and ray, or straight curb meet.

E. Nothing in this Section shall be deemed to permit a sight obstruction within any required yard area at a street or alley intersection interfering with the view of operators of motor vehicles on the streets or alleys to such an extent as to constitute a traffic hazard. If the planning commission finds that this is the case, it shall have the authority to order the removal or modification of any such obstruction within any such required yard area.

F. The order shall be effective upon delivery of written notice to the owner of the property giving the owner ten days after delivery of the notice in which to remove or modify the obstruction; provided, that said notice may be given by certified letter addressed to the owner at the address indicated in the records of the Tillamook County department of assessment and taxation, and the ten-day period shall run from the date of mailing of such notice. Any decision of the planning commission may be appealed in writing to the city council, if written notice of appeal is filed with the city recorder within ten days after the giving of the notice to remove or modify.

6. Exception to Yard Requirements.

A. Projects into required yards. Certain architectural features may project into required yards or courts as follows:

1) Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but they may not in any case extend more than eighteen (18) inches into any required yard areas.
2) Fire escapes, open uncovered porches, balconies, landing places or outside stairways may not in any case extend more than eighteen (18) inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height and not approaching closer than eighteen (18) inches to any lot line.

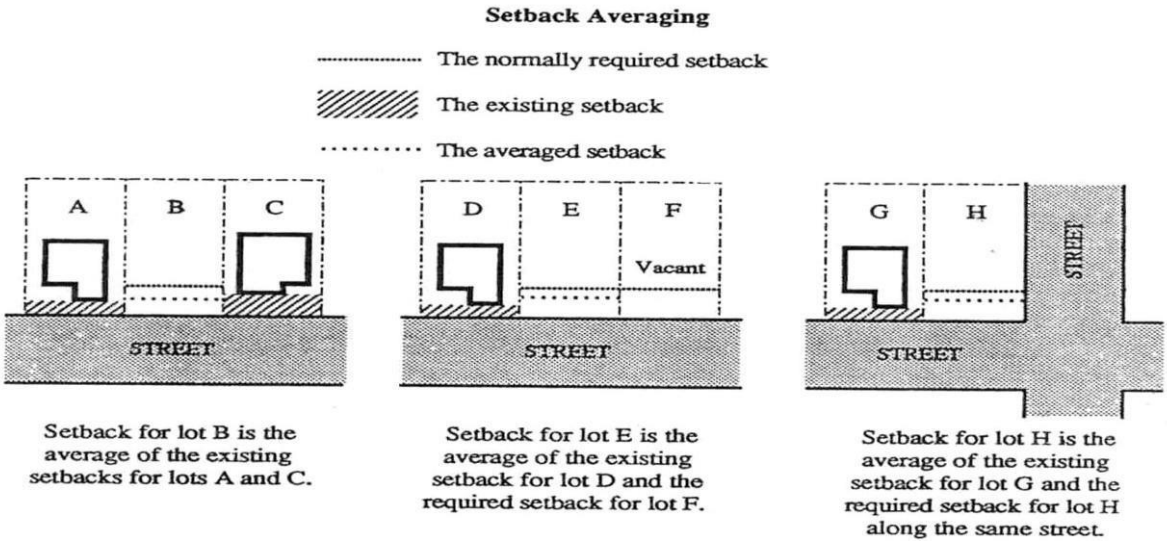
B. Residential use in Commercial or industrial Zoning Districts. Any structure in a "C" or "I" District designed and used for residential purposes shall comply with the requirements of the R-O District. Structures in any "C" or "I" District which contain dwelling units not on the ground floor need not comply with residential district yard requirements, provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

C. <u>Front Yard Exceptions</u>. The following exceptions to the front yard requirements are

authorized for a lot in any zone district:

1) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone district, the front yard of the lot may equal the average front yard of the abutting lots.

2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone district, the front yard for the lot may equal a depth halfway between the depth of the abutting lot and the required front yard depth.



D. Structures Within Yards. Decks, walkways or uncovered porches, 12 inches or less in height above grade, may be located within a required yard no closer than five (5) feet from the property line.

E. Portable accessory structure or object.

1. Portable accessory structures or objects may be located in a rear yard or street-side yard setback provided all of the following are met:

a. Such structures or objects, with the exception of basketball hoops, shall be less than 10’ in height. Basketball hoops shall be less than 20’ in height; and

b. Shall have structural walls located no closer than five (5) feet from the property line; and

c. Shall have a footprint of less than 200 square feet.

7. Authorization for Similar Uses. The Planning Commission may rule by resolution that a use, not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the allowed uses.

8. Existing Uses. Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this ordinance, may be continued even though such use, building or structure may not conform to the provisions of the original Zoning Ordinance dated July 28, 1980,

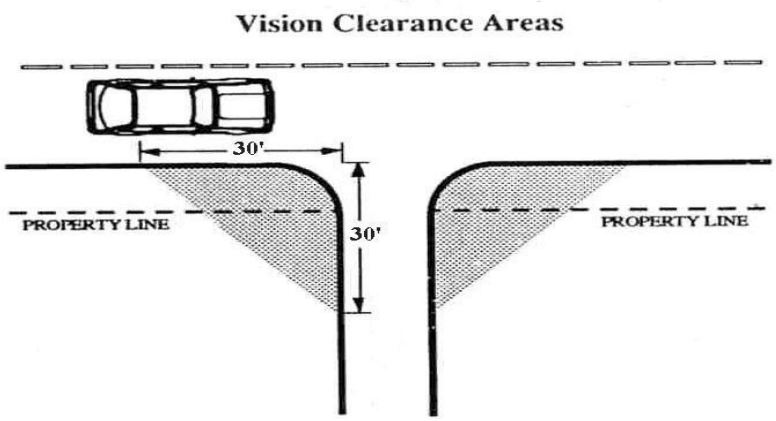
for the district in which it is located; provided however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect. Any change of use shall be subject to the applicable provisions of this Development Code.

9. Pending Building Permits. Nothing herein shall require any change in the location, site plans, building plans, construction, size, or designated use of any development, building, structure or part thereof, for which the required official approval has been granted prior to the adoption of the original Zoning Ordinance dated July 28, 1980, or which was lawfully permitted within an area prior to annexation thereof to the City of Tillamook. Unless construction on such building or structure within the City begins within one (1) year after the adoption of the original Zoning Ordinance dated July 28, 1980, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Development Code.

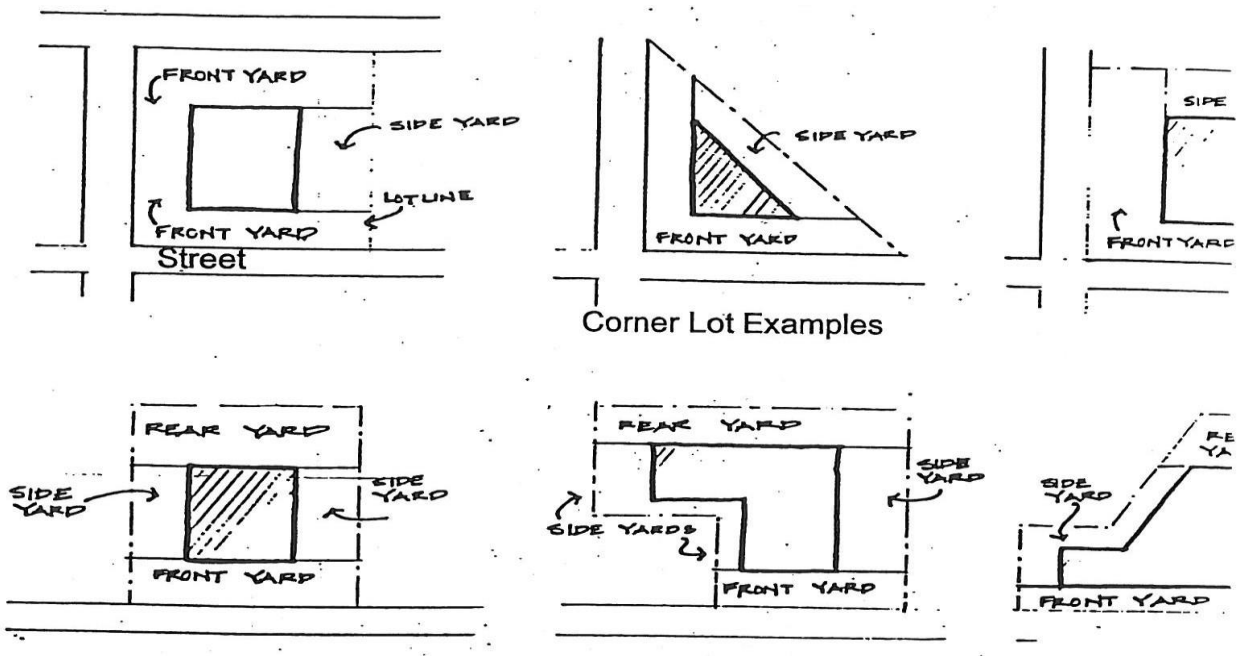
10. Existing Land Restrictions. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Ordinance imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

11. The following illustrations are provided for further description.

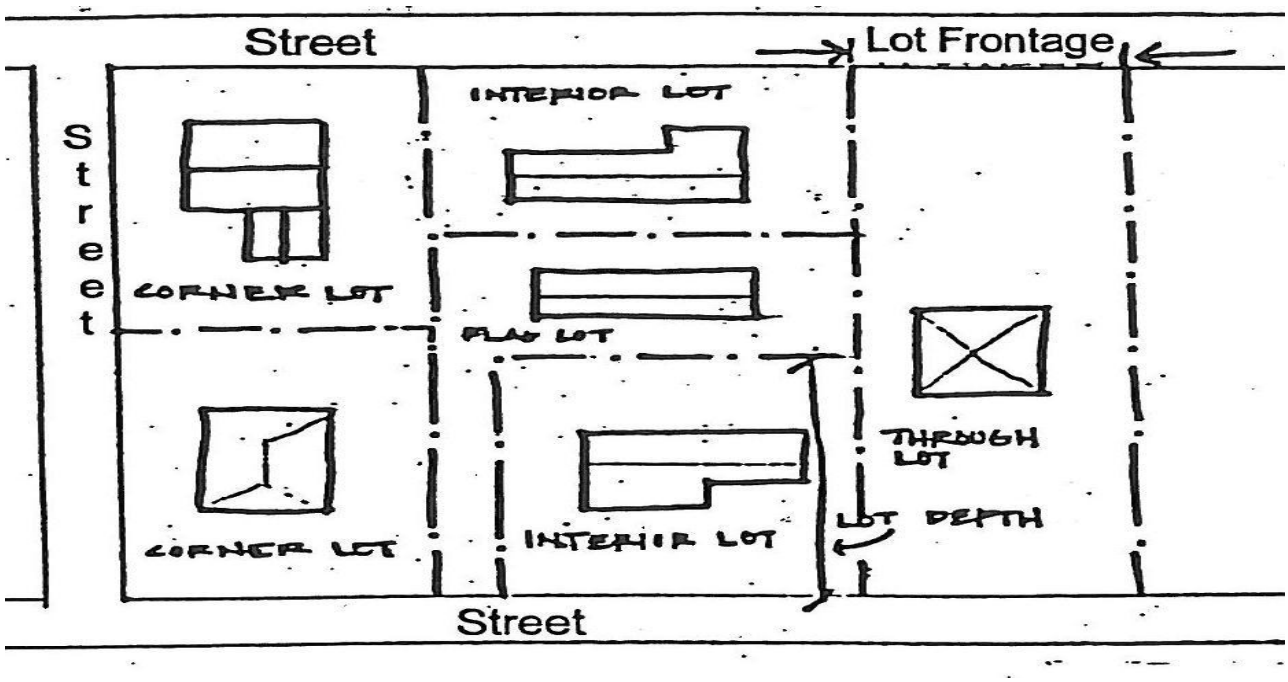
    A. Clear Vision Area



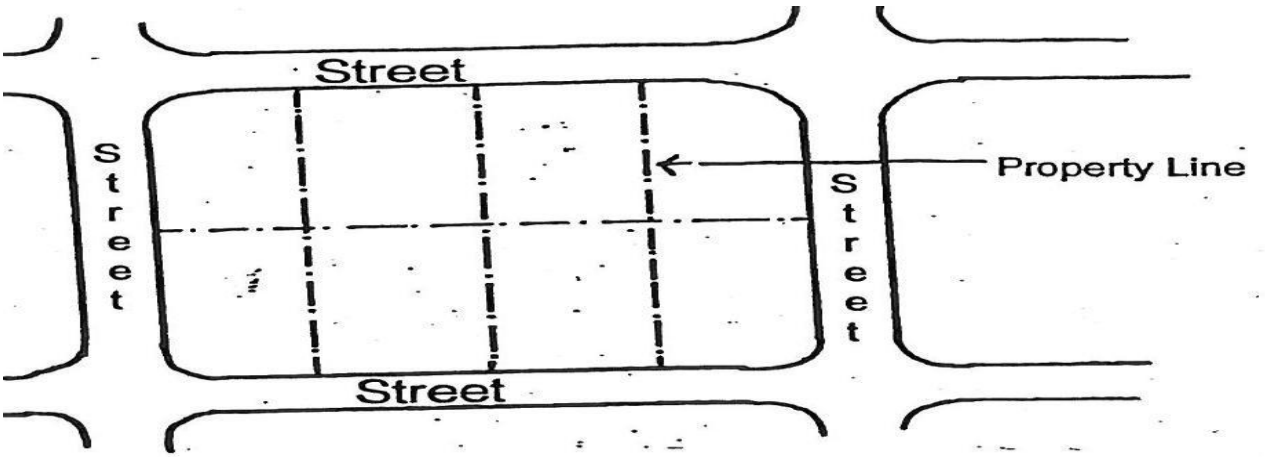
B. Yards.



C. Lots.



D. Block.



§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

1. Purpose. The purpose and intent of the Development Standards is to bring those projects involving building design and the development of land under special review where development impacts that may cause a conflict between uses in the same adjoining district are be minimized, and to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the city, and to support the promotion and maintenance of healthful and safe conditions upon surrounding properties and neighborhoods, thereby affecting the public health, safety, and general welfare. Review of Site Plans is intended to promote functional, safe, and attractive developments, which maximize compatibility with surrounding developments and uses and with the natural environment. Review of Site Plans mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Review of Site Plans focuses on the layout of a proposed development, including building placement, setbacks, location of parking areas, pedestrian access, external storage areas, external lighting, open areas, and landscaping.

2. Scope. The provisions of this Section shall be applicable to:

   A. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City of Tillamook

   B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual, or which may be required by the City in association with other development approvals.

   C. The construction or modification of any utilities or sidewalks or private street easements with the provision of an adequate area for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way and for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

   D. The provisions of this Section shall apply to all land partitions and subdivisions, planned unit developments, conditional use permits, multi-family dwelling developments, multiple use structures and development, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

3. Modification of these Site Development Standards.

   A. The application of these standards to a particular development shall be modified as follows:

      1) Development standards, which are unique to a particular use, or special use, shall be set forth within the district or in that section governing the use.

      2) Those development standards which are unique to a particular district shall be set forth

in the Section governing that district.

4. Public Works Design Standards.

   A. All developments will comply with any applicable portions of the most current city design and public facilities standards.

   B. Application of Public Works Design Standards. Standards for the provision and utilization of public facilities or services available within the City of Tillamook shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation.

Public Facilities Improvement Requirements Table

	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drainage	Street Lights
Single Family Dwelling & Duplex	**No**	**C-2**	**Yes**	**Yes**	**Yes**	**No**
Multi-family Dwelling	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
New Commercial Building	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Commercial Expansion	**C-1**	**C-3**	**Yes**	**Yes**	**Yes**	**Yes**
New Industrial Building	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Industrial Expansion	**C-1**	**C-3**	**Yes**	**Yes**	**Yes**	**Yes**
~~Major & Minor~~ Partition, **Yes**		**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Subdivisions, PUD, and Manufactured Home Park		**Yes**	**Yes**	**Yes**	**Yes**	**Yes**

Legend: **No** ‘ Not required; **Yes** Required;

C ‘ Conditional, as noted:
C-1. Fire Hydrants for Commercial or Industrial Expansions
One or more fire hydrants are required when the total floor area of a new or expanded building exceeds 2,500 square feet, or the proposed use is classified as Hazardous (H) in the Uniform Building Code c Uniform Fire Code.
C-2. Street Improvements for Single Family Dwellings & Duplexes
New single-family dwellings & duplexes, which require a street extension, must provide street improvements to City street standards.
C-3. Street Improvements for Commercial or Industrial Expansions
Lots fronting on County roads must obtain access permits from the Tillamook County Public Works Department.
The City will require improvement to full City standards when the use meets any of the following criteria:
a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the ***most recent*** Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

5. Standards for Improvements. In addition to other requirements, all improvements shall conform to the requirements of this Ordinance and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure:

   A. Improvement work including excavation, clearing of trees or other work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. All plans shall be prepared in accordance with requirements of the city.

   B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.

C. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction, which warrant such change in the interests of the city.

D. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

E. Fire Hydrant standards

1. The maximum distance between a new primary building and the nearest Fire Hydrant shall be 250 feet for residential development and 150 feet for commercial development. If the above standards cannot be met, the installation of an additional hydrant that would satisfy the applicable standard shall be required of the applicant.

2. Hydrants shall have a 250 foot maximum spacing between hydrants. Any such new Fire Hydrant shall have a minimum flow of 1,000 gallons per minute and shall be on a minimum 8-inch waterline. All other specifications not listed must be engineered to meet American Insurance Association (A. I. A.) or N. F. P.A. standards.

F. Utility Standards

1. All new electric, telephone, and cable connections are subject to approval by the City Public Works Supervisor and shall be placed underground.

2. Utilities shall be restricted to one side of the street in new developments, or the closest side of the utility must be at least 10 feet from where trees are to be planted. Utilities should be in areas of compacted soils, such as under roadbeds or sidewalks, to discourage roots in the utility zone. Where underground utilities cannot avoid being placed within the drip line of resource trees, tunneling, a minimum of two feet in depth, or hand digging trenches with all roots one inch or larger left intact and smaller roots cleanly cut on the tree side of the trench, shall be the means of installing these utility lines.

3. Service lines from the right-of-way shall be located as far as possible from all trees or designated tree planting locations. If utilities must be placed within drip lines of significant or heritage trees, lines shall be tunneled at a minimum of two feet in depth (keeping as far from the tree trunk as possible, but in no circumstance within five feet of the tree trunk).

4. For a period of four years after the overlay or reconstruction of a City street, there shall be no cutting of the pavement for the installation of utilities lines without the approval of the City's Public Works Committee.

G. Grading standards.

The grading of the street right-of-way and lot constructed at the time of the subdivision or development construction shall be under the supervision of an engineer, geologist, or landscape architect who is knowledgeable and skilled in the treatment of soils, soil stabilization and soil erosion. Due consideration shall be given to the existing terrain, cross slope and vegetation. Excessive grading of the right-of-way or the lot areas or removal of large amounts of vegetation will not be permitted. Approval of the grading plan by the city engineer and the planning commission shall be given prior to any construction.

6. Improvement Requirements.
Improvements to be installed at the expense of the applicant or land owner and at the time of development, subdivision or partition:

A. Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the Subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.

B. Drainage System. If any portion of any land proposed for development is subject to flood hazard, poor drainage, or geologic hazards an adequate system of drainage must be provided, and may include storm drains, retention ponds, dikes, or pumps.

C. Structures. Structures specified as necessary by the city for drainage, access and public safety, shall be installed.

D. Sidewalks. Sidewalks shall be installed to conform to city standards unless a variance has been granted by the City Council.

E. Sewers. Sanitary sewer facilities connecting with the existing city sewer system and storm water sewers, of design, layout and location approved by the Tillamook City Public Works Design Standards shall be installed.

F. Water. Water mains and fire hydrants of design, layout and location approved by the city shall be installed.

G. Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the city.

H. Street Name Signs. All streets shall be legibly marked with street names signs not less than two (2) in number at each intersection, according to specifications furnished by the City.

I. Improvements of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.

J. Underground Utilities. All utilities shall be installed underground, ~~if~~ unless determined to be economically infeasible upon review by the Planning Commission.

7. Storm Drainage.

A. Plan for Storm Drainage and Erosion Control .

1) No construction of any facilities in a development shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City. Due to its percolation and absorption properties which help to slow and dissipate storm runoff, open space is hereby regarded as a public facility and a valuable aspect of the City's infrastructure. This plan shall contain at a minimum:

a. The methods to be used to minimize the amount of runoff, filtration, and pollution created from the development both during and after construction.

b. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans.

c. Calculations used by the engineer in sizing storm drainage facilities.

2) General Standards: All development shall be planned, designed, constructed and maintained to conform to the standards described in the City Stormwater Master Plan and the City Public Works Standards to:

a. Protect and preserve existing natural drainage channels identified on the City Stormwater Master Plan. Protection shall be assured by not altering existing channels and providing a 20 foot setback from the banks of the existing channel.

1. Exceptions include the continuation of existing practices and development already within the 20 foot setback, emergency repairs to the drainage channel and routine maintenance or replacement of existing facilities as approved by the City Public Works Director;

b. Protect development from flood hazards as required in §153.037 of the Ordinance;

c. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

d. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, pleasing of grading;

e. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;

f. Provide dry wells, French drains, or similar methods, as necessary to supplement

storm drainage systems;

g. Avoid placement of surface detention or retention facilities in road rights-of-way. In order to prevent degradation of a natural watercourse, the City may require the watercourse to be bridged or spanned.

3) In the event a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.

4) Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.

5) Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be born by the developer.

8. Utility Lines and Facilities.

A. Standards.

1) The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.

2) All development, which has a need for water service, shall install water facilities and grant necessary easements pursuant to the requirements of the City.

3) All development, which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

4) All development, which has a need for public/private sanitary sewers, shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. No storm drainage conveyances shall be outlet or connected to the City's sanitary sewer system.

5) All land divisions or other development requiring subsurface disposal systems shall be prohibited except for:

a. Development of land divisions shall conform to the requirements of that district.

b. Parcels which have unique topographic or other natural features, which make sewer extension impractical as, determined on a case-by case basis by the City Public Works Director.

6) All developments proposing sub-surface sewage disposal shall receive approval for the system from the City of Tillamook. Said systems shall be installed pursuant to ORS 454.605 and 454.745 and Chapters 171, 523 and 828, and the Oregon Administrative Rules 340, Division 7.

B. Utility Easements. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes, shall be dedicated, reserved or granted by the land developer in widths not less than five feet on each side of rear lots or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, of lesser width as approved by the City.

9. Access Management. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as required by the City of Tillamook Transportation System Plan (TSP).

A. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

B. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, alley access is preferred.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below.

C. Subdivisions Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

D. Through Lots and Parcels. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be

provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Open Space Land Use District (O District); Single Family Residential (R 7.5 and R-5.0); Multiple Use Residential (R-O); Neighborhood Commercial District (C-N); Highway Commercial District (C-H); Central Commercial District (C-C District); Town Center District (TC); Light Industrial (I-L); General Industrial (I-G) unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in these zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

E. Access Spacing: Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 10 feet] separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e. streets not designated as collectors or arterials).

2. Collector Streets. Access spacing on collector, and at controlled intersections (i.e. with four-way stop sign or traffic signal shall be 50 feet for a collector.

3. Arterials. Access spacing on arterial streets, and at controlled intersections (i.e. with four-way stop sign or traffic signal shall be 100 feet. Access to Highway 101 shall be subject to the applicable standards and policies contained in the Oregon Highway Plan.

4. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection '6', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

10. <u>Land for Public Purposes.</u>

A. The City Planning Commission or City Manager Designate, may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the city has an interest or has been advised of interest on the part of the state highway commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

B. The City planning commission may require the dedication of suitable areas for parks, playgrounds, and transportation rights-of-way, subject to rough proportionality with the

impacts being created.

11. Minimum Street Standards for the creation of roads, easements and rights-of-way. Please refer to the most recently adopted City design standards. All streets shall be graded for the appropriate development standard. The developer shall improve the extension of all streets to the centerline of existing streets with which subdivision or development streets intersect.

    A. General. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of the land to be served by the streets and to the comprehensive plan adopted by the city. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. The arrangement of streets in a subdivision shall either:

        l. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
        2. Conform to the City Comprehensive Plan to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

    B. Minimum right-of-way. Unless otherwise indicated in the Comprehensive Plan, the widths of the streets, alleys, and other public ways, in feet, shall comply with the requirements of the standard drawings in the City of Tillamook's Transportation Systems Plan (TSP). Where existing conditions of topography or the size and shape of land parcels, or other like physical conditions, make it otherwise impractical to provide buildable lots, the planning commission may accept a narrower right-of-way with suitable allowance for increased width at strategic locations for turning lanes, parking bays, or similar special design features.

    C. Reserve strips. Reserve strips or street plugs controlling the access to streets shall be required for the protection of the public welfare and for substantial property rights. The control and disposal of the land composing such strips or street plugs shall be placed within the jurisdiction of the city, by deed, under conditions approved by the planning commission or city council.

    D. Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of the streets.

    E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision or development. Reserve strips and street plugs shall be required to preserve the objectives of street extension. The planning commission may require the improvement of a suitable turnaround at the temporary dead end.

    F. Intersection angles. Streets shall be laid out to intersect at 90 degrees, except where topography requires a lesser angle, but in no case less than 60 degrees. Streets shall have at

least 30 feet of tangent adjacent to the intersection unless the topography justifies a lesser distance.

G. Intersection corner rounding. The property line at each block corner shall be rounded with a curve adequate to allow a radius of not less than 25 feet at the edge of road surface and provide utility and sidewalk space. A greater radius at the edge and corresponding block corner radius may be required if the streets intersect at other than right angles.

H. Curve radius. Centerline radii of curves shall be not less than 300 feet on arterial streets, 200 feet on collector streets or 100 feet on all other streets and shall be to an even 10 feet.

I. Grades. No street or highway shall have a grade of more than twelve percent (12%) unless, because of topographical conditions, the planning commission determines that a grade in excess of twelve percent is necessary.

J. Half-streets. Half-streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the development of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs shall be required to preserve the objectives of the half-streets.

K. Cul-de-sac. A cul-de-sac, while generally not acceptable, may be approved when essential to the reasonable development of the project, when in conformity with the other requirements of these regulations, and shall be as short as possible.

a. Cul-de-sacs shall only be allowed when one or more of the following conditions exist:

- Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes (greater than 20% grade) wetlands or other bodies or water where a connection could not reasonably be provided.

- Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

- Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the City's Transportation System Plan, which precluded a required street connection.

b. Cul-de-sacs shall have maximum lengths of 600 feet. All cul-de-sacs shall terminate with circular turnarounds.

c. Cul-de-sacs or dead end hammerhead streets shall be connected with walking or bicycle paths in accordance with Section 15, Pedestrian and Bicycle Access and Circulation.

L. Existing streets. Whenever existing streets adjacent to or within a proposed development

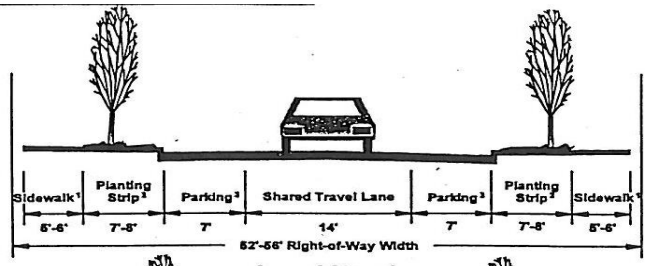
area are of inadequate width, additional right-of-way shall be provided at the time of development. No street with pavement less than two years old shall be cut to install any utilities unless approval is given by the City Public Works Director.

M. Street names. No street name shall be used which will duplicate or be confused with the names of existing streets in Tillamook and vicinity except for extensions of existing streets. Streets which are an extension of, or are in alignment with, existing streets shall have the same name as the existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.

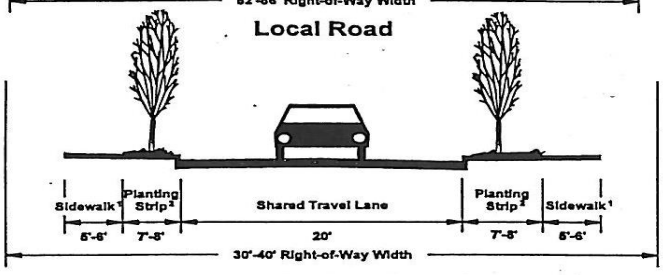
N. Marginal access streets. Where a subdivision or development abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the front, rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

O. Alleys. Alleys are encouraged where feasible.

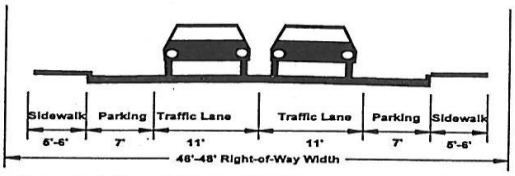
P. The following cross-section drawings show the standards for each type of roadway in the City.



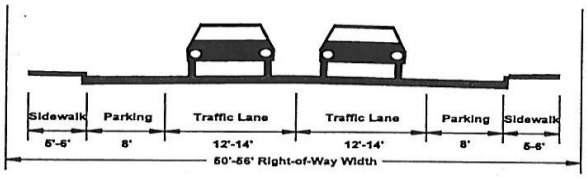
Local Road



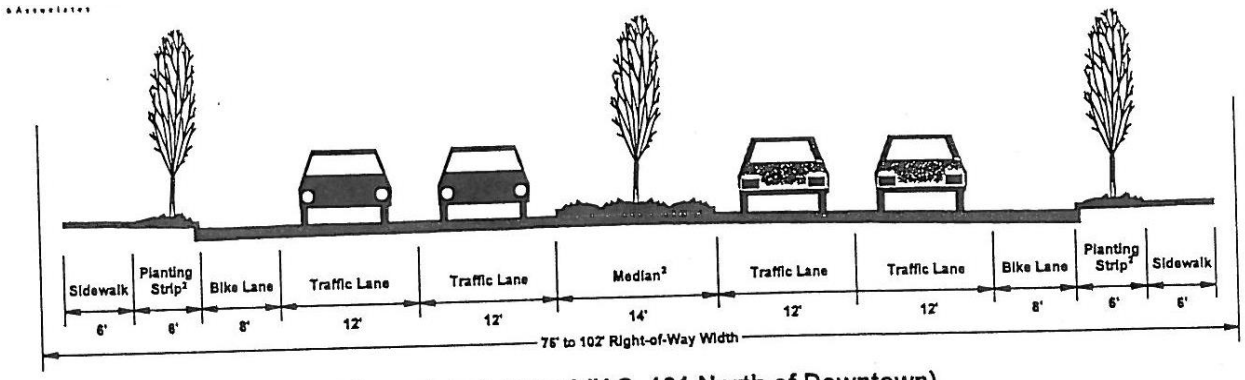
Alternative Local Road[4]



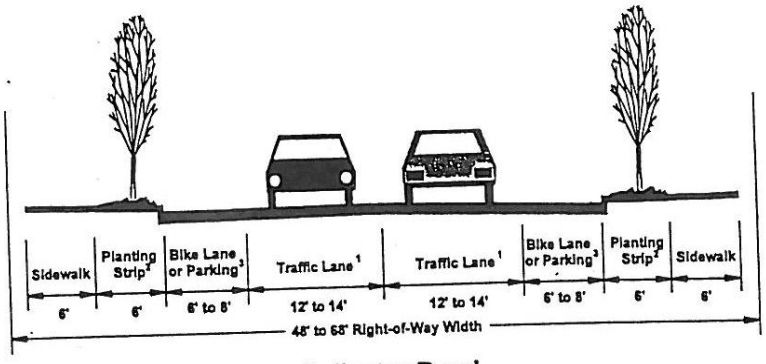
2-Lane Arterial Road (U.S. 101 Downtown - Main Avenue)[1]



2-Lane Arterial Road (U.S. 101 Downtown - Pacific Avenue)



4-Lane Arterial Road (U.S. 101 North of Downtown)



Collector Road

12. <u>Approval of streets and ways.</u>

A. Creation of streets.

1. The creation of a street shall be in conformance with the requirements for the development, except that the planning commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to a development when the planning commission has sufficient assurance that the proposed street or enlargement thereof shall be improved to city standards and when the City Planning Commission finds any of the following conditions exist:

   a. The establishment of the street, or, the extension or widening thereof, is initiated by the city council and declared essential for the purpose of general traffic circulation and the partitioning of land is of incidental effect rather than the primary objective of the street.

   b. The tract in which the street is to be dedicated is an isolated township of one (1) acre or less.

2. In those cases where approval of a street may be given without full compliance with the regulations applicable to developments, a copy of the proposed deed shall be submitted to the city at least five (5) days prior to the planning commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the City Planning Commission and if not in conflict with the standards of these regulations, shall be approved with conditions necessary to preserve these

standards. Upon approval, the City Planning Commission shall forward the said deed to the City Council with recommendations that the same be accepted, and with further recommendations as to the improvement requirements and assurance thereof which the planning commission recommends as a condition to acceptance of this street.

B. Before Finalization and acceptance of any site plan approval, conditional use permit, planned unit development, final plat of a subdivision, final map of a partition; commercial and industrial site development, multi-family dwellings and multiple use structure development, the applicant shall install required street and sidewalk improvements and repair existing streets and other existing public facilities damaged in the development of the property.

13. Blocks

A. General. The length, width and shape of blocks shall be designed with due regard to providing building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of the limitations and opportunities of topography.

B. Maximum Block Size. In commercial - Neighborhood Commercial (C-N), Town Center (TC), and Central Commercial (C-C)), the maximum block length along Local and Collector streets shall be 500 ft. In all other zones, block length along Local and Collector streets shall not exceed 600 feet between street corner lines of rectilinear developments unless it is adjacent to an arterial street or unless the topography of the location of adjoining streets justified as exception. Along an Arterial street, the maximum block length shall be 1,800 feet.

C. Minimum Block size along Arterial streets. The recommended minimum length of blocks along an arterial street is 1,000 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

14. Lots.

A. Size and shape. Lot size, shape, width and orientation shall be appropriate for the location of the subdivision or development, solar orientation and for the type of use contemplated. The width of every lot shall comply with the requirements of the zoning ordinance. Lots shall have an average depth of not less than 100 feet unless existing conditions or topographic conditions make it mandatory that lots be reduced in depth, in which case the lot depth may not be less than 80 feet. These minimum standards shall apply with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot size-shall be increased to conform with the requirements of the Tillamook County Health Department and shall take into consideration problems of water supply and sewage disposal.

2. Where property is zoned and planned for industrial or commercial use, other

standards may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3. The lot layout shall be in agreement with the area designations shown on the adopted Comprehensive Plan.

B. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot faces.

15. Site and Building Design: The site and building design standards as listed in each of the City of Tillamook zone districts are required.

A. Siting Standards: All new buildings should face the street except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property. Primary ground floor entrances must orient to streets and/or the pedestrian entrance shall be the visually predominant entrance. The original topography and grade of building sites should be maintained.

B. Signs. As per §153.053.

C. Historic Resources

1) Sites currently listed on the Statewide Inventory of Historic Sites and Buildings, as well as any future sites of historic importance, shall be subject to additional site review criteria.

2) In addition to the requirements of this section, any demolition, interior remodeling or alterations to an historic building, or development of an historic site shall be subject to an additional public hearing. At the time of mailing of the public notice, the City shall give 45 day notice to the State Historical Preservation Office and local historic interest groups of the proposed development in order to determine an appropriate course of action. The testimony of these groups shall be included in the staff report to the Planning Commission.

16. Pedestrian and Bicycle Access and Circulation

A. Purpose. The primary pedestrian and bicycle circulation plan is addressed in the City's adopted Transportation System Plan (TSP). The TSP provides for a Pedestrian System Plan and a Bicycle System Plan to ensure safe, direct and convenient pedestrian and bicycle circulation. New streets should be constructed to the standards specified in the TSP to allow for pedestrian and bicycle access. New development, as stated in section 4 of these development standards, shall provide a continuous pedestrian and/or multi-use pathway system. The placement of a sidewalk or pathway along the frontage(s) of a subject property is required. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections (a) and (b) below:

B. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of City Ordinances, Streets, and the Standards and Specifications document for the City.

C. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

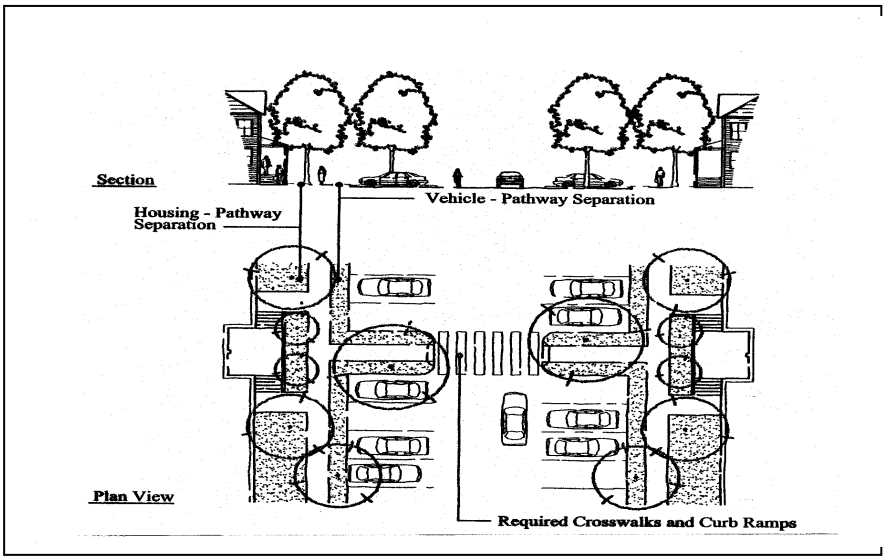
D. Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of this section. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of this section. Pathways used to comply with these standards shall conform to the criteria listed in each zone.

E. Design and Construction. Pathways shall conform to with the City's most current design standards and all of the standards in 1 & 2 below:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Pathway Surface.
   a. Pedestrian Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements.
   b. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials as listed in "a" above, at least 6 feet wide, and shall conform to ADA requirements. (See also, City of Tillamook Street and Storm Drainage Design Standards Section 3.02, Walks, Ramps, Driveways and Curb Cuts. No matter which surface is utilized, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators.

Figure 22-17 - Pathway Standards



3. Unless the pathway is shared between adjacent property owners, a minimum of five (5) feet between the pathway surface and the property line is required.

4. All pathways shall be completed as part of development, not delayed to coincide with individual building/housing construction.

F. Utility Service.

1) It shall be required that electric, telephone and other utility lines shall be located underground except if conditions such as topography or other circumstances over which the applicant has no control apply to the property.

2) Utility lines and installations remaining above the ground shall be located to the rear of the site so as to have a harmonious relationship to adjacent and abutting properties and the site.

3) Solid waste disposal containers shall be screened and placed away from public view in an area~~s~~ as indicated in site plan (as per subsection 6b(6).

G. Agricultural Buffering

1) All rear lot lines abutting the Tillamook County F-1 Zone shall be fenced.

2) A 20 foot setback and additional landscaping shall be required to avoid conflicting uses for agricultural protection except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property.

3) In conjunction with the abutting or adjacent Tillamook County F-1 Zone, as part of the requirements for development, the following declaratory statement be entered into the building permit and chain of title.

"The subject property is located adjacent to or abutting an area designated by Tillamook County and recognized by Tillamook City for agricultural uses. Accepted farm practices in these adjacent or abutting areas may create inconvenience for the owners of adjacent properties. However, Tillamook City does not consider it the agricultural operator's responsibility to modify farm practices to accommodate owners or occupants of surrounding property, with the exception of such operator's violation of existing federal and state or local laws."

H. Wetlands Planning Area

1) The intent of this subsection is to provide adequate protection for environmentally sensitive areas in all zones within the UGB. Areas of concern include perennial streams, sloughs, rivers, and wetlands with their associated fish and wildlife species and riparian wetland vegetation. The location of these areas is shown in the "Wetland Planning Map for the City of Tillamook City", adopted herein by this reference.

2) In the event of a proposed development within a wetland or setback area, a copy of the proposed development as per §153.051 5(a-g) will be submitted to the O.D.F.W. for review.

3) O.D.F.W. shall have a 30-day review period from the date of application in which to provide written comments and recommendations on the proposed development. During this review period, no site alteration shall be allowed to take place. The recommendations issued by the O.D.F.W. will be presented as part of the staff recommendation and shall be followed by the appropriate reviewing body in determining the appropriate development action.

I. Agreement for improvements. Before the Planning Commission's approval is certified on the final plat, the developer shall either install the required subdivision improvements in accordance with the plans and specifications hereunder, or shall execute and file with the city recorder an agreement between themselves and the city, accompanied by a bond complying with the requirements below, guaranteeing the installation of the said subdivision improvements and specifying a period within which the same shall be completed in accordance with the plans and specifications approved under this Section and providing that if they fail to complete such work within such period the city may complete the same and recover the full cost and expense thereof from the developer or their surety. The agreement shall also provide for reimbursement of the city by the developer for the cost of inspection by the city engineer, and for the placing of any required monuments which have been deferred until after improvements. Such agreement shall be in form approved by the city attorney and may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

J. Construction plans. Construction drawings certified by a licensed civil engineer prepared on 24" x 36" base material showing in detail all improvements required to be constructed including, but not limited to, streets, curbs and gutters, storm sewers, sanitary sewers, water distribution system, street tree locations, street lights and monuments, shall be submitted to the city engineer who shall examine the same prior to conditional approval of the final map by the Planner. Upon finding that the drawings conform with applicable city codes and other construction requirements for such improvements and are in accord with sound engineering principles and practices, the engineer shall submit the said plans to the Planner for approval. No alteration or change of the construction drawings shall be made by the developer or the city without the express mutual consent of both parties. No construction shall be started prior to approval of said plans and specifications by the Planner. On completion of the construction the developer shall submit to the city engineer a complete set of "as built" drawings, in the manner prescribed by law.

K. Improvement procedures. In addition to other requirements, subdivision or development improvements installed by the developer shall conform to the requirements of this section and improvements standards and specifications adopted by the city, and where there is no requirement or specification expressly set forth in this code or adopted by the city relating to any such improvement or part thereof, the developer shall have the right to employ the standards and specifications prepared by the American Public Works Association. The improvements shall be installed in accordance with the following procedure:

1. Work shall not begin until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision or development proposal, the plans shall be required before the approval of the final plat.

2. Work shall not begin until the city has been notified in advance. If work has been discontinued for any reason for a period of one year, it shall not be resumed until the city has been notified.

3. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arise during the construction to warrant the change in the public interest. The city reserves the right to:

    a. Require the developer to provide supervision of the improvements by a qualified engineer, or

    b. Require the developer to deposit three percent of the anticipated construction costs to be applied to the retention of a supervising engineer. Said deposit shall be applied to the cost of the supervising engineer; if the cost exceeds three percent the developer shall pay the additional; if it is less than the three percent a refund will be made to the developer. When the developer's engineer performs the inspection, a certification of construction inspection shall be issued with the "as built" drawings.

4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made. Storm sewers that are required as a result of a drainage study prepared by a registered professional engineer, shall be installed by the developer.

5. A reproducible map showing all public improvements as built shall be filed with the city upon completion of said improvements.

6. "As built" drawings of all improvements constructed within the development.-Said drawings shall define the exact location of all underground utilities and surface drainage as they were constructed. The location of such utilities shall be determined by the developer at the time of construction and independent of the utility company's records. When utilities cross permanent structures such as sidewalks or curbs the location of the utility shall be indicated on the permanent structure.

17. <u>Bonding and assurances</u>.

A. On all projects where public improvements are required:

1. To assure full and faithful performance of the improvement agreement, the developer shall file with the said agreement a personal undertaking signed by all persons having a

beneficial interest in the subject property, which undertaking shall be approved in form by the city attorney and shall be one of the following:

a. Co-signed by at least one additional person who shall not be related to the developer by blood or consanguinity. The developer and co-signer shall submit evidence of financial responsibility in affidavit form which satisfies the city that the financial resources of the surety signing the bond provide reasonable assurance of the ability of the developer to proceed in accordance with the agreement; or

b. Co-signed by a surety company authorized to transact business in the state of Oregon, or,

c. Secured by the deposit of cash or cashier's check, governmental bearer bonds or other like cash security available to the city in case of default in the undertaking, the deposit to be in the penal amount of the bond or

d. A letter of assignment from an authorized financial institution. Letter of assignment shall be held in force by the city until improvements are deemed complete by the city. The city shall have access to funds guaranteed by the letter of assignment in case of default in the undertaking and said letter of assignment shall only be terminated with approval of the City;

2. Approve and release such bonds upon the completion of the project. A portion of a bond may be released as components of the project are completed;

3. Require a development agreement containing the conditions of approval to be signed by the developer and recorded with Tillamook County;

4. Require the applicant execute and file with the City Manager an agreement between himself/herself and the City specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within that period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amount from the land developer.

   a) The agreement shall also provide the reimbursement of the City for the cost of inspection by the City of the improvements to be installed.

   b) The agreement may also provide for the construction and improvements to be completed in units and for an extension of time under the conditions therein specified

B. The bond shall be released when the city finds the completed project conforms to the approved site development plan and all conditions of approval are satisfied. In the event the developer shall fail to complete all improvement work in accordance with the provisions of this code and the city shall have completed same, or if the developer shall fail to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the

development of the project, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the city, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the city, the developer shall be liable to the city for such difference.

C. Landscaping shall be installed within six months of issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the planner is filed with the city, assuring such installation within six months after occupancy.

1. Security may consist of a faithful performance bond payable to the city, cash, certified check or such other assurance of completion approved by the city; and

2. If the installation of the landscaping is not completed within the six-month period, the security may be used by the city to complete the installation.

D. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a city business license prior to initiating business.

E. Guarantee. The developer shall guarantee all materials and equipment furnished and work performed against any defect in materials and workmanship which becomes evident within three (3) years after the acceptance of the work by the city. A warranty bond shall be submitted to the City shall in the amount of 20 percent of total project cost and remain in full force and effect during the guaranty period and correction of any faulty work shall be promptly executed by the developer, or, if corrected by the city, shall be the responsibility of the surety. In the case of a cash deposit the city council may determine, upon completion of the improvement, whether all or a reasonable part of the deposit should be retained as a reasonable security for such guarantee.

§153.052 PROVISIONS APPLYING TO SPECIAL USES

1. Purpose: The purpose of this section is to establish limitations for special land uses which have been identified because of particular characteristics. These characteristics, for special uses, must be carefully regulated in terms of all development proposals. The standards in this section relate to the special characteristics of the uses identified in this section and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Development code. In the event that the standards contained in this section differ from other applicable standards of this Development code, the more stringent standards shall prevail.

2. Automobile Service Stations. In addition to other standards of this Development code, automobile service stations, where permitted outright or as a conditional use, shall comply with the provisions of this section. Service stations shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with the appropriate district regulations.

   A. A sight-obscuring fence or wall not less than five (5) feet nor more than six (6) feet in height shall be provided between the service station and abutting property in an R-7.5, R-5.0 or R-O District. Said wall or fence shall be reduced to a three foot maximum in any required front yard setback.

   B. All lighting shall be of such illumination, direction and color as not to create a nuisance on adjoining property or a traffic hazard.

   C. Vision clearance area as per §153.050 shall be required at all access points.

3. Animal Hospitals, Kennels, Breeding Grounds and Veterinary Clinics. A veterinary clinic, kennel, breeding ground or animal hospital shall not be located within 100 feet of a lot in any R-7.5, R-5.0 or R-O District, and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

4. Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries.

   A. Any building housing poultry or other smaller farm animals, such as coops, hutches, pens shall be located not less than twenty-five feet from every lot line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.

   B. All barns, corrals, stables and paddocks housing livestock and larger farm animals shall be located on the rear half of a lot and not closer than fifty feet to any property line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.

   C. The keeping of any farm animals shall be in buildings that fully comply with building and sanitary codes;

D. The keeping of any farm animals shall follow best animal husbandry practices as determined by OSU Extension services.

E. Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries Farm and Animal Husbandry is allowed in the following zone districts: OS, R-7.5, R-5.0, R-O, N-C, H-C, C-C, L-I, G-I.

5. Bed and Breakfast Establishments. A structure designed for a single-family residence where one (1) or more rooms are available for transient lodging and where a morning meal is provided to guests, staff and owners only. In addition to required parking per Section 25 of this development code, the additional parking spaces shall not be located in the front yard and must be asphalted. Signing shall be per §153.053 of this development code. All necessary State and County permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service, including compliance with OAR Chapter 333, Division 170. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood and the intent of the zoning district in which it is located, and with appropriate City approval where required. Such establishments shall be owner-operated and occupied.

6. Cemetery, Crematory, Mausoleum, Columbarium. A cemetery, crematory, mausoleum or columbarium shall have its principal access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space. Cemeteries located within any R-7.5, R-5.0 or R-O District or abutting such "R" District shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.

7. Churches, Hospitals or Other Religious or Charitable Institutions. In any R-7.5, R-5.0 or R-O District, all buildings shall be set back a minimum of 15 feet from a side or rear lot line and all off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.

8. Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots. A circus, carnival, animal ride, animal display or amusement ride or flea market may be permitted for a term not to exceed 30 days in a "C" or "I" District, except an N-C District, with the written approval of the City Manager and an approved Zoning Clearance Permit. Christmas tree sales lots may be permitted in an R-5.0 or R-O Zoning District after receiving permission in writing from the City Manager and an approved Zoning Clearance Permit. The City Manager may require suitable guarantees that any property used for said purposes shall be restored to a neat and orderly condition after termination of said uses. The City Manager's decision may be appealed to the Planning Commission through the General Appeals procedure set forth in §153.076.

9. Community Building, Social Halls, Lodges, Fraternal Organizations and Clubs in an R-7.5, R-5.0 or R-O District. All buildings shall be set back a minimum of 15 feet from a side or rear lot line; there shall be no external evidence of any incidental commercial activities taking place within the building. All off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.

10. Drive-In Theaters. Drive-in theaters shall be located only on an arterial street and shall provide ingress and egress so designed as to minimize traffic congestions, shall be so screened from an R-7.5, R-5.0 or R-O District or dwelling that any noise shall not disturb neighboring residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents, and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.

11. Electric Car Charging Station: shall meet parking stall standards listed in §153.054 of this development code.

12. Gardening (such as a Community or Allotment Garden)/Horticulture (such as field crops, orchards, berries, nursery or flower stock and other agricultural uses)/Animal Husbandry. Allowed for non-commercial purposes subject to the requirements of 23 (B-F) below. For small scale enterprises located in the R-0, R-7.5 or R-5.0 Zone District, temporary harvest time display and sale of agricultural products, primarily based on products raised or grown on the premises shall be subject to an application process with administrative approval. Limitation on commercial use may be required. For Urban Farming, see 23 of this section.

13. Home Occupation. A lawful commercial activity or occupation conducted within a dwelling and/or accessory building provided there is a dwelling on the property. Home occupations shall be a secondary/accessory use of the premises, permitted by right in all residential units, subject to the following standards:

    A. Appearance of Residence:

        1) The home occupation shall maintain the residential character of the building by assuring that the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

        2) The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

        3) The home occupation shall not violate any conditions of development approval (i.e. prior development permit approval)

        4) No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

        5) The home occupation shall not exceed 25% of the ground floor of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding;

        6) Babysitting/Day care facilities with twelve (12) or fewer children shall be considered a home occupation.

    B. Storage:

1) Outside storage and use of yard areas for storage of tools, equipment and materials, visible from the public right-of-way or from inside a residence located on adjacent properties, is prohibited.

2) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

3) Storage of inventory products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

4) Outside yard areas may be used for playground equipment for home occupations involving the care of children by a baby sitter or day care facility.

C. Employees:

1) The home occupation shall be operated by members of the family residing within the dwelling with no more than one (1) full time, non-family equivalent employee at the home occupation site at any given time.

2) Additional individuals may be employed by or associated with the home occupation, so long as they do not report to the home occupation site or pick-up at/deliver to the home.

3) The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs:

1) One (1) sign, according to §153.053 of this Development code, shall be allowed for the home occupation. In no case shall the sign exceed the size of three (3) square feet if inside or flush against the dwelling, or two (2) square feet if located elsewhere.

2) No visual advertisement signs specifically indicating the home occupation is anything more than a residential occurrence or advertising other products shall be allowed.

3) No stock in trade shall be displayed upon the home occupation site.

E. Vehicles, Parking and Traffic:

1) One (1) commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or another location on the home occupation site.

2) There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 6 p.m. to 7 a.m.

3) There shall be no more than one client or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

4) Parking for the business is to be the same as for the normal residential occupancy, with no additional parking for the establishment, either on, or off street. Traffic created by the business or customers of the business shall not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses.

F. Business Hours:

1) There shall be no restrictions on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 6 p.m. only, subject to A & E above and §153.054 of this Development code.

G. Prohibited Home Occupation Uses:

1) Any activity that produces radio or television interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.

2) Any activity involving on-site retail is prohibited, except the sale of items via telecommunications and mail, or that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business are allowed subject to A - F above.

3) Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration is prohibited, such as:

a) Ambulance service;

b) Animal hospital, veterinary services, kennels or animal boarding;

c) Auto and other vehicle repair, including auto painting;

d) Beauty shops;

e) Barber shops;

f) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;

H. Enforcement:

1) Non-Compliance. Any home occupation, which does not comply with the requirements of this Section and the provisions of the underlying district, shall be considered a

violation of this Development code and shall be subject to the penalties and remedies of §153.099.

2) All uses conducted on the subject property shall comply with all requirements of the Uniform Building Code, the Environmental Health Division and any other applicable state or federal laws.

I. Revocation. The permit for a home occupation may be revoked by the City Planner for a violation of any conditions above imposed or authorized, but the City Planner, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.

14. Housing for the Elderly or Handicapped. The purpose of this section is to establish standards for housing, developments for the elderly within the R-5.0, R-O and C-C Districts. Housing developments for the elderly shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with appropriate regulations.

A. The minimum lot area for single and two-family dwellings shall be 5,000 square feet. For each additional dwelling unit, the lot area shall be increased by 500 square feet. (This aspect cannot be changed once granted like the parking below can, so you may wish to rethink this one)

B. Off-street parking area ‘ .75 space per dwelling unit.
Improved off-street parking ‘ .33 space per dwelling unit.
As long as the multiple family development serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for the elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, the larger off-street parking area required in this section shall apply and shall be immediately improved and developed. In the event that the improved off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.

C. Site plan approval is required subject to the requirements of §153.073.

D. Proof is required that the development qualified for housing assistance under a Governmental Housing Program for elderly or handicapped persons.

15. Landing Strips for Aircraft, Heliports. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any district established by this Development code unless and until a Conditional Use Permit shall first have been secured.

16. Manufactured Home Standards on Individual Lots. A manufactured home permitted as a dwelling on an individual lot shall be in compliance with the following standards and regulations as a minimum. In such cases where the standards set forth in a specific zone are more restrictive, the more restrictive standards shall govern. In all zones where permitted on individual lots, manufactured homes shall meet the following special standards:

A. Be multi-sectional and enclose a space of not less than 1,000 square feet.

B. Have a roof with at least a pitch of 2 in 12.

C. Shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

D. The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

E. The owner of the manufactured home shall be the owner of the lot on which the manufactured home is located, except as approved by the Commission.

F. The manufactured home shall be provided with a bathroom, toilet, and bathtub or shower which are connected to running water and to the Tillamook City sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.

G. The manufactured home unit shall have the Oregon "Insignia of Compliance" as provided for by state law. All pre-owned and pre-occupied units (i.e. used) shall be inspected by the Building Official prior to installation and occupancy to insure compliance with applicable standards required for the "Insignia of Compliance" and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare to adjoining properties.

H. Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.

I. The manufactured home shall be placed upon and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturers' instructions approved by the State Department of Commerce, and all road and transient lights, wheels and the hitch shall be removed.

J. The manufactured home shall have a continuous perimeter of skirting that shall be composed of the same material and finished as the exterior of the manufactured home or of brick, concrete or masonry block within 30 days of placement of manufactured home. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.

K. All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.

L. All manufactured home accessory building and structures shall comply with Oregon State Department of Commerce and Tillamook City Construction and installation standards. Manufactured home accessory structures include porches and steps, awnings, cabanas, carports, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Roofing and siding materials shall be of similar material and color and complimentary to the existing manufactured home unit. Ramadas and cabanas are permitted.

M. The owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the City. In the event the owner fails to accomplish said work within 30 days from the date on which the manufactured home is moved from its foundation, the City may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation or on the original foundation as modified, or by another approved manufactured home within 30 days of the original unit's removal. Said lien may be initiated by the City Manager.

17. Manufactured Home Subdivisions.

A. A manufactured home subdivision shall be a subdivision created by sale of lots for the placement of manufactured homes in conjunction with traditional residences. A manufactured home subdivision shall be created to the standards of the Tillamook City land Division Standards Development code and all lots shall conform to the requirements of the applicable zoning district. In no case shall any manufactured home subdivision be of lesser standards than those specified for Manufactured Home Parks (See Section 3). Lots created in a Manufactured Home Subdivision which do not meet the standard lot area for traditional dwellings in a particular zoning district may be used only for a manufactured home and not for any other form of dwelling.

B. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants of a manufactured home or any other person in a manufactured home subdivision.

C. All streets in a Manufacture Home Subdivision shall conform to the standards specified in the Tillamook City Street Standards Ordinance.

18. Manufactured Dwelling Parks. A Manufactured Dwelling Park shall be for the rental of spaces for the siting of manufactured dwellings containing at least 500 square feet of space. A manufactured dwelling park shall be built to State standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

A. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by State law.

B. The space provided for each manufactured dwelling shall be provided with piped potable water and electrical and sewerage connections.
The number of spaces for manufactured dwellings shall not exceed twelve (12) for each acre of the total area in the manufactured dwelling park, except that the Commission may vary this density as follows:
   1) If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.

   2) If, in addition to No. 1, a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
   3) If, in addition to No. 1 and 2, an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible ‘ 25%).

C. A manufactured dwelling shall occupy not more than 40% of the contiguous space provided for the exclusive use of the occupants of the manufactured dwellings and exclusive use of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.

D. No manufactured dwelling in the park shall be located closer than 12 feet from another manufactured dwelling or from a general use building in the park. No manufactured dwelling accessory building or other building or structure on a manufactured dwelling space shall be closer than 10 feet from a manufactured dwelling accessory building or other building or structure on another manufactured dwelling space. No manufactured dwelling or other building or structure shall be within 20 feet of a public street, property boundary or 10 feet of another property boundary.

E. A manufactured dwelling permitted in the park shall be by the following standards as determined by an inspection by the building official.

   1) It shall have a State insignia indicating compliance with Oregon State Manufactured Dwelling Construction Standards in effect at the time of manufacture, and including compliance for reconstruction or equipment installation made after manufacture.

   2) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured dwelling shall meet the State standards for manufactured dwelling construction evidenced by the insignia.

   3) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

   4) It shall contain a bathroom, toilet, shower or tub, and sink in a kitchen or other food preparation space.

F. A manufactured dwelling permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet State standards for tie down devices.

G. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

H. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way into the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department and 9-1-1.

I. If a manufactured dwelling space or permanent structure in a park within the Urban Growth Boundary is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided with 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

J. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per manufactured dwelling space shall be provided for a recreational play area group or community activities. (no play area is required if the individual manufactured dwelling spaces contain in excess of 4,000 square feet.) The planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence standards. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use.

   No recreation facility created within a manufactured dwelling park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.

K. Parking space requirement. A parking space shall be provided for each manufactured dwelling space on the site. In addition, guest parking spaces shall also be provided in every manufactured dwelling park within 200 feet of the manufactured dwelling spaces served and at a ratio of one parking space for each two manufactured dwelling spaces.

L. All manufactured dwelling parks over 10 acres in size shall be located so as to have access on a street designated as a minor collector or higher order street.

M. All manufactured dwelling parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

N. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights 100 feet apart. Wire for service to light poles and manufactured dwelling spaces shall be underground, except in the Flood Hazard Overlay Zone where wires for service may be above ground as approved by the Commission.

O. Roadways within the park shall be paved and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway, and an adequate designated area is provided and improved for guest parking tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).

P. No manufactured home park shall be created on a site less than one acre.

19. Murals and Public Artwork.

A. A mural and public artwork may be located anywhere in the city provided it is first approved by the City Beautification Committee and then a City Zoning Clearance Permit is issued by the City Planner in accordance with the procedures and criteria listed in this section.

B. An application for a mural and/or public artwork shall be filed with the City Planning Department and shall include:

1. The name of the artist and work samples;

2. Description of the materials to comprise the mural and/or public artwork and manner of application;

3. A statement regarding the durability of the materials and safety concerns of any elements considering the location and positioning of the mural and/or public artwork; and

4. Plans and/or specification for the proposed mural and/or public artwork including a picture, graphic or other description.

5. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of the location of the mural or public art. Said notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.

C. Not less than 15 or more than 45 days after submittal of a complete application, the City Beautification Committee shall meet and review the application. The Beautification Committee shall recommend to the City Planner that a mural and/or public artwork be issued a Zoning Clearance Permit upon a finding that:

1. The mural and/or public artwork will conform within the thematic program established by City Resolution of the area of its proposed location;

2. The information regarding durability and expected maintenance requirements is accurate; and

3. The materials to be used and the manner of application will not require excessive maintenance by its owner, and a plan to assure maintenance and safety is provided.

D. In making its determination, the Beautification Committee will consider evidence that the proposal will conform within the thematic program established by City Resolution, and may consider the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Beautification Committee shall recommend that a Zoning Clearance Permit for a mural and/or public artwork not be issued by the City Planner.

E. Upon a favorable recommendation of the Beautification Committee, the City Planner shall review the application materials and the information received by the committee and shall, upon a determination that the application materials are complete and accurate and the findings of the Beautification Committee reasonable, issue a Zoning Clearance Permit for a mural and/or public artwork. Absent such a determination, the City Planner shall deny the application. Upon an unfavorable recommendation of the Beautification Committee, the City Planner shall not issue a Zoning Clearance Permit.

F. Within 15 days of the meeting of the Beautification Committee, the City Planner shall decide whether or not a Zoning Clearance Permit for a mural and/or public artwork shall be issued. Any person aggrieved by the decision of the City Planner may appeal such decision within 15 days thereof to the City Council which shall apply the standards set forth in this section in reviewing the decision of the City Planner. The City Council may affirm, reverse or reverse with modifications the decision of the City Planner. The decision of the City Council shall be final.

20. Nursery Schools, Kindergartens, Child Care Centers, and Family Child Care Homes. Nursery schools, kindergartens, child care centers, and family child care homes serving more than six (6) children shall provide and thereafter maintain outdoor play areas with a minimum area of 75 square feet per child and provide and maintain an indoor activity area with a minimum of 35 square feet per child. In any R-7.5, R-5.0 or R-O, or "C" or "I" District, a site-obscuring fence of at least four (4) feet but not more than six (6) feet in height shall be provided separating the play area from abutting lots. A child care center shall meet the requirements listed in OAR 414-300-0000 through 414-300-0415. A family child care home shall meet the requirements listed in OAR 414-350-0000 through 414-350-0405.

21. Recreation Vehicle Parks. A recreation vehicle park shall be for the rental of spaces for the temporary sitting of "recreational vehicles" or mobile homes containing less than 500 square feet of space. A recreation vehicle park shall be built to state standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Commission's approval prior to occupancy.

A. The space provided for each recreation vehicle shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles, and landscaped areas.

B. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the

roadway. Roadway shall be paved with asphalt, concrete, paver, or gravel surface and designed to permit easy access to each recreation vehicle space.

C. A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel, provided the area is landscaped or otherwise treated to prevent dust and mud.

D. A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

E. A recreation vehicle space shall be provided with electrical service.

F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park, and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.

G. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

H. The park shall provide toilets, lavatories and showers for each sex in the following ratios; for each 15 recreation vehicle spaces or any fraction thereof; one toilet, one urinal, one lavatory and one shower for men; and two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

I. The park shall provide 15 square feet of space for clothes drying lines for each ten (10) recreation vehicle spaces or any fraction thereof.

J. Building spaces required by subsection i and j shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

K. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outdoor storage of materials or equipment belonging to the park or to any guest of the park.

L. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by state law.

M. A Recreational Vehicle Park is allowed in the following zone districts:

1) R-0 (Multiple Use Residential)

2) N-C (Neighborhood Commercial)

3) H-C (Highway Commercial)

22. Temporary Permits.

A. Authorization. The City Planner may, in writing and in a manner consistent with the provisions of subsections a to g herein, authorize temporary structures, including mobile homes, which are incidental to construction on the same property or which are to be used as temporary offices on the same property during construction. In either case, such authorization shall not exceed a period of 12 months.

B. Application/Notice. The applicant shall submit an application for a temporary permit on the appropriate forms provided by the Planning Department. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of lots or parcels affected by a temporary permit of pending administrative action on said application. Said notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.

C. Standards. Applicants for temporary permits shall submit evidence as may be required to enable the City Planner to make a finding that one or more of the following conditions exist:

1) The need of the temporary structure authorization is the direct result of a casualty loss such as fire, windstorm, flood, or other severe damage by the elements to a pre-existing structure previously occupied by the applicant on the premises for which the permit is sought.

2) The applicant has been evicted within sixty days of the date of the application from a pre-existing occupancy of the lot or parcel for which the permit is sought as a result of:

a) Condemnation Proceedings by a Public Authority;

b) Eviction by abatement of nuisance proceedings, or,

c) By determination of a public body or court having jurisdiction that the continued occupancy of facilities previously occupied constitutes a nuisance or is unsafe.

3) The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions, and other obviously temporary needs.

4) The purpose for which the temporary structure authorization is sought is incidental to the basic purpose for which the lot or parcel is being developed, and the duration of

such structure is limited by the period of development, such as construction site offices or temporary real estate offices.

D. Required Findings. Prior to granting approval of a temporary permit, the City Planner shall analyze the following criteria and incorporate such analysis in his decision;

1) The location, size, design, and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.

2) The proposed temporary structures will not adversely affect the capacity, circulation, or generation of traffic on streets or other public ways in the vicinity.

3) The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.

E. Temporary Permit Conditions. Reasonable, clear, and objective conditions may be imposed by the City Planner in connection with the temporary permit as necessary to meet the purposes of subsections a to g herein. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to, requiring:

1) Special yards and spaces.

2) Fences and walls.

3) Control of points of vehicular ingress and egress.

4) Special provisions for signs.

5) Landscaping and maintenance of such landscaping.

6) Maintenance of the grounds.

7) Control of noise, vibration, and odors.

8) Limitation of operational hours for certain activities.

9) A time period within which the proposed use shall be developed.

10) A time limit on total duration of temporary use.

11) Bond or other security for returning the affected area to equal or better condition as previously existed upon termination of temporary use.

F. Duration of Temporary Permit. The duration of such temporary permit and attendant structure shall not exceed the period prior to the completion and occupancy of a permanent structure of 12 months, whichever comes first.

G. Voiding of a Temporary Permit. When a temporary permit is approved, such approval shall become void six (6) months from the date of such approval if the City Planner determines substantial progress, such as substantial excavation or substantial construction, toward the desired use has not been made. The holder of such permit may apply for an extension of such approval as may be granted by the City Planner.

23. Urban Farming.

A. The use of property in the OS, N-C, H-C, C-C, L-I, G-I, PUD Districts for Urban Farming for commercial or non-profit purposes or sustenance is permitted administratively within the Urban Growth Boundary.

B. Produce that can be grown on these farms include fruits, vegetables, and livestock.

C. Animal keeping of commonly domesticated animals, on these farms, including pastureland is allowed with the following requirements:

1) Sanitation. Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance.

2) Fencing. Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept.

3) Enclosures. An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site. The requirements are listed in subsection 4, Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries, of this section.

D. Lot Area Minimum ‘ 5,000 square feet

E. Minimum Setbacks:

1) Front Yard ‘ 10 feet

2) Side and Rear Yard ‘ 10 feet

F. Minimum parcel dimensions for Animal Husbandry, livestock, shall be determined by Best Management Practices available at the OSU Extension Office.

G. An Urban Farm used for commercial or non-profit purposes shall meet the State requirements listed in ORS 568.900, and provide the City with a copy of the approved permits from the State Department of Agriculture for water quality and the use of herbicides, pesticides, and fungicides.

H. Sustainable and/or organic practices are encouraged for all Urban Farms.

24. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground; overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district in accordance with their franchise agreement. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Development code.

25. Wireless Communication Facilities (WCF)

A. Purpose. The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents and the business community with the ability to access and adequately utilize the services of these facilities support. The characteristics of wireless communications facilities are such that they have the potential to impact not only the area immediately surrounding the facility, but also the community as a whole. Because of these potential impacts, the standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are minimized to the greatest extent possible.

B. Application Requirements. The following items shall be provided as part of an application for the placement and construction of a wireless communication facility. These items are in addition to other information that may be required for the appropriate use permit. The City Planner may waive the requirement for submittal of any information described herein when determined that it is inapplicable based on project specific factors.

1) A site plan drawn to scale indicating the location of the proposed antenna(s), support structure and equipment facility and relevant dimensions.

2) A photograph of the proposed antenna(s), support structure and equipment facility at a site similar to the proposal.

3) The materials being proposed, including the colors of the exterior materials.

4) Photographs of the existing site condition taken from key lines of sight and a photo simulation of the proposed facility at the proposed location from each of the lines of sight.

5) A map showing all existing wireless communication facility sites operated by the applicant within and adjacent to Tillamook, including a description of the wireless communication facility at each location.

6) A co-location feasibility study that indicates that co-location efforts were made and states the reasons co-location can or cannot occur. All antenna support structures shall be designed so as not to preclude co-location.

7) A description of alternatives considered for providing wireless communication service in Tillamook. The alternatives evaluated should include alternative sites, facility heights, number of facilities, and equipment utilized. Where less preferred locations or designs are proposed, the reasons why higher priority locations or designs were not selected.

8) A peer review study, if required by the City Planner.

9) The City of Tillamook will deny the permitting of a wireless communication facility if it has not been demonstrated that co-location on an existing Wireless Communication facility is not a viable solution.

C. Location/Design Standards.

1) Wireless communication facilities are allowed outright in the following location(s):
   a) Co-location or shared location on an existing wireless communication facility

2) Wireless communication facilities are allowed under a Zoning Clearance Permit and building permit if of the following design(s) and in the following location(s):

   a) Microfacility or Minifacility attached to an existing structure;
   b) Minifacility attached to an existing public facility such as a water tower or public building;
   c) Minifacility attached to an existing utility pole located in a street right-of-way;

3) Wireless communication facilities are allowed under a conditional use permit if of the following design and in the following location(s):

   a) Facility is attached to an existing structure where the height or dimensions of the antenna exceed those of a minifacility;

   b) Facility is in the shape of a new utility pole within the street right-of-way with a maximum height of 60 feet;

   c) Facility is on a monopole not located in a street right-of-way with a maximum height of 60 feet measured from grade level.

4) Wireless communication facilities are prohibited ~~if~~ in the following design(s) and in the following location(s):

   a) Lattice towers and support structures;

   b) Guyed wire towers and support structures;

   c) Speculation support structures;

   d) Locations in the following Zone districts:

(1) OS (Open Space District)
(2) R-7.5 (Single-Family Residential)
(3) R-5.0 (Single-Family and Duplex Residential)
(4) R-0 (Multiple Use Residential)
(5) N-C (Neighborhood Commercial)

D. Development Standards. All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

1) Preferred locations and designs. Applicants shall consider the following sites as the preferred order for the location of proposed wireless facilities:

2) General Standards.

a) All facilities shall be installed and maintained in compliance with the requirements of the Building Codes.

b) All wireless communication facilities shall be designed to minimize their visual impact to the greatest extent feasible.

c) The smallest and least visible antennas, to accomplish the coverage objectives, shall be utilized.

d) Antenna(s) attached to an existing structure shall be placed so as to integrate, as much as possible, with the building's design features and materials. The maximum height for antennas shall be fifteen (15) feet from the base elevation. Roof mounted antennas and associated equipment should be located as far back from the edge of the roof as possible to minimize visibility from street level locations. Where appropriate, construction from screening to obscure the facility shall be required. Wall mounted antennas shall be integrated architecturally with the style and character of the structure, or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. To the extent feasible, wall-mounted antennas should not be located on the front, or most prominent facade of a structure, and should be located above the pedestrian line-of-sight.

e) Colors and materials for wireless communication facilities shall be chosen to minimize their visibility. Wireless communication facilities shall be painted or textured using colors to match or blend with the primary background of the facility, including the skyline or horizon.

f) Equipment facilities shall be placed in underground vaults wherever feasible. Above ground equipment facilities shall be reviewed through the design review process of §153.073 to ensure that they are designed, sited and landscaped to minimize the visual impact on the surrounding environment.

g) Exterior lighting for a wireless communication facility is permitted only when required by a Federal or State authority.

h) A wireless communication facility placed pursuant to this section is exempt from the height requirements of the zoning district in which it is located; however, may not exceed the heights listed in 16(C) above.

E. Peer Review. If determined appropriate, the City Planner may require a peer review study of the technical information developed by the applicant to select the proposed facilities. The purpose of a peer review is to evaluate the feasibility of alternative facility designs and locations not selected by the applicant but which have a higher design priority as described in §153.051. The applicant shall pay all costs associated with a peer review.

F. Abandonment and Obsolescence. Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove such facility within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. If such wireless communication facility is not removed within said ninety (90) days, the City may remove the wireless communication facility at the owner's expense. If there are two or more users of a single wireless communication facility, then this provision shall not become effective until all users cease using the wireless communication facility.

G. Antennas to which this section has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antenna not used by wireless communication service providers, and antennas owned and operated by federally-licensed amateur radio operators.

H. Wireless Communication Facilities Siting Issues

1) Location

a) Preferences

(1) Co-location/Shared Facilities

(2) On Existing Structures

b) By zone

2) Design Issues

a) Type of pole

b) Height of pole and/or antennae

c) Setbacks and other placement issues

d) Screening/ landscaping

e) Abandonment and obsolescence

f) Lighting/Security

g) Color & Materials

h) Equipment cabinets

3) Review Procedure

a) Key review procedure to the proposed location -provide simply process for preferred locations, i.e. outright use

b) Site Plan Review -Some or all antenna/pole types and locations

4) Application Requirements

a) Mapping of all proposed locations in city

b) Technical data to support locations, particularly if preferred site types are not used.

c) Visual impact analysis.

§153.053 SIGN STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of this section is to provide objective standards governing the placement and size of signs, and the responsibilities of those persons erecting said signs, within the Tillamook Urban Growth Boundary (UGB).

2. General Provisions and Standards Applicable to Signs. In addition to compliance with provisions of this Ordinance, all signs shall comply with the provisions of the Uniform Sign Code, as amended.

   A. Conflicting Standards: Signs shall be allowed subject to the provisions of this Section, except when the provisions conflict with the specific standards for signs in the subject zoning or overlay district.

   B. Signs Subject to State Approval: All signs visible to the traveling public from state highways, are additionally subject to the regulations and permit requirements of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.

   C. Uniform Sign Code: All signs shall comply with the provisions of the current Uniform Sign Code of the Uniform Building Codes, except as otherwise provided in this section.

   D. Address Display: The signing program for a multi-family, commercial or industrial development shall include the display of the street number(s) for the development on the sign, support structure or building where it can be seen from adjacent roads. The sign structure for an address, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area.

   E. Billboards: New billboards**,** as defined by the State (ORS 377.700 to 377.840) as an outdoor advertising sign, not at the location of a business or an activity open to the public the owner of which leases out the space to others in the exchange of compensation for posting their message, visible from the Right-of-way**,** shall not be allowed in any zoning district within the City of Tillamook and its UGB.

   G. Blanketing: No sign shall be situated in a matter, which results in the blanketing/covering/blocking from view of an existing sign.

   H Illuminated Signs:

      1. Lights used to illuminate signs (internally or externally) shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.

      2. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as is further described in §153.055 of this ordinance.

      3. No sign or other illuminating devices shall have blinking, flashing or fluttering lights/displays, with the exception of a time and temperature sign. This includes, but is not limited to, all lights on or within a building or premises or vehicles on or off the

premises for the purpose of attracting attention for commercial purpose. This subsection shall not apply to Holiday lights (e.g. Christmas Lights).

4. No colored lights shall be used at any location or in any manner, which may be confused with or construed to be traffic signals or lights on emergency vehicles.

I. Moving Signs: No sign structure, or portion thereof, shall be designed to rotate, flutter or appear to move, with the exception of barber shop poles.

J. Maintenance: All signs together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

K. Pre-Existing Signs: Signs and sign structures existing prior to the adoption of this ordinance, which complied with the applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this subsection, shall be subject to the provisions for Non-conforming Uses, in this development code except:

1. Alterations to a non-conforming sign which reduces, or does not increase its non-compliance with the provisions of this ordinance, including changes in display surface, sign area, height and setback, may be allowed.

2. Sign copy which identifies or advertises a business, product or service no longer located on the same site or premises on which the sign is posted shall be replaced, or removed, within one (1) month of the change of occupancy of the premises or vacancy of the premises. Failure to use the copy area of a non-conforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a discontinuation of use as provided under §153.074 and such sign shall be removed or modified to satisfy all applicable requirements of this Section and the underlying district.

3. Signs Allowed in each of the City of Tillamook Zone Districts

ZONES / SIGN TYPES	R-7.5 R-5.0	R-0	C-N	C-H	T-C	I-L	I-G	P&S-P	O
Free-Standing/Ground Mounted	-	1 Sign 24 sq ft. size 5 ft height	1 Sign per street frontage 40 sq ft size 10 ft height	1 Sign per street frontage 40 sq ft size 20 ft height	1 Sign per street frontage 40 sq ft size 20 ft height	1 Sign per street frontage 40 sq ft size 20 ft height	1 Sign per street frontage 40 sq ft size 20 ft height	2 Sign per lot 18 sq ft size 20 ft height	2 Sign per lot 18 sq ft size 20 ft height
On-Building	-	1 Sign per use 24 sq ft	3 Signs per street frontage 40 sq ft siz per signe	3 Signs per street frontage 40 sq ft size per sign	3 Signs per street frontage 40 sq ft size per sign	3 Signs per street frontage 40 sq ft size per sign	3 Signs per street frontage 40 sq ft size per sign	2 Signs per street frontage 18 sq ft size per sign	2 Signs per street frontage 18 sq ft size per sign
Directional	-	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height	5 signs per lot 3 sq ft 3 ft height
Identification	-	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height	5 signs per lot 12 sq ft 6 ft height
Temporary	-								
Name Plates	1 Sign 2 sq ft max size	1 Sign 2 sq ft max size							

A. Residential (R-7.5, R-5.0).

1) Signs permitted outright
   a) Residential Name Plates:
      1) Shall not exceed two (2) square feet.
      2) Shall be limited only to the title, name, and address of the occupant of the premises upon which the sign is located.
      3) Only one (1) such sign shall be permitted upon the premises.
      4) May be illuminated by indirect lighting only.

2) Signs permitted with a Sign Permit
   a) Signs pertaining to home occupations, as provided under §153.052 (12) of this development code:
      1) If located inside or flush against the dwelling, the sign shall not exceed three (3) square feet in size. If not affixed to or inside the dwelling, the sign shall not exceed two (2) square feet in size.
      2) Only one (1) such sign shall be permitted upon the premises.
      3) May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.
      4) May be illuminated by indirect lighting only.

B. Multiple Use Residential (R-0).

1) Signs permitted in the R-7.5 or R-5.0 Zone Districts

2) Signs identifying multiple use development, multi-family development or subdivisions:
   a) Free-standing and Ground-mounted Signs.
      1) Shall not exceed twenty-four (24) square feet, as viewed from a single direction.
      2) Shall not exceed a height of five (5) feet above the natural ground elevation.
      3) No more than one (1) free-standing or ground-mounted identification sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development. However, in mixed-use developments a separate freestanding sign may be allowed to identify the multiple uses and multi-family portion of the development.
   b) On-building Signs.
      1) Shall be reviewed as part of the architecture of the building.
      2) Shall not exceed twenty-four (24) square feet in size.
   c) Directional Signs within the development shall not exceed three (3) square feet except as provided in the district.

3) Signs identifying commercial business.
   a) Free-standing and Ground-mounted Signs.
      1) Shall not exceed twenty-four (24) square feet, as viewed from a single direction,
      2) Shall not exceed a height of five (5) feet above the natural ground elevation.
      3) No more than one (1) free-standing or ground-mounted identification sign shall be allowed per development or complex, even when more than one tax lot or ownership is included in the development. However, in mixed-use developments a

separate freestanding sign may be allowed to identify the multiple uses and multi-family portion of the development.
4) Sign Clearance and Setback: see Subsection 5 of this Section below.

b) On-building Signs.
1) Shall not exceed twenty-four square feet in size.
2) No more than one (1) on-building identification sign shall be allowed per use of the development.

c) Directional, Onsite Traffic Control, and Identification Signs.
1) Shall not exceed three (3) square feet in size.
2) Shall not exceed a height of five (5) feet.

C. Neighborhood Commercial (C-N).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:
a) Shall not exceed forty (40) square feet in size.
b) Shall not exceed a height of ten (10) feet.
c) Only one (1) such sign shall be allowed per street frontage.
d) Sign Clearance and Setback: see Subsection 5 of this Section below.
e) Illumination: Such signs may be ~~internally or indirectly~~ illuminated.

2) On-building Signs identifying the use of the premises shall be allowed subject to the following conditions:
a) Shall not exceed 40 square feet in size per sign.
b) Three (3) such signs shall be allowed per street frontage.
c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

D. Highway Commercial (C-H) and Central Commercial (C-C).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:
a) Shall not exceed forty (40) square feet in size.
b) Shall not exceed a height of twenty (20) feet.
c) Only one (1) such sign shall be allowed per street frontage.
d) Sign Clearance and Setback: see Subsection 5 of this Section below.
e) Illumination: Such signs may be ~~internally or indirectly~~ illuminated.

2) On-building Signs shall be allowed subject to the following conditions:
a) Shall not exceed 40 square feet in size per sign.
b) Three (3) such signs shall be allowed per street frontage.
c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

4) Window signs should be at eye level, placed in the upper half of the window, to entice

the pedestrian.

E. Town Center Commercial (T-C).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:

2) On-building Signs shall be allowed subject to the following conditions:
a) Shall not exceed 40 square feet in size per sign.
b) Three (3) such signs shall be allowed per street frontage.
c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

4) Marquee Signs ar allowed within 1 inch of the top and bottom of the marquee with no more than 3 businesses indicated per marquee.

5) Signs in the Town Center shall also meet requirements described in §153.032 Historic Architectural Design Guidelines.

F. Light Industrial (I-L).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:
a) Shall not exceed forty (40) square feet in size.
b) Shall not exceed a height of twenty (20) feet.
c) Only one (1) such sign shall be allowed per street frontage.
f) Sign Clearance and Setback: see Subsection 5 of this Section below.
g) Illumination: Such signs may be illuminated.

2) On-building Signs shall be allowed subject to the following conditions:
a) Shall not exceed 40 square feet in size per sign.
b) Three (3) such signs shall be allowed per street frontage.
c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

G. General Industrial (I-G).

1) Free-standing and ground-mounted signs shall be allowed subject to the following conditions:
a) Shall not exceed forty (40) square feet in size.
b) Shall not exceed a height of twenty (20) feet.
c) Only one (1) such sign shall be allowed per street frontage.
d) Sign Clearance and Setback: see Section 5 below for setback requirements.
e) Illumination: Such signs may be illuminated.

2) On-building signs shall be allowed subject to the following conditions:
a) Shall not exceed 40 square feet in size per sign.
b) Three (3) such signs shall be allowed per street frontage.
c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

H. Public and Semi-Public (P&S-P).

1) Free-standing and Ground-mounted Signs for Public and Semi-public facilities, schools, churches, hospitals, and similar uses shall be allowed subject to the following conditions:
a) Shall not exceed eighteen (18) square feet in size.
b) Shall pertain only to the use on the premises.
c) Only two (2) such sign shall be permitted upon the premises.
d) Sign Clearance and Setback: see Subsection 5 of this Section below.
e) Illumination: Such signs may be illuminated.

2) On-building Signs shall be allowed subject to the following conditions:
a) Shall not exceed eighteen (18) square feet in size.
b) Shall pertain only to the use of the building.
c) Only two (2) such sign per street frontage shall be permitted upon each building.
d) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.
e) Illumination: Such signs may be illuminated.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

I. Open Space (O).

1) Free-standing and Ground-mounted Signs for Parks, and similar uses shall be allowed subject to the following conditions:
a) Shall not exceed eighteen (18) square feet in size.
b) Shall pertain only to the use on the premises.
f) Only two (2) such sign shall be permitted upon the premises.
g) Sign Clearance and Setback: see Subsection 5 of this Section below.
h) Illumination: Such signs may be internally or indirectly illuminated.

2) On-building Signs shall be allowed subject to the following conditions:
a) Shall not exceed eighteen (18) square feet in size.
b) Shall pertain only to the use of the building.
d) Only two (2) such sign shall be permitted upon each building.
d) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.
e) Illumination: Such signs may be illuminated.

4. <u>Sign Clearance and Setbacks for Free-Standing or Ground-mounted Signs</u>.

A. Signs within the Downtown Business District, between Front Street and Sixth Street, Grove Avenue and Laurel Avenue, as described further in the Central Commercial (C-C) Zone District, shall not be erected on, over or above any right-of-way for a street if any part of such sign extends less than seven (7) feet above the sidewalk grade, or closer than two (2) feet toward the inside edge of the existing curb, and fifteen (15) feet above driveways.

B. Signs, other than those within the Downtown Business District, shall not be erected or maintained on, over or above any right-of-way for a street if any part of such sign extends less than eight (8) feet above sidewalk grade or closer than two (2) feet toward the inside edge of the existing curb, and fifteen (15) feet above driveways.

C. Signs less than twenty-eight (28) square feet in size must observe at least one-half of the yard setback requirements of the zone district in which it is located.

D. Signs greater than twenty-eight (28) square feet in size must observe the setback requirements of the zone district in which it is located.

E. All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.

5. Directional, On-site Traffic Control and Identification Signs

A. Directional On-site Traffic Control signs: shall be those permanent signs which are oriented toward internal circulation roads, driveways and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways, and within the site area, and shall observe the clear-vision requirements of the district and shall:

1) Not exceed a maximum of three (3) square feet in area.

2) Observe the clear-vision requirements of the district and not exceed a maximum of three (3) feet in height.

3) Public facility directional signs may be placed within the public right-of-way when authorized by the City Manager, or his designee, upon written request for such sign by a public facility. Request for placement shall be made on forms provided by the City. Such permit may be issued upon a finding, on the basis of written information furnished by the applicant, that the proposed sign is necessary for the direction of the public and is not detrimental to the general health, safety and welfare of the community.

4) Placement and design of any such sign shall be the responsibility of the City. Costs for the sign and placement shall be assessed to the applicant. No more than five (5) signs shall be allowed at any one location. Each property owner shall be responsible for maintaining any sign approved under its application. Costs for replacement of any sign for any cause shall be assessed to the applicant.

B. Identification signs: An on-site permanent ground-mounted tenant identification sign for an individual building and/or informational sign providing onsite information to the users of the subject property within a development may be allowed as an alternative to an on-building identification sign provided such sign shall:

1) Be located on the most visible side of the building being identified.

2) Not exceed twelve (12) square feet in area.

3) Not exceed six (6) feet in height.

4) Use materials and colors, which are the same, or substantially the same, as those used on the building identified by the sign.

5) Public facility identification signs shall be placed internally to avoid conflicting with other signs on the premises and may be placed within the public right-of-way if authorized by the City Manager, or his designee, upon written request for such sign by a public facility. Request for placement within the public right-of-way shall be made on forms provided by the City. Such permit may be issued upon a finding, on the basis of written information furnished by the applicant, that the proposed sign is necessary for the direction of the public and is not detrimental to the general health, safety and welfare of the community.

6) Placement and design of any such sign shall be the responsibility of the City. No more than five (5) signs shall be allowed at any one location. Each public facility shall be responsible for maintaining any sign approved under its application. Costs for replacement of any sign for any cause shall be assessed to the applicant.

C. All On-site Traffic Control and Identification signs shall be subject to the approval of a sign permit.

6. Temporary Display and Portable Signs

A. Temporary Display Signs: A combination of banners (both vertical and horizontal), streamers, strings of lights, flags, beacon lights, sandwich board signs and/or other similar apparatus; may be displayed for the purpose of advertising a grand opening, sale or similar event under the following conditions and limitations:

1) Time period and duration: the temporary display shall not exceed a total time period of four weeks in any calendar year and must coincide with an actual event.

2) Hazards: No sign, light, electrical cord, streamer, banner or other apparatus shall be situated or used in a manner which creates a hazard.

B. Portable Identification Signs: A portable sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent identification signs are being repaired or replaced, or to temporarily identify a sale or business location during the hours of operation under the following conditions and limitations:

1) Need: No portable sign shall be allowed under this provision when any other permanent or portable sign visible from adjacent roads accurately identifies the premises.

2) Number: Only one (1) portable identification sign shall be displayed for a development or complex.

3) Time period: The use of a portable identification sign shall be valid for ninety (90) consecutive days, or until a permanent identification sign is installed, whichever occurs first.

4) Design Review: The application for permanent identification signing for the business shall be submitted for review and shall be subject to the approval of a sign permit, prior to, or concurrent with, the establishment of a temporary display or portable sign under this Section.

5) Size Limits: Portable signs shall not exceed a sign area of thirty-two (32) square feet, or a height of six (6) feet above the natural ground elevation.

6) Setbacks: Portable signs shall be set no closer than two (2) feet from the inside edge of the curb.

7) Anchoring: All signs approved under this provision shall be physically established in a manner, which both prevents the sign from being moved or blown from its approved location, and allows for removal of the sign.

8) Exceptions: No portable sign shall be allowed under this provision for any business or development that has a changeable copy sign incorporated into their permanent identification sign.

9) Illuminated Signs: Illumination of any sign or portion thereof, in the shape of an arrow, or any other shape which may be construed as a traffic control device is prohibited. Signs containing any electrical components or parts, or illuminated by electrical lighting, must be approved under the National Electric Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state approved power outlet.

10) Hazards: No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.

11) Portable Signs are exempt from the approval of a sign permit.

C. Portable Service Station Signs: A service station may maintain one (1) portable sign displaying the current prices for fuel sold on the same premises provided such sign does not exceed an area of twelve (12) square feet, or a height of five (5) feet. Such signs shall be subject to clear-vision area requirements and one-half (1/2) the setback requirements of the district. Portable Service Station Signs are exempt from the approval of a sign permit.

D. Incidental Signs: Emblems, Decals, and other similar signs indicating membership in organizations, acceptance of credit cards, brand names of items sold, and other such information which pertains to the business or proprietor of the business located on the premises may be displayed on the inside of any window or door. Incidental Signs are exempt from the approval of a sign permit.

E. Temporary Window Signs: Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of a window or door of a business located in a commercial or industrial district. Temporary Window Signs are exempt from the approval of a sign permit.

F. Temporary signs advertising the sale, rental or lease of commercial or industrial premises, or identifying a property developer, lease agent or builder, or advertising a legally recorded subdivision in its entirety, or residential property in excess of one acre, may be allowed, subject to the following limitations:

1) Shall not exceed forty (40) square feet in area.

2) Shall pertain only to property upon which they are located, unless they are temporary off-premise directional signs indicating a sale on another piece of property.

3) Shall observe the setback provisions under Subsection 6A (4).

4) Only one (1) such sign shall be permitted on the premises.

5) Shall not be artificially illuminated.

6) Such signs shall be removed from the premises after the premises are sold, rented or leased. Signs pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision.

7) These signs are exempt from the approval of a sign permit.

G. Real estate signs advertising individual lots:

1) Shall not exceed six (6) square feet.

2) Shall pertain only to the property upon which they are located, unless they are temporary off-premise directional signs indicating a sale on another piece of property.

3) Shall be located at least five (5) feet behind the front lot line.

4) Shall not exceed five (5) feet in height.

5) Shall be temporary in nature and shall be removed within two (2) weeks after the date of sale.

6) Shall not be artificially illuminated.

7) Real Estate Signs are exempt from the approval of a sign permit.

H. Political Signs: Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following:

1) Approval by the owner of the property on which the sign is to be posted.

2) Setbacks: Such signs may be located within the required setback area of the district, provided they are situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.

3) Right-of-way Excluded: Signs shall not be posted in State or County rights-of-way, on telephone poles, traffic signs, or other public apparatus.

4) Size: Signs shall not exceed sixteen (16) square feet in size, as viewed from one direction.

5) Time Limit: All such signs shall be removed within one (1) week after the election for which the sign is posted.

6) Political Signs are exempt from the approval of a sign permit.

I. Temporary Off-premise directional signs directing traffic to a sale of property or a retail sale or an event shall be subject to the following requirements:

1) Shall not exceed sixty (60) square feet.

2) Shall be located at least five (5) feet behind the front lot line.

3) Shall not exceed five (5) feet in height.

4) Shall be temporary in nature and shall be removed immediately at the end of the day on which the event, open house, or garage sale is conducted.

5) Shall not be artificially illuminated.

6) Along State Highways: All Temporary off-premise signs which are visible from a State highway are subject to approval by the Oregon State Highway Division pursuant to the Motorist Information Act.

7) Temporary off-premise directional signs shall be subject to the approval of a sign permit.

7. Permanent Off Premise Signs. Any sign not located on the site of the use or activity for which it is advertising shall be considered off-premise and if not determined to be a billboard by ODOT after examination of the location and upon due proof that such sign, signboard, or other advertising will not be unduly detrimental to the adjacent and surrounding property, but the same front and side yard provisions as required for buildings may be required shall be subject to the approval of a sign permit.

A. Along State Highways: All off-premise signs which are visible from a State highway are subject to approval by the Oregon State Highway Division pursuant to the Motorist Information Act.

B. All Permanent Off premise signs shall be subject to the approval of a sign permit and the following:

1) Shall not exceed a size of 40 square feet.
2) Shall not exceed a height of 10 feet.
3) Shall not be internally illuminated.
4) Shall only be allowed to be placed in the Multiple Use Residential (R-0), Neighborhood Commercial (C-N), Central Commercial (C-C), Highway Commercial (C-H),Light Industrial (I-L), General Industrial (I-G), or Public and Semi-Public (P&S-P) Zone Districts.
5) Only one (1) sign shall be allowed per off-premise site in addition to an on-premise sign.
6) Signs placed by a public facility (City, County, State) shall be exempt.

8. All other signs, signboards, and other forms of outdoor advertising may be allowed including the following alternatives:

A. Changeable Copy Signs may be incorporated into a permanent identification sign for a business or development. The following conditions shall apply:

1) Only one (1) such sign shall be used in development.

2) The changeable copy sign shall be included in the maximum sign area allowed under this Section.

3) A changeable copy sign shall not be used on a sign, which includes a time and/or temperature display.

B. Directory Sign: An on-site sign oriented primarily toward vehicle circulation which identifies and directs traffic to a number tenants, uses or buildings within the development, shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and eight (8) feet in height.

9. Diagrams. The following diagrams shall be used to determine sign measurements.
A. Sign Face Measurements.

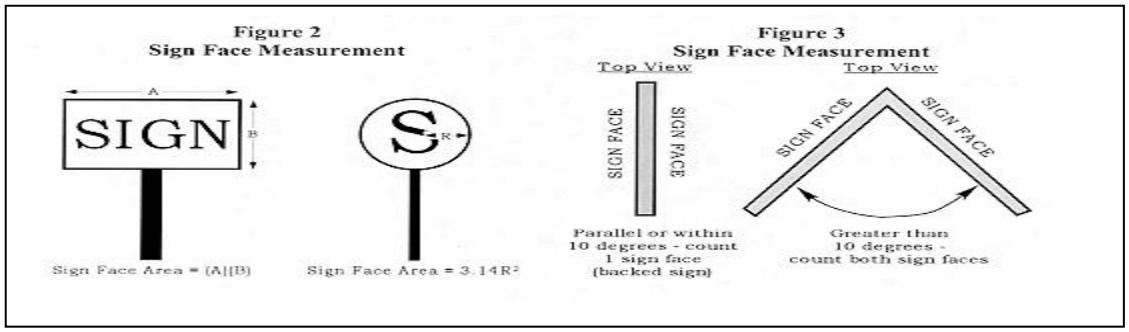
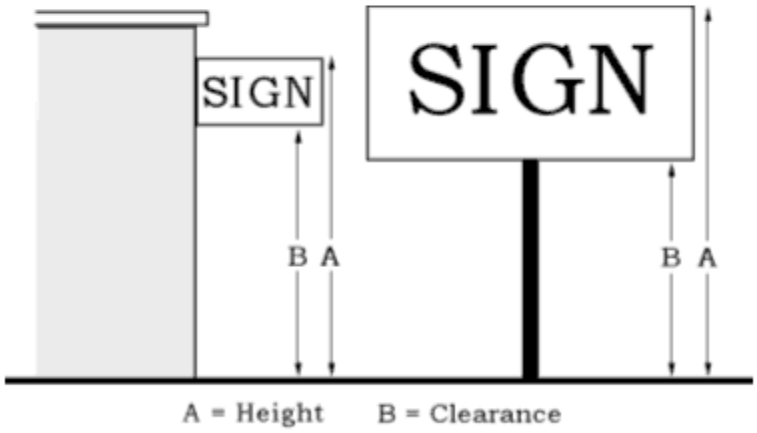


Figure 9
Sign Heights and Clearances



§153.054 OFF-STREET PARKING AND LOADING

1. Purpose. The purpose of this section is to assure that no building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

2. Scope. Development of off-street parking and loading areas shall be provided and maintained for any type of development as set forth in this section. Off-street parking and loading standards apply to the following types of development:

   A. A new building or structure erected after the effective date of this Ordinance;

   B. The construction or provision of additional floor area, seating capacity or other expansion of an existing building or structure; and/or

   C. A change in the use of a building or structure existing on the effective date of this Ordinance which would require additional off-street parking spaces or off-street loading areas under the provisions of this section.

   If the expansion of an existing building or structure does not exceed 50% of the market value or the capacity of the existing building or structure is increased by less than 50% in size, additional parking spaces only need to be provided in proportion to the expansion.

   If the expansion of an existing building or structure exceeds 50% of the market value or the capacity of the existing building or structure is increased by more than 50% in size, parking spaces and loading spaces must be provided for the entire use according to 7 and 8 of this section.

   If the building or structure in which the change of use occurred does not require additional off-street parking or off-street loading spaces, no additional parking or loading spaces shall be required. Any use requiring one half (1/2) or more of a parking space or loading space shall be deemed to require the full space. Parking spaces and loading spaces provided to meet the requirements of this Ordinance shall not be reduced in size or number to an amount less than required by this Ordinance for the use occupying the building. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner.

   Meeting Off-Street Parking and Loading Requirements. A plan drawn to scale and dimensioned, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a Zoning Clearance Permit.

3. Location of Parking Facilities. Off-street parking spaces for one or two family dwellings shall be located on the same lot with the dwelling. Parking spaces for all other dwelling units require Site Plan Approval (see §153.073) by the Planning Commission and in addition to §153.051 and §153.055, must comply with the following requirements. Vehicle parking is allowed only

on approved on-street parking shoulders, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.

A. Except for single-family dwellings and duplexes, the vehicle parking spaces required by this Section may be located on another parcel of land provided the parcel is within 500 feet from the building or use they are intended to serve. The distance from the parking area to the use shall be measured in straight lines from the nearest parking space to the building entrance following a pedestrian route (sidewalk). The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking. The right to use the off-site parking must be evidenced by a recorded deed, easement, or similar written instrument.

B. Use of Parking Facilities/ Availability of facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use until the parking required for the original user of said parking area is provided at another approved location. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, patrons, and/or employees, as applicable. Signs shall conform to the standards of §153.053 of this Ordinance.

C. Parking, Front Yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single or two-family dwelling, and except in the case of a use in a C-N District where parking spaces may be located in the rear ten (10) feet of the required 20 foot front yard, and except for uses in a C-H District where parking and loading may occur in all but the first ten (10) feet of yard area from any public right-of-way. Parking spaces may be located within a required side or rear yard.

4. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use that must extend over the time period of the use of the property.

5. More than One Use on One or More Parcels: In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, provided, however, where the operation of these different uses is such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning commission may authorize a reduction in these requirements. If the planning commission finds that a portion of the floor area, not less than one hundred contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, it may deduct such space in computing

parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this chapter.

6. On-Street Parking Credit. For property within the Multiple Use Residential (R-0) Zone, the Central Commercial (C-C) Zone and Town Center (T-C) Zone Districts, and outside of the C-4 Parking District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. An on-street parking credit reduces the number of off-street parking spaces required. An on-street parking credit does not reserve parking spaces for the specific commercial business utilizing the credit. The Planning Commission shall review and approve all on-street parking credits. On-street parking shall follow the established configuration of existing on-street parking as established by the City of Tillamook. The following constitutes an on-street parking space:

   A. Parallel parking, each 24 feet of uninterrupted curb;

   B. Curb space must be connected to the lot which contains the use;

   C. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and

   D. On-street parking spaces that may be credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

   E. On-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way.

   F. On-street parking credit shall not be considered on or adjacent to areas of town zoned Low-Density or Medium-Density Residential (R-7.5, Single-Family Residential or R-5.0, Single-Family Duplex Residential).

7. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows [Note: Commercial Buildings within the Town Center Overlay Zone District shall refer to §153.032 for loading requirements]:

   A. Commercial, industrial and public utility uses, which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 10,000	0
l0,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

C. A loading berth(s) shall contain space large enough to accommodate the largest anticipated delivery vehicle**,** and be not less than ten feet wide, twenty-five feet in length and fourteen feet in height. If the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

D. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than required to adequately handle the needs of the particular use.

E. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except at off-peak hours during periods of the day when not required to take care of parking needs.

F. Passenger Loading/Unloading: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers, shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one-time.

8. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts except the Downtown (C-4) Commercial District as described in Section 17. The minimum number of required off-street vehicle parking spaces (i.e. parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards listed in subsections 4 - 7 of this section. Off-street parking spaces shall be provided as follows [Note: Commercial Buildings within the Town Center Zone shall refer to §153.032.1(9) for parking and circulation standards]:

Use	Requirement
A. Residential	
One, Two and Three-family dwellings:	Two spaces per dwelling
Multi-family dwelling containing four or more dwelling units:	One and one-half spaces per dwelling unit

Bed & Breakfast Establishments:	Two spaces per dwelling plus one per guest room.
Rooming or boarding houses; accessory rental units	One space for each accommodation and one space per guest room.

B. Commercial Services:

Bank, personal services, office, (except medical and dental):	One (1) space per five hundred (500) square feet of floor area plus one (1) space per two (2) employees
Barber shop or beauty shop:	One (1) space per service Chair or stool
Bed and Breakfast Establishments:	Two (2) spaces per dwelling plus one (1) per guest room for the establishments of three (3) guest rooms or more
Clubs; Lodge:	The same number of spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Eating and Drinking Establishments	One (1) space per four (4) seats or one (1) space per 100 square feet of dining or drinking area whichever is greater.
Hotel/Motel:	One (1) space for the owner or manager, one (1) space per two (2) employees, one (1) space per guest room or suite.
Medical and Dental office or clinic:	One space per 200 square feet of floor area plus one space per 2 employees
Mortuaries, chapels:	One (1) space per four (4) seats or eight (8) feet of bench length in main chapel
Self-service Laundry	One (1) space per four

or Dry Cleaning:	(4) washing or cleaning machines
Service or repair shop	One space per 600 square feet of floor area.
C. Commercial Retail Stores:	
4000 square feet or less:	One (1) space per two hundred (200) square feet of floor area
4001 square feet or more:	One (1) space per two hundred seventy-five (275) square feet of floor area
Retail store exclusively handling bulky merchandise such as auto mobiles, furniture and large appliances	One space per 600 square feet of retail floor area.
Open air market; used car sales lot	One space for 1,500 square feet of land area
Supermarkets, Grocery Stores:	One (1) space per two (2) employee, plus
4000 square feet or less:	One (1) space per one hundred fifty (150) square feet of floor area
4001 square feet and over:	One (1) space per two hundred (200) square feet of floor area.
D. Commercial amusements	
Bowling alley:	Three (3) spaces per lane plus one (1) space per two (2) employees
Dance Hall, Skating Rink:	One (1) space per one hundred (100) square feet of floor area plus one (1) space per two (2) employees
Miniature Golf Course:	Four (4) spaces per hole
Stadium, arena, theater:	One (1) space per four (4) seats or eight (8) feet of bench length

E. Industrial

Manufacturing establishment:	One (1) space per employee on the maximum shift
Storage warehouse, rail or trucking freight terminal:	One (1) space per employee on the maximum shift
Wholesale establishment:	One (1) space per employee plus one (1) space per seven hundred (700) square feet of patron serving area
Public Utilities (gas, water, telephone, etc), not including business offices:	One (1) space per two (2) employees on the largest shift, plus one (1) space per company vehicle; a minimum of two (2) spaces is required.

F. Institutions/ Places of Public Assembly

Child Care Centers, having thirteen (13) or more children	One (1) space per two (2) employees; a minimum of two (2) spaces is required
Churches and similar places of worship	One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium
Convalescent hospital, nursing home, sanitarium, rest home, home for seniors	One (1) space per two (2) beds for patients or resident
Golf Course, (except miniature)	Eight (8) spaces per hole, plus additional spaces for any auxiliary uses set forth in this section
Hospitals:	Two (2) spaces per patient bed.
Library, reading room, museum, art gallery	One (1) space per four hundred (400) square feet of floor area plus one (1) space per two (2) employees
Limited school service facility (i.e. non-classroom):	One (1) space per four hundred (400) square feet of floor area

Other auditorium, meeting rooms	One (1) space per four (4) seats or eight (8) feet of bench length. If no permanent seats are provided, one space per 100 sq. feet of floor or assembly area.
Schools	
Pre-school nursery kindergarten:	Two (2) spaces per teacher
Elementary and Junior High:	One (1) space per employee or one and one-half (1 1/2) space per classroom or one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater
High School:	One (1) space per employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater
Colleges, Universities, and commercial trade schools for adults:	One and one-half (1 1/2) spaces per classroom, plus one (1) space per five (5) students the school is designed to accommodate or one (1) space per three (3) seats in classrooms whichever is greater
Correctional institutions:	One space per five beds for patients or inmates

G. Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses, and shall determine the minimum number of parking spaces required to avoid undue interference with the public use of streets and alleys.

9. Disabled Parking (as required in conformance with the Americans with

Disabilities Act). The number of disabled parking spaces shall comply with the following standards. Striping and signing of the handicap space(s) shall conform to ADA Standards and are shown in the figure below, and referenced on following pages.

Total Number of Parking Spaces provided (per lot)	Accessible Parking Spaces	Van Accessible Parking Spaces with min 96" wide access aisle	Parking Spaces with min 60" wide access aisle
		Required	
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column to the left	7/8 of 1st column parking provided in each lot
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column to the left Accessible	7/8 of 1st column for each one hundre

10. <u>Development and Maintenance Standards for Off-Street Parking and Loading Areas</u>. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and public parking lots, shall be developed as follows:

A. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins property situated in an R-7.5, R-5.0, or R-O District or the premises of any school or like institution.

B. Any lighting used to illuminate the off-street parking areas shall be pedestrian-scale and so arranged that it will not project light rays directly or create or reflect substantial glare upon any adjoining property in an R-7.5, R-5.0 or R-O District or on any adjacent dwelling.

C. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

D. Types of surfacing required for off-street parking and loading areas

1. Areas used for standing vehicles and required for maneuvering of vehicles in all residential, commercial, or industrial zones shall have surfaces of asphalt, concrete, brick or other permanent, durable, dustless surfaces maintained adequately for all weather use (excluding oil-matte surfaces). Permeable surfaces are encouraged. All such areas shall be so drained as to avoid standing water and flow of water across sidewalks, walkways and adjacent properties.

2. According to Section 3.02.03, Driveways, of the City of Tillamook Street and Storm Drainage Design Standards, all driveway aprons shall be paved a minimum of twenty (20) feet from the back of the sidewalk into the driveway.

3. Unless the driveway is shared between adjacent property owners, a minimum of five (5) feet between the improved driveway surface and the property line is required as is further determined by the street designation in §153.051, Site Development Standards of this development code.

4. Areas used for standing and maneuvering of vehicles in all property within the designated Floodway shall have surfaces of durable, dustless, permeable materials. All such areas shall be designed to avoid flow of water across adjacent properties.

E. Except for parking to serve one or two family residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of a sight-obscuring fence of not less than five nor more than six feet in height between the uses, except where vision clearance is required.

F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley.

H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection. Such area shall be maintained free of all visual obstructions. (See §153.003 for Definition.)

I. Curbing and Wheel Stops. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street. Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping and no vehicle shall overhang a public right-of-way.

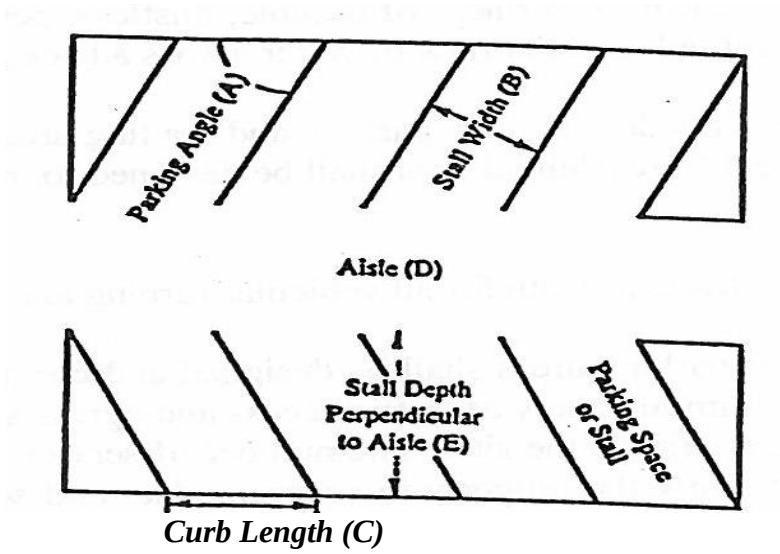
J. Marking/Striping. Except for parking to serve one or two family residential uses, all spaces shall be permanently and clearly marked/striped according to the City stall standards.

11. Maximum Number of Parking Spaces Allowed. The number of parking spaces provided commercial use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or understructure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum of

allowable spaces. Parking spaces provided through "shared parking" also do not apply towards the maximum number.

12. Parking Stall Standard Dimensions, Disabled Person Parking Stall Requirements and Standard Dimensions. All off-street parking stalls shall be improved to conform to City standards for surfacing, storm water management and striping. Standard parking spaces shall conform to the dimensions in the following figure.

A. Standard Dimensions



Minimum Standard Parking Spaces and Aisle Dimensions

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0˚(Parallel)	8 ft.	22 ft. – 6 in.	12 ft.	24 ft.	20 ft.
30˚	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
45˚	9 ft.	12 ft. – 6 in.	12 ft.	24 ft.	19 ft.
60˚	9 ft.	10 ft.– 6 in.	18 ft.	24 ft.	20 ft.
90˚	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.

B. Disabled person parking spaces shall conform to the following standards and dimensions:

Minimum Number of Accessible Parking Spaces

ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

* one out of every 8 accessible spaces ** 7 out of every 8 accessible parking spaces

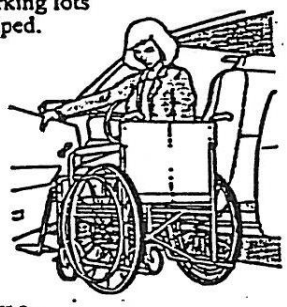
ADA Design Guide 1 Restriping Parking Lots

Accessible Parking Spaces

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



Accessible Parking Spaces for Cars

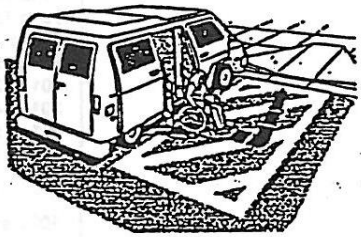
Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

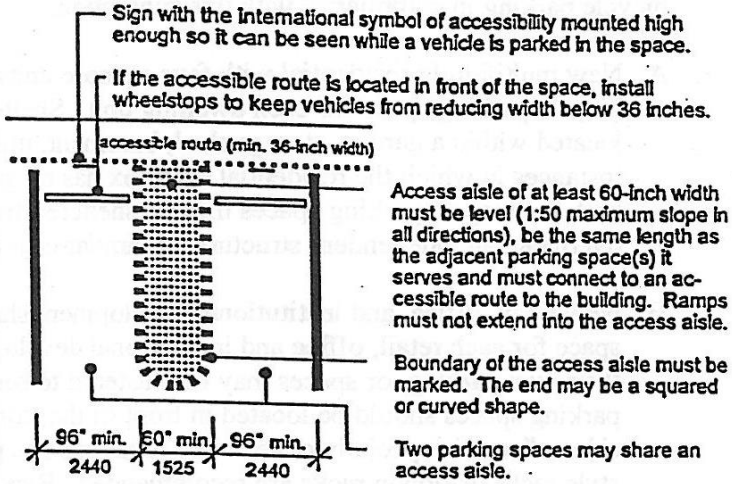
Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

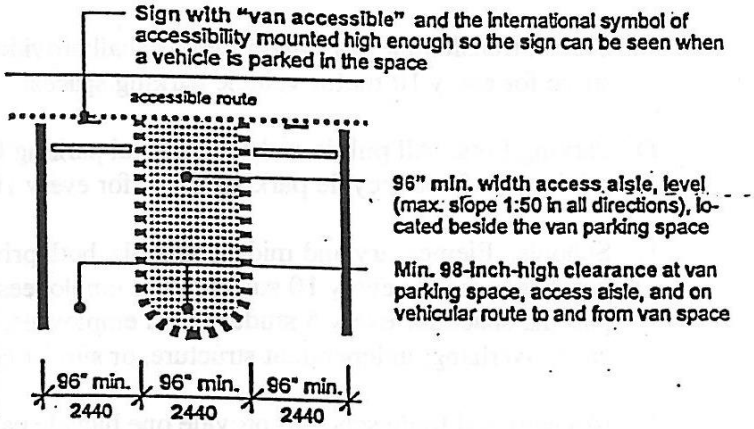
Department of Justice
ADA Information Line

800-514-0301 (voice)
800-514-0383 (tty)

Features of Accessible Parking Spaces for Cars



Three Additional Features for Van-Accessible Parking Spaces



Internet
You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address: www.usdoj.gov/crt/ada/adahom1.htm

Reference:
ADA Standards for Accessible Design (28 CFR Part 36):

§ 4.1.6 Alterations;
§ 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
§ 4.1.6 Parking and Passenger Loading Zones.

Duplication of this document is encouraged.

13. Bicycle Parking Requirements. The following new developments shall be required to provide bicycle parking in compliance with this subsection. Additionally, the required bicycle parking facilities shall be constructed when an existing building is altered or enlarged, or when a use is intensified by the addition of floor space, seating capacity, or change in use.

A. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and

livestock uses, or other developments with fewer than 10 vehicle parking spaces.

B. New multifamily residential with four or more units shall provide at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces shall be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

C. New retail, office, institutional development and other commercial uses shall provide at least one bicycle parking space for each retail, office and institutional development, and provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces regarding the off-street parking lot and parking structures. These spaces shall be sheltered.

D. Transit transfer and park and ride lots shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

E. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

F. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

G. Colleges and trade schools provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

H. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

I. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space) either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. All bicycle parking spaces shall be located in close proximity to the use they are intended to serve, shall be located no more than 50 feet from a well-used entrance, and shall have direct access to both the public right-of-way and the main entrance of the principal use. Inverted "U" style racks or ribbon racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. These spaces shall be sheltered. Bicycle parking should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

J. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or

building entrances, so that it provides sufficient security from theft and damage.

K. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

L. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.

M. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only and shall not impede or create a hazard to pedestrians.

§153.055 DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of this section is to encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and design of private properties, to discourage monotonous, drab, unsightly, dreary and inharmonious design, to conserve the City's natural beauty and visual character and charm by insuring structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements, to prevent physical harm to the citizens of Tillamook City, and to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.

2. Fence and Wall Standards

   A. Front yard: A front yard fence or wall must not be more than:

      1. Three (3) feet in height if the fence is within ten (10) feet of the front lot line; or

      2. Six (6) feet in height if the fence is set back more than ten (10) feet from the front lot line.

      3. Vision clearance area as per §153.050 shall be required for corner lots.

   B. Rear yard: A rear yard fence or wall must not be more than six (6) feet in height.

   C. Interior side yard: A side yard fence or wall, on a side not abutting a street, must not be more than six (6) feet tall.

   D. Street side yard: A side yard fence or wall, on a side abutting a street, must not be more than:

      1. Three (3) feet in height if the fence is within ten (10) feet of the lot line; or

      2. Six (6) feet in height if the fence is set back more than ten (10) feet from the lot line.

      3. Vision clearance area as per §153.050 shall be required for corner lots.

   E. Height measurement: Fence or wall height is measured from the ground to the top of the fence. If the ground on which the fence is located has been bermed or raised above the level of the surrounding land, the fence is measured from the level of the unraised ground.

   F. Materials: Wood, brick, rockwork, vinyl, or low post and wire and hedgerows are encouraged. Concrete block walls are prohibited. Cyclone or chain link fencing is prohibited within any front yard or street side yard setback area unless coated with a non-metallic material, but is allowed in side and rear yards.

   G. Retaining wall: The above standards do not apply to a device used to buttress earth, such as a retaining wall or riprap.

H. For purposes of this section only, if a lot abuts more than one street, only the frontage on one of the streets shall be deemed a front lot line, and the height restrictions shall apply only to one front yard. The person in possession and control of the premises may elect which is the front yard and restrict the height of the fence or wall accordingly. Such person may change his election to any of the other streets abutting his premises by first abating any nonconforming fence or wall in the front yard to be thus defined. In a zone district other than residential, notwithstanding the yard requirements, a fence, wall, hedge or other like screening device may be required by the Planning Commission as a condition to the approval of a proposed commercial or industrial improvement on a lot abutting, or across the street or alley from, an adjacent property in a residential district, if the Planning Commission finds that such screening is necessary to prevent an unreasonable interference with the use and enjoyment of the residential lot.

I. Interference and Hazard to the Public

1. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence;

1. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence.

J. Relation to Adjoining Property.

1. Fences shall not be installed on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line.

a. Determination of where property line is located shall not be the responsibility of Tillamook City or its officials.

K. <u>Building Permit and Setback Requirements for Fences</u>. Any fence greater than six (6) feet in height shall require a building permit, and hence, shall be required to abide by the front yard setback and height requirements of the applicable zoning district.

L. Fences in Industrial Zones. A fence six (6) feet in height shall be required to separate any new or substantially improved industrial operation from abutting property which is located in any residential or commercial zoning district. Such fence shall be subject to the requirements of Section 5(b) of this development code.

3. <u>Exterior Lighting Requirements</u>. All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

A. Area Lights – All area lights, including street lights and parking area lighting shall be full cutoff fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the City that another type is more efficient street lights along residential streets shall be limited to 70-watt high-pressure sodium (hps) light. If the City

permits a light type other than high-pressure sodium the equivalent output shall be the limit for the other light type. Outdoor mercury vapor and quartz lights are prohibited; preference should be given to low impact lighting.

B. Canopy Lights – All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

C. Illumination Levels – Illumination levels and uniformity shall consider current recommended practices of the illuminating Engineering Society. Recommended standards for the illuminating engineering society shall not be exceeded. Lighting shall be compatible with the character of the neighborhood within which it is located, and light trespass impacts on surrounding properties shall be minimized. Fixture mounting height and light intensity shall be considered in determining the extent of light trespass impacts. Up lighting shields shall be required except in the Town Center.

D. Temporary Lighting – Temporary lighting that conforms to the requirements of this development code shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Public Works Director only after considering:

1. The public and private benefits which will result from the temporary lighting.

2. Any annoyance or safety problems that may result from the use of the temporary lighting.

3. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Public Works Director.

E. Towers – All radio, communication and navigation towers that require lights shall have dual lighting capabilities. Lights may only be used in accordance with FAA requirements.

F. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.

G. The streetlight illustrations in the City's most current design standards shall be used by property owners in a subdivision or other development. Lamp types not listed in the table may be approved for use by the Planner providing installation of these lamps conforms to the lumen limits established in this section.

H. Glass tubes filled with argon, neon or krypton do not require shielding.

I. Exterior Lighting Exemptions and Exceptions.

1. Residential fixtures consisting of lamp types with 2,050 lumens or less. Examples include:
   a. 100 Watt Standard Incandescent and less.
   b. 100 Watt Mid break Tungsten-Halogen (quartz) and less.
   c. 25 Watt T-12 Cool White Fluorescent and less.
   d. 18-Watt Low Pressure Sodium and less.

2. Federally funded and state funded roadway construction projects to the extent necessary to comply with federal and state requirements.

3. Fossil Fuel Light – Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

4. Full cutoff street lighting, which is part of a federal, state, or municipal installation.

5. Holiday Lighting.

6. Lighting of sports facilities or stadiums.

7. Specialized lighting necessary for the safety, such as navigation or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.

8. Traffic control signals and devices.

J. Prohibited Lighting

1. Newly installed fixtures, which are not full cutoff fixtures.

2. Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

3. Laser Source Light – The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

4. <u>Sidewalk and Pathway Standards.</u>

A. The placement of a sidewalk or pathway along the frontage(s) of a subject property is required and shall be constructed in accordance with the City's most current design standards. Reconstruction or maintenance of an existing sidewalk or pathway may replicate its original design. No matter which surface is utilized, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators.

5. <u>Driveway and Garage Standards.</u>

A. Detached garages shall be encouraged to be located to the rear of the residence. If an alley is available, paved and improved to a minimum width of 10 feet, it shall service the garage. Attached garages are required to be located at least 10 feet behind the front wall of the house.

B. Driveways shall be placed alongside of a residence leading to a detached garage, unless an alley paved and improved to minimum width of 10 feet is available; then the alley shall be utilized. Exceptions to the location of the driveway include conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property which force the driveway to be located elsewhere. Shared driveways are encouraged to reduce the impact of the automobile on the appearance of small lot residential neighborhoods. Separated driveway wheel tracks of concrete, gravel, or pavers are

encouraged, except in circumstances where an extended driveway is a critical component of fire protection access. Impermeable surfacing shall be minimized.

6. Other Outbuilding and Accessory Standards.

   A. Front yard: No barn, deck, shed, outbuilding (except garages), or hot tub is allowed in a front yard. Porches, patios and gazebos are permitted in front yards, but not within the required setback area.

   B. Rear yard: Barns, decks, gazebos, sheds, outbuildings, and hot tubs are allowed in a rear yard, but must meet setback requirements. They shall not overhang or drain onto an adjoining property, obstruct fire access, or be placed on a right-of-way or recorded easement.

   C. Materials: Wood or brickwork is encouraged. Wrought metalwork and sheet metal are discouraged. All exterior lighting must minimize light trespass impacts.

7. Swimming Pool Standards.

   A. Front yard: No swimming pool is allowed in a front yard.

   B. Rear yard additional setbacks: A swimming pool is allowed in a rear yard. The minimum setback for a swimming pool is:

      1. fifteen (15) feet from rear lot line,

      2. fifteen (15) feet from a side lot line, on a side not abutting a street,

      3. twenty (20) feet from a side lot line, on a side abutting a street; and4. ten (10) feet from any dwelling on the lot.

   C. Fencing: If appropriate, a solid noise dampening fence or wall, six (6) feet tall, should enclose the rear yard including the swimming pool to protect neighboring lots from excessive noise. A vinyl coated chain link fence not less than four feet tall, nor more than five (5) feet tall, may also be installed in close proximity to the pool as a safety precaution.

   D. Materials: Materials exposed to neighbors or Public Way shall be those allowed by 'Fence and Wall standards'.

   E. Child proofing: Any gate leading to the pool must be self-closing and self-latching. The latch must be openable only by key or combination lock. The pool enclosing fence must have no openings larger than four (4) inches in any dimension.

   F. Overhead utility lines: Overhead electric, telephone, cable TV or other utility lines must not cross over a swimming pool. For safety reasons, a minimum ten (10) foot horizontal clearance must be maintained between the pool and any overhead lines. (A pool cleaning tool, attached to a metal pole, can cause electrocution if it contacts a live wire.)

   G. Measurements: Setbacks are measured from the edge of the water at the design water line.

8. Satellite Dish and Telecommunication Equipment Standards.

   A. Ground Dishes or piece of equipment under 24”.

      1) Shall be located based on technical need with the rear yard given first priority, side yard second priority, and front yard third priority. Written verification of technical need may be requested from a qualified dealer prior to siting in a front yard.

      2) A ground dish shall abide by the setback requirements of the zone district in which it is located. Zone Districts without an established setback area shall at a minimum provide a five (5) foot side an s rear yard setback and a minimum of ten feet shall be required for a front yard setback.

      3) Any portion of a ground dish which is above a height of ten (10) feet, must be inset and additional one-half foot for each foot of height exceeding 10 feet.

      4) All ground dishes located in a front of side yard shall be screened by sight-obscuring fences and/or dense landscape buffers. Such buffers shall at a minimum screen 50% of a ground dish based on the total vertical height with a maximum buffer height of six (6) feet. Dishes may be painted to blend with the existing surroundings.

   B. Roof Dishes or piece of equipment under 24”.

      1) May be mounted on roofs, porches, or project from a wall of the dwelling.

   C. Any satellite dish or piece of equipment larger than 24” shall be confined to rear or side yards, shall be screened from any viewpoint four feet above and along the centerline of a City street.

9. Drop Box and Newsrack Standards.

   A. Drop boxes and newsracks are not permitted in any R-7.5 or R-5.0 residential zones. In zones where permitted, they shall be screened or placed in such a way as to not obstruct pedestrian or vehicular traffic.

10. Dumpster Standards.

   A. All existing and proposed dumpsters shall be screened and located in the rear or side access areas, but not in the front of the subject property. Design of the dumpster screen shall be approved by the affected waste disposal provider.

11. Temporary Structure Standards.

   A. Tents, tarps, and other temporary structures lacking foundations which are left in place longer than seven consecutive days shall not be visible from any viewpoint four feet above and along the centerline of a City street.

   B. In all residential zones, all off street parking of automobiles, trucks, trailers and recreational vehicles in the front yard shall be limited to a contiguous area which is no more than 25% of the area of the front yard.

C. Such structures, vehicles, or devices shall not be used as a dwelling, either permanently or for more than seven days temporarily.

12. Development Standards for multi-family, multiple use, commercial and industrial projects and projects which will create or alter a street or roadway, and development for multi-family, multiple use, commercial and industrial projects proposed on parcels greater than one acre in size.

A. Landscape Planning Requirements.

1. Prior to site alterations, a thorough inventory and mapping of the location, type, and quality of trees on the property will be prepared. The map must be to the same scale as the site plan for the development proposal. In the instances where the property contains large volumes of woodlands, the inventory can take the form of a description of type, location and general volumes of tree groupings.

2. During site alterations, the retention of resource trees is strongly encouraged. Construction of natural buffers using native vegetation between sensitive natural environments and transportation systems is encouraged. Methods and details for protecting existing vegetation during construction must be submitted for City Planner approval.

3. A project wide landscape plan (with installation timelines and maintenance requirements) prepared by a qualified landscape professional must be submitted for City Planner approval prior to the issuance of a Certificate of Occupancy by the Building Official, unless otherwise specified by the City Planner or conditioned in a Final Order for Approval. All street and common areas must be landscaped within a reasonable amount of time after the completion of the improvements in those areas; however, a secured agreement to provide individualized landscape plans and timelines for the front yard (at a minimum) of each lot of a subdivision within one year and a half from final platting of the affected phase may be permitted.

4. The predominant use of ground covers such as bark mulch and rock as a permanent landscape feature is discouraged. The location and description of landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas must be graphically indicated on the landscape plan.

B. Landscape Standards for multi-family, multiple use, commercial and industrial projects.

1. Preservation of Landscape. The existing landscape shall be preserved in natural state, in so far as practicable, by minimizing tree and soil removal, and any other grade changes shall be in keeping with the appearance of developed areas. Preservation includes the preservation of any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH), a bush at least 4 feet in height, an area onsite designated as wetlands,a drainage ditch located onsite. For all landscaping, live material shall be predominantly used

2. Landscaping Requirement

a) New Construction

1) Commercial and industrial development shall provide an amount of landscaping which equals 10% of buildable area in landscaping. Public and semi-public developments shall provide an amount of landscaping, which equals 15% of buildable area. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback areas.

2) Multi-family and mobile park development shall provide an amount of landscaping which equals 10% of buildable area in landscaping in addition to open space requirements. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback area.

b) Existing Buildings and Structures

1) Existing buildings which expand into an undeveloped area, including the building upwards of a structure shall devote the same percentage of landscaping as is listed for new construction in §153.055, 6b. Exceptions may be made in the case where a structure covers the entire lot area, or when expansion of a structure does not exceed 10% of the square footage of the existing building's ground floor area.

c) Height and Size

1) Height and screening may be emphasized through the planting of deciduous trees. If deciduous trees are used, they should have straight trunks, be fully branched, have a minimum caliper of 1 1/4 inches, and a minimum height of eight (8) feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage.

2) Evergreen trees and shrubs must be balled and burlapped or in suitable containers in which the tree or shrub has grown for one (1) year. If balled and burlapped, the ball of each tree or shrub shall be firm and burlap sound; no loose ball or made ball will be acceptable. Each tree shall be a minimum of six (6) feet in height, fully branched, and adequately staked at the time of planting.

3) Ground cover shall be supplied in a minimum 4" size container. Ground cover plantings shall be planted on a maximum of 30" on center and 30" between rows. Rows of plants are to be staggered for a more effective covering. If a 2 1/4" container is used, planting 18" on center may apply within the above guidelines.

4) Shrubs shall be supplied in one-gallon containers or 9"-10" burlap balls with a minimum spread of 12" to 15"

e) Off-Street Parking Areas. Landscaping shall be used to define, soften and screen, reducing the visual intrusions of vehicles using less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof, the appearance of off-street parking areas from public rights-of-ways.

Landscaping requirements are identified in subsection 13 of this section.

1) Evergreen and/or deciduous plant material shall have a minimum height at the time of planting of 18" - 24".

2) Parking lot plants and/or berms shall be designed to allow surveillance of the lot from the street at several points.

3) Landscaping. In all zones, except single-family residential zones, all parking facilities shall include landscaping to cover not less than twelve percent (12%) of the area devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers. It may consist of trees, plus shrubs, groundcover or related plant material.

f) Special Features

1) Exposed storage areas, trash receptacles, service areas, truck loading areas, utility buildings and similar accessory areas and structures shall be subject to a minimum 10 foot setback from the public ROW and pedestrian pathways, to reduce the impact of unsightly visual intrusions. Screen plantings and other screening methods such as fences, walls, or any appropriate combination thereof shall be used to be congruent with existing surrounding properties.

g) Live Material, Compatibility and Maintenance

1) All live material used for landscaping must be compatible with climate and soil conditions prevalent to the coastal areas; thus reducing the risk of costly replacement. All landscaping required and approved through site review shall be continually maintained, including necessary watering, weeding, pruning and replacement.

h) Alternatives

1) Occasionally strict adherence to the above landscaping specifications may be unduly harsh or found to be in conflict with a particular development plan. A developer may therefore propose alternatives for Commission consideration. Deviations from specified requirements must be shown to the Commission's satisfaction that they are not in conflict with the overall intent of this section, which is to promote adequate and pleasing landscaping for development.

i) Landscaping Credit for Street Tree Planting

1) The retention of trees shall be considered in the design of partitions, site plans, subdivisions, or planned developments; the placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, site plans, subdivisions, or planned developments.

2) The preservation of trees, as mentioned in 6A of this section, shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% (10% of 10% landscaping ‘ 1%).

3) The planting and maintenance of Street Trees in the public Right-of-way shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% per street tree (10% of 10% landscaping ‘ 1%).

j) The list of street tree species to be planted and minimum tree planting dimensions are listed in detail in Code Section 93. .

C. Special tree protection standards:

1. Preservation: A tree that has been singled out for preservation in the conditions of approval must not be removed or damaged during construction.

2. Root protection: When construction encroaches into the drip line area of a protected tree, special construction techniques must be used to protect the roots. The existing ground surface within four feet of the base of a protected tree must not be cut, filled, compacted, or paved. No more than 12 inches of fill or cut can occur within the remainder of the drip line of a protected tree. A tree well may be used if approved by the City Planner.

3. Excavation: prohibited excavation adjacent to a protected tree is not allowed if it will damage the root system. In questionable situations, the applicant must provide substantiating documentation prepared by a certified arborist showing that the trees will be protected.

D. Street tree standards:

1. Shade trees are required along all streets, except in the downtown Town Center. The City approved Street Tree List governs street tree selection and replacement on each street. Species designated in the list should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. The approved street tree list shall be used in order to determine whether a small, medium, or large tree is selected. A limited number of the same species should be planted along any single street.

2. Street trees shall be sized, spaced, and planted in accordance with the standards provided below and shall be located in the center of 5 foot wide planter strips between streets and pathways (minimum ten foot in length) or between two and a half to 4 feet from street edge pathways or impervious surfaces. Plant the largest tree that space allows for each planting location.

3. If utilities exist in the planting strip, large trees shall be planted on the side of the road without utilities and medium and small trees on the utility side of the road. It is recommended that in these situations, rather than having equal sized planting areas, that

the planting areas on the side opposite the utilities be larger than the utility side planting areas.

In general, the side of the street without overhead electric lines should be planted with trees with potential to attain a large size, if there are no obvious constraints to trees attaining mature size, such as small planting areas. On the sides of streets with overhead electrical lines directly above the planting areas, only trees from the recommended street tree list designated "small" may be planted, unless there is a minimum of 10 feet of horizontal clearance between the bases of the street trees and electrical facilities.

Columnar shaped trees should only be used where there are obstructions like buildings, signs, and overhead electrical lines that preclude broader canopied trees. Medium sized trees may be planted if the horizontal clearance is 10 feet or greater, and large trees may be planted if the horizontal clearance is 20 feet or greater.

4. At street corners, no tree shall be planted which branches below eight feet to ensure vision clearance.

5. Appropriate pruning, watering, nutrient feeding, and tree protection devices are required after planting, staking only when necessary. No metal stakes may be used for tree stakes. Tree protection devices shall remain in place until the trees reach four inch DBH or until the trees have been in place for two years, whichever is longer.

6. A secured agreement shall be provided that ensures that if planted trees are not alive and viable two years after planting, replacements will be required.

E. Standards for plant measurements, installation, and maintenance

1. Developers shall install and/or dig, ball, burlap, and transplant all plant materials listed on landscape plan. Bareroot is typically not permitted for any tree.

2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown. Neither heeled-in plants nor plants from cold storage shall be acceptable.

3. Plants shall conform to the measurements specified in the Landscape Plan.

   a) Diameter at breast height (DBH) shall be measured by taking the circumference of the tree's trunk(s) at four feet above grade/ground level, and dividing by 3.14.

   b) Minimum branching height for all shade trees shall be six feet.

   c) Minimum size for shade trees shall be two inches at DBH; seven to nine (9) feet in height.

   d) Minimum size for evergreen trees shall be six (6) to eight (8) feet in height.

   e) The minimum planting area by tree size shall be:

1) Small trees (under 25 feet in height at maturity): 40 square feet

2) Medium trees (between 25 to 50 feet in height at maturity) 60 square feet

3) Large trees (over 50 feet in height at maturity) 96 square feet.

f) The maximum spacing between trees shall be:

1) Small trees: 20 feet

2) Medium and large trees: 30 feet

3) A professional horticulturist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized.

4. Planting areas for trees must be in an uncompacted state to a depth of at least two feet. Area to be ripped or excavated to that depth unless within the drip line of a resource tree or if roots from other trees larger than one inch diameter are encountered. If these occur, obtain and follow the recommendation of a certified arborist.

Use existing soil for tree planting. Avoid adding topsoil. Soil amendments like aged sawdust (minimum of ten years of aging) may be used. Avoid working the soil when it is saturated with water, frozen or dry. Use two to three inches of bark mulch around all newly planted trees.

13. Landscaping Standards. All landscaping in any zone district in the City shall conform to the following requirements unless otherwise exempted.

A. General Height Limitation for Hedges and Other Landscaping Used for Screening**.** Hedges and other landscaping used for screening and privacy shall not be permitted to grow higher than eight (8) feet**.**

B. Relation to Adjoining Property.

1. Hedges, shrubs and other landscaping used for screening and privacy shall not be installed or planted on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.

a. All landscaping or portions thereof shall be located in such a way as to not be detrimental to abutting property. No landscaping shall obstruct or threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.

C Interference and Hazard to the Public.

1. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, hedges or shrubs on the property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of the property that

abuts upon a street or public sidewalk to keep all trees on the premises, including the adjoining parking strip, trimmed at a height of not less than ten (10) feet above the sidewalk and not less than fourteen (14) feet above the roadway.

2. No owner or person in charge of property shall allow a dead or decaying tree to stand that is a hazard to the public or to persons or property on or near the property.

D. Enforcement.

1. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration.

14. Planting in the City Rights-of-way.

A. Abutting property owners may be granted permission to plant in the City Right-of-way by the City according to the current City Street Tree Ordinance if the following information is provided:

1. A request in writing is provided in the form of a letter to the Street Tree Committee and a City Public Works Permit application for street trees proposed in a new subdivision or newly created road right-of-ways, or a City Public Works Permit application for administrative permission for street tree(s) proposed on an existing tree lawn and an established road right-of-way with curb.

2. A plot plan of area referencing water and sewer lines, power lines, driveways and intersecting streets is provided.

3. Approval, if granted by the City, shall be required in the form of an approved City Public Works Permit prior to planting of the tree or trees. Fees for such permit shall be paid prior to approval by the abutting property owner.

§153.070 CONDITIONAL USE PERMITS

1. Purpose. Conditional uses may be permitted in certain districts, subject to the granting of a Conditional Use Permit. A use is considered conditional if it may require special consideration because of unusual characteristics of the area in which it is to be located. It is important that conditional uses be properly located with respect to the objectives of this Ordinance and the effect to the surrounding properties. A use designated as conditional use may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this section.

2. Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with conditions, disapprove, or revoke Conditional Use Permits subject to the provisions of this section. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses and shall require a new Conditional Use Permit.

   In permitting a conditional use or the modification of an existing conditional use, the City may impose, in addition to those standards and requirements expressly specified by this section, any additional conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole. These conditions may include, but are not limited to, the following:

   A. Increasing the required lot size or yard dimensions, open spaces or buffer areas;

   B. Limiting the height of buildings;

   C. Controlling the location and number of vehicle access points;

   D. Increasing the street width;

   E. Increasing the number of off-street parking and loading spaces required, along with the type of surfacing and drainage of parking areas;

   F. Limiting the number, size and location of signs;

   G. Requiring screening, fencing, and/or landscaping (and maintenance thereof) to protect adjacent property; and

   H. Requiring means of pedestrian/bicycle access pathways to serve the property;

   I. Limiting the location, coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;

   J. Limiting or prohibiting openings in sides of buildings or structures;

K. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;

L. Regulation of noise, vibration, odors, etc.;

M. Regulation of time for certain activities;

N. Establishing a time period within which the proposed use shall be developed;

O. The requirement of a bond for removal of such use within a specified period of time;

P. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed;

Q. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this ordinance and the City Comprehensive Plan.

3. Application. A property owner or their authorized agent may initiate a request for a conditional use permit or the modification of an existing conditional use by filing an application with the City in accordance with the provisions of §153.004.

   The application shall be accompanied by a site plan (as described in §153.073), drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may require other drawings or information necessary to understand the proposed use and its relationship to surrounding properties.

4. Public Hearings. Before a conditional use is permitted, the proposed conditional use shall be considered by the Planning Commission at a public hearing, or administratively. Notice of said hearing or administrative action shall be provided as per §153.004 of this Ordinance.

5. Action by the Commission. The Planning Commission may approve, approve with conditions, or disapprove the application for a Conditional Use permit. The Planning Commission may approve the application for a temporary conditional use. Any future enlargement or alteration of a conditional use shall require a new conditional use permit application to be in accordance with the regulations and standards of this Ordinance.

   A. In order to grant any conditional use, the Planning Commission must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be in violation to the appropriate regulations and standards contained in this Ordinance.

   B. The Planning Commission shall render a decision within 120 days after the application has been deemed complete. The decision of the Planning Commission shall be final unless appealed to the City Council.

C. A Conditional Use permit shall become void one year after approval, unless a different time frame is specified as a condition of approval, or, within that time period the required building construction, alteration or enlargement has commenced and been diligently pursued or, if no such construction, alteration or enlargement is required, the permitted activity is being regularly conducted on the premises. The Planning Commission may extend the permit for an additional period of one year. A conditional use permit shall become void if the use is discontinued for a period of one year.

D. Any conditional use authorized according to this Section (excepting "F" below) shall be subject to the following criteria, where applicable, and the Planning Commission must find, based upon evidence in the record developed before the Planning Commission, both factual and supportive, provided by the applicant, that:

1) If the conditional use is listed as a use permitted outright in any other zone district in the City, the conditional use is appropriate with respect to the property in the application taking into consideration such things as the suitability of lands in other zone districts, market or other economic factors, the transportation system, infrastructure available to serve the use, and the impacts of the conditional use relative to the same use in a different zone district.

2) The use is consistent with the applicable goals and policies of the City Comprehensive Plan.

3) The parcel is adequate for the proposed use. Considering its size, shape, location, topography, existence of proposed improvements and natural features, the parcel will accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the site plan.

4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

5) Streets and highways , water and sewer service lines, must be adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.

6) There are no outstanding code violations or conditional requirements on the subject property.

E. Burden of Proof.

1) The specific findings made by the Planning Commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the conditional use. If no evidence is produced concerning any of the findings listed in subsection D above, the application must be denied based upon improper or inadequate findings. All evidence must be cited in the findings for approval of any conditional use permit application.

2) Where the planning commission is of the opinion that said conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a Planning Commission order granting the conditional use permit, which order shall include specific findings of fact, conclusions and supportive evidence and any conditions of approval. Upon the filing of said order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the Planning Commission, based on the standards specified herein, determines that the conditional use permit should not be granted.

F. Conditional Uses and Criteria for Certain Transportation Facilities and Improvements

1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted City of Tillamook Transportation System Plan ("TSP"), or (2) not designed and constructed as part of an approved subdivision or partition, are allowed in all Zones subject to a Conditional Use Permit under Transportation Facilities**,** and satisfaction of all of the following criteria:

   a. The project and its design are consistent with City of Tillamook adopted TSP, or, if the city has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").

   b. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.

   c. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.

   d. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

   e. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.

2) State transportation system facility or improvement projects. The State Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 27A 1.b-e. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

3) Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use

permit approval. The applicant shall choose one of the following options:

a. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use permit application; or
b. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
c. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
d. If the City's determination of inconsistency is part of a final decision on the conditional use permit application, the applicant, after one (1) year, may submit a new conditional use permit application without prior inconsistencies, along with a plan/zoning amendment application for joint review and decision.

F. Expiration. If no improvements are made or actions taken, a Conditional Use Permit for Transportation System Facilities and Improvements shall be null and void after five (5) years.

6. Appeal. The applicant or any interested person of standing may appeal a decision of the Planning Commission to the City Council in the form prescribed by the City. The appeal procedures shall be set forth in §153.076.

7. Effect. No building or other permit shall be issued in any case where a Conditional Use Permit is required by the terms of this Ordinance until fourteen (14) days after the approval of the conditional use by the Planning Commission. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed.

8. Violation of Condition. The Planning Commission, on its own motion, may revoke as being void any Conditional Use Permit for non-compliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in §153.004. Revoking the Conditional Use Permit shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a Conditional Use Permit.

   The Planning Commission, on its own motion, may also revoke any other conditional use permit granted, if the permitted use has been discontinued for a period of one year, and if the property owner, after notification of such proposed action, does not certify his or her intent to resume the use during the following year.

9. Limitation on New Applications. In a case where an application is denied by the Planning Commission, or denied by the City Council on appeal from the Planning Commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period

of one year from the date of said denial, unless, in the opinion of the Planning Commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

10. Notification of Action. The City Planner shall notify the applicant and all interested parties submitting written or oral testimony into the record for a conditional use in writing of the Planning Commission's action within five (5) days after the entry of the final order. A copy of said order shall be provided to the applicant.

11. Applicability. The approved Conditional Use Permit shall apply to the specific use applied for only, and shall transfer with the ownership of the property. A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this section.

§153.071 AMENDMENTS

This Ordinance, the City Comprehensive Plan text and map and zone map may be amended by changing the boundaries of zone districts or by changing any other provisions thereof. Whenever the public necessity, convenience, or 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.

1. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. If the amendment involves a boundary change, 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 fee as set forth in the City's fee schedule**,** in §153.004, shall accompany each application. The applicant shall pay the costs of notification and publication required by this Ordinance. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to re-zone null and void, unless an extension is granted by the Council upon recommendation of the Planning Commission.

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. If an amendment to the Zoning Map is proposed, the notice shall be as provided in §153.004 of this Ordinance.

      2) Failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed amendment.

   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.

   C. Recommendation by the Planning Commission to City Council. At the conclusion of the Planning Commission public hearing, the Planning Commission may make a recommendation to the City Council to approve, approve with changes, or deny the zone change or amendment(s). The Planning Commission shall, in any case, render its decision on any application within 40 days after a hearing.

D. Public hearing held by council. Notice of the hearing to be held by the Council on the proposed amendment to the Zoning Ordinance shall be given as provided in §153.071 (2A).

3. Action by the City Council. At the conclusion of the public hearing, the Council may enact an ordinance granting the zone change or amendment, or may by motion deny the granting of the zone change or amendment. The Council shall in any event render its decision on any application within 40 days after the public hearing, provided however, that nothing shall prohibit the City Council from by motion, postponing disposition of the application to a definite time past the said 40 day period.

4. Record of Amendments. The signed copy of each amendment to the text and the map of this Ordinance shall be maintained on file in the office of the City Recorder. A record of such amendments shall be maintained in a form convenient for the use of the public.

5. Resubmittal. In a case where a petition for an amendment is denied by the City Council, said petition shall not be eligible for resubmittal for one (1) year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the Planning Commission and the City Council, substantially different from the petition denied, to be eligible for consideration within one (1) year from the said date of denial, unless the first denial was denied without prejudice, or the Planning Commission finds that conditions have changed to the extent that further consideration is warranted.

6. Resolution of Intent to Re-Zone. If, from the findings presented and recommendations of the Planning Commission, as required in §153.071 hereof, the City Council determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the Council may indicate its general approval in principal of the proposed re-zoning by the adoption of a "resolution of intent to re-zone" the area involved. This resolution shall include any conditions, stipulations or limitations, which the Council may feel necessary to require in the public interest as a pre-requisite to final action, including those provisions which the Council may feel necessary to prevent speculative holdings of the property after re-zoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning or by imposing setback, area or coverage restrictions not specified in the Ordinance for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the Council shall by ordinance effect such re-zoning.

7. Submittals required for a Comprehensive Plan and Zoning Map Amendment.

   A. Basic proposal description.

   B. Size, shape and orientation of the subject property.

C. Analysis of residential land/commercial land/public & semi-public land within the UGB, including such things as:

   1. acreage needed for each land use type for the 20 year planning period;
   2. acreage left for each land use type if proposed change occurs (if after the proposed change there is a shortage in one of the land use types, the Planning Commission may consider converting other land in surplus of 20-year planning period to fill the need).

D. Applicability of land use objectives of both existing and the proposed zoning districts.

E. Analysis of the need for the change.

F. Economic and population data for the affected area that may be necessary as part of the amendment of the Comprehensive Plan.

G. Compatibility with surrounding land uses/current use of surrounding land.

H. Surrounding parcel sizes.

I. Zoning history of the subject property and surrounding properties.

J. Traffic circulation and proposed traffic impact analysis.

K. Existing/proposed/availability of public services, such as:

   1. sewer,
   2. water,
   3. access roads,
   4. fire/police protection,
   5. parks and schools.

L. Environmental issues, such as:

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

M. Feasibility for development of rezoned properties.

N. Additional criteria and standards within the applicable plan and Zoning Ordinance should be addressed.

O. Consistency with Statewide Planning Goals 1 (Citizen Involvement), 9 (Economic Development), 10 (Housing), 11 (Public Facilities and Services), and 12 (Transportation) as contained in the State Administrative Rules.

8. <u>The Planning Commission and Council, shall determine that zone change requests meet the following criteria</u>:

A. Rezoning of the subject property will conform with the intent of and will be consistent with all policies of the Comprehensive Plan;

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 and surrounding parcels;

D. Rezoning of the subject property is better suited to the purposes of the proposed zone that it is to the purposes of the existing zone;

E. 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

F. Rezoning of the subject property will not adversely impact the road and street system serving the area in which the property is located.

§153.072 LAND DIVISIONS: (PARTITIONS, SUBDIVISIONS)

1. Purpose. The purpose of this Ordinance is to enact subdivision and land partitioning and expedited land division regulations for the City of Tillamook which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people consistent with the Tillamook City Comprehensive Plan.

2. Rules of Application. No person shall subdivide, submit a land division or partition an area or tract of land without compliance with the provisions of this Ordinance.

   A. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by the City provisions of this Ordinance until such approval is obtained and the plat thereof has been acknowledged and recorded with the County Recording Officer.

   B. No person may dispose of, transfer, sell or agree to sell any parcel in a partition**,** subdivision, and planned unit development (PUD) prior to approval as required by the provisions of this Ordinance.

   C. No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public or common use unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this Ordinance.

3. Land Partitioning. A land partition is the division of one (1) lot into two (2) or three (3) lots within a period of one (1) calendar year. Splitting a lot into two lots, where a flag lot is created, is considered a land partition. Only one flag lot shall be created from a parent parcel. This definition is subject to any exclusions provided for by State Law.

   A land partition is used in situations where only the lot lines need to be changed or added. If a partition will create a new street, compliance with the Subdivision regulations (Subsection 5 of this Section) is required.

   An Expedited land partition is used solely for the purposes of residential use and will create three or less parcels as defined by State Law.

   A. Minimum Standards. The minimum standards for design and improvements in a land partitioning shall conform to standards mentioned in this section and §153.051 of this Ordinance. A partition does not include the creation of a street.

   B. Initial Submission. The person proposing the partition, or his authorized agent, or representative, shall make an application in writing to the City Planner. Each application shall be accompanied by one reproducible copy of the tentative plan map, and any proposed deeds for easements. Ten (10) copies shall be submitted to the City Planner at least 45 days prior to the Planning Commission Hearing at which such plan would be considered. A filing fee as listed in §153.004 of this Ordinance shall be paid at this time.

C. All applicants shall submit to the City information and materials consistent with the requirements of this section.

D. Completed Application Form. The applicant must submit a completed application form signed by the owner of record of the real property covered by the application. If more than one ownership is involved, the applicant shall submit a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

E. Site Plan. A site plan is required only to the extent necessary to adequately and reasonably permit findings that the provisions of this section have been met. The City Planner is empowered to waive the submittal of any of the following site plan items, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall occur following a pre-application conference. If the City Planner position is vacant, all application materials must be submitted.

F. The applicant shall submit ten (10) copies of a site plan, accurately drawn to a scale of sufficient size to illustrate the following site plan details as determined to be required during the application conference and the review for completeness:

1. The location and dimension of property boundaries and the location, name, surface type, and width of public and private streets, pedestrian ways, driveways, and any off- street parking, along with a north point and indication of scale.

2. The accurate location and outline of the exterior walls of all existing buildings and structures, if any, with the square footages, uses, and heights of each clearly noted. Include setback dimensions for front, side, and rear yards.

3. The site plan shall conceptually illustrate the location of existing major site features, including water courses, topography for sites having slopes in excess of 5%, rock outcroppings, drainage swales, springs, woodlands, and other physical features which may influence future site layout and design. If there are any special or unusual seismic, soil or geologic conditions on the site, a written disclosure to that effect must accompany the application.

4. Street light, fire hydrant, water, sanitary sewer, and storm drain locations within 100 feet of the subject property. Show direction of flow for the site.

5. Wells, septic tanks, and drainfields, if applicable.

6. Flood elevation of 100-year floodplain or floodway, if applicable.

7. Zoning, total land area; section lines, corners, city boundaries, monuments, and lot and block dimensions and identifying numbers.

8. Location and purpose of easements, if applicable.

9. Title block with section, township and range; street address; title of proposal; names of applicant and owner; name and stamp of person preparing the plan (if applicable); and date of drawing.

G. Application Fee. An application fee for processing all applications shall be charged by the City. No part of any application fee is refundable. Application fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the City.

H. Legal description of the existing property.

I. Vicinity map. Mark the location of the proposal on the vicinity map available from the City Offices.

J. Deed Restrictions. A copy of any covenants, conditions, and restrictions applicable to the subject property.

K. At the time an application is made to divide a parcel into any number of lots, a conversion plan (Shadow plat) must also be submitted, if the parcel will have additional division potential after the current proposal is completed. The conversion plan (Shadow plat) must show how the parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning.

The conversion plan (Shadow plat) must provide all of the graphic information required for a land subdivision or a partition, as applicable, based on the ultimate number of lots allowable under the zoning. The conversion plan (Shadow plat) must show how the presently proposed division will be compatible with the allowable ultimate land division. The conversion plan must be simultaneously recorded with the approved partition plat and shall be binding unless amended with the Planning Commission's approval.

L. <u>Review and Approval</u>.

1. Processing a Land Division may be subject to the Expedited procedures put forth in ORS 197.360 if requested by the applicant. A decision by the local governing body must be reached within 63 days of receipt of a completed application based on whether it satisfies the substantive requirements of this Title. Appeal procedures for expedited land divisions are contained in ORS 197.375.

2. Processing a commercial land partition proposal is a quasi-judicial action requiring discretionary decision-making. Commercial land partition approval is a Land Use Decision and subject to the procedures established by ORS 197.763. The Planning Commission has the authority to base its decision on the evidence and interpretation of City Comprehensive Plan and Zoning Ordinance criteria and standards.

3. Within 30 days of the receipt of the completed partition application, the City Planner shall distribute copies thereof to appropriate offices and agencies, and property owners within the distance as described in §153.004 of this Ordinance, for their review. Not more than 15 days thereafter, such copies shall be returned to the City Planning

Department together with any comments or information the City Planner deems necessary. Upon receipt of this information, the Planning staff shall transmit to the Planning Commission, or handle internally for administrative processing, a written report and recommendation including available reports and recommendation of the City Engineer and/or other affected agencies.

4. After receipt of the report, the City Planning Commission shall take action on the proposed partition at a regular meeting, or City Staff shall handle the process administratively, as directed by §153.00 of this Ordinance.

5. If an application is incomplete, the City shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The applicant has 180 days from the date of initial submission to submit all additional information. The application shall be deemed complete for purposes of this subsection upon receipt by the City of the missing information.

6. The application must meet all of the following objective criteria:

(a) The application does not violate any City or State regulations, including, but not limited to, lot configuration requirements, unimpeded drainage, accessibility by public utilities and vehicular/foot traffic, and zoning requirements.

(b) The project is compatible and suitable within the context of its surroundings. This shall include, but not be limited to, consideration of human scale, street scape. landscaping, and any noise and lighting impacts.

(c) The development will be compatible with the use or character of any adjacent resource land.

(d) Development conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by erosive slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the City Comprehensive Plan or, where objective levels are not available, as determined by the Planning Commission.

(e)) Natural wildlife habitats and wetlands have been identified, preserved, and protected.

(f) Adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the City's Comprehensive Plan and this Code, and with the Tillamook County Comprehensive Plan and Code, where applicable.

(g) After partition, all lots must directly access a public street with a minimum frontage dimension determined in §153.051, except a flag lot as provided below.

(h) For Commercial land to be eligible for a land partition, the applicant must submit a legitimate development proposal to substantiate the need for the partition and the

ability of the resulting parcels to provide adequate off-street parking and loading. If the city grants the partition and the development is not effectuated to an agreed upon point of construction within 180 days, the land reverts to the original configuration.

M. Flag Lot Standards.

1. If the original lot cannot be otherwise divided separately or in conjunction with adjoining lots and it can be demonstrated and guaranteed through a recorded building envelope, that the building site of the rear lot will be within 200 feet of an existing street, a deep lot may be split into a front and rear lot, creating a maximum of one flag lot. The length, width, and yard dimensions of each resulting lot must be at least the minimum required in the zoning district, with the front lot retaining a minimum lot depth of one hundred (100) feet.

2. The rear lot must have an access to the street that is at least twenty (20) feet wide with twenty (20) feet of frontage and a maximum length of one hundred and fifty (150) feet. The "flagpole" access must be conveyed with ownership of the rear lot and be an integral part of the rear lot.

3. The driveway access shall be improved to a permanent surface of asphaltic concrete, Portland cement, or similar surface acceptable to the Fire District with a minimum width of fifteen (15) feet. However, in order to minimize the number of parallel driveways accessing a public street, shared access agreements benefiting two adjacent parcels shall be encouraged, particularly where two accesses are less than fifty (50) feet apart.

4. The partition must still comply with the legal frontage requirement. However, the improvement requirement may be waived for the shorter driveway of two parcels sharing such an agreement.

5. In granting a permit, the Planning Commission may impose such reasonable conditions or limitations as it deems necessary to assure compliance with comprehensive plan and zoning ordinance criteria and standards. The Planning Commission may require dedication of land and easements, and may specify conditions or modifications in the drawing to facilitate development, including, but not limited to, deed restrictions and constructed improvements. Any conditioned changes shall be reviewed by the City Planner or his/her designee, prior to recording the final partition plat.

N. Approval and Filing.

1. Approved partitions shall be signed by the Planning Commission chairperson or designee. The date of approval and any conditions attached to the approval must be completed prior to final approval.

2. Decisions made by the Planning Commission may be appealed to the City Council in accordance with §153.076 of this Ordinance.

3. Filing of Partition Map. A partition plat conforming to all applicable provisions of ORS Chapter 92: Approval of Plans, Plats; ORS Chapter 209: County Surveyors; and other applicable ORS requirements must be prepared under the direction of, and bear the seal of, a licensed professional land surveyor. Prior to recording, the survey must be monumented. If the surveyor finds a discrepancy in a previous survey, the discrepancy must be corrected as part of the partition process. Signatures of all property owners whose properties are directly affected by the partition must be included on the application map.

4. Filing approved plat. Within 180 days after the partition has been approved by the Planning Commission, all improvements must be completed and two (2) blueline copies of the indelibly inscribed and recorded partition plat, with the approval date and a reference adequately directing the reader to the file where conditions of approval are stored, are to be delivered to the city. If the improvements have not been completed or the two (2) copies of the partition plat are not submitted, then the partition plat shall become null and void. The Planning Commission may extend a partition approval for an additional period of up to one (1) year.

4. Property Line Adjustments

A. Area of Application. A property line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

B. Standards

1. A property line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires a separate approval process by the City of Tillamook.

2. Following the property line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.

3. If there are existing structures on the parcels, the ~~lot~~ property line adjustment may not result in a setback violation.

C. Submittal Requirements. The following information and material must be submitted by the applicant:

1. Applications for property line adjustments shall be submitted on forms provided by the City to the City Planner and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.

2. All applicants shall submit to the City information and materials consistent with the requirements of this section.

    a. Completed Application Form. The applicant must submit a completed application form signed by the owner of record of the real property covered by the application.

If more than one ownership is involved, the applicant shall submit a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

b. Site Plan. A site plan is required only to the extent necessary to adequately and reasonably permit findings that the provisions of this chapter have been met. The City Planner is empowered to waive the submittal of any of the following site plan items, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall occur following an application conference. If the City Planner position is vacant, all application materials must be submitted.

   The applicant shall submit three (3) copies of a site plan, accurately drawn to a scale of sufficient size to illustrate the following site plan details as determined to be required during the application conference and the review for completeness:

   1. The location and dimension of property boundaries and the location, name, surface type, and width of public and private streets, pedestrian ways, driveways, and any off-street parking, along with a north point and indication of scale.

   2. The accurate location and outline of the exterior walls of all existing buildings and structures, if any, with the square footages, uses, and heights of each clearly noted. Include setback dimensions for front, side, and rear yards.

   3. The site plan shall conceptually illustrate the location of existing major site features, including water courses, topography for sites having slopes in excess of 5%, rock outcroppings, drainage swales, springs, woodlands, and other physical features which may influence future site layout and design. If there are any special or unusual seismic, soil or geologic conditions on the site, a written disclosure to that effect must accompany the application.

   4. Street light, fire hydrant, water, sanitary sewer, and storm drain locations within 100 feet of the subject property. Show direction of flow for the site.

   5. Wells, septic tanks, and drainfields, if applicable.

   6. Flood elevation of 100-year floodplain or floodway, if applicable.

   7. Zoning, total land area; section lines, corners, city boundaries, monuments, and lot and block dimensions and identifying numbers.

   8. Location and purpose of easements, if applicable.

   9. Title block with section, township and range; street address; title of proposal; names of applicant and owner; name and stamp of person preparing the plan (if applicable); and date of drawing.

c. Application Fee. An application fee for processing all applications shall be charged by the City. No part of any application fee is refundable. Application fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the City.

d. Legal description of the existing property.

e. Vicinity map. Mark the location of the proposal on the vicinity map available from the City Offices.

f. Deed Restrictions. A copy of any covenants, conditions, and restrictions applicable to the subject property.

3. At the time an application is made to adjust property lines, a conversion plan must also be submitted, if the parcel will have additional division potential after the current proposal is completed. The conversion plan (Shadow plat) must show how the parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning.

   The conversion plan (Shadow plat) must provide all of the graphic information required for a land subdivision or a partition, as applicable, based on the ultimate number of lots allowable under the zoning. The conversion plan (Shadow plat) must show how the presently proposed division will be compatible with the allowable ultimate land division. The conversion plan (Shadow plat) must be simultaneously recorded with the approved map of adjustment and shall be binding unless amended with the Planning Commission approval.

   If an application is incomplete, the City shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The applicant has 180 days from the date of initial submission to submit all additional information. The application shall be deemed complete for purposes of this subsection upon receipt by the City of the missing information.

D. Review Process. A property line adjustment is subject to City Planner review. Processing a property line adjustment permit is an administrative action that does not require discretionary decision-making. If the application fails to comply with all objective criteria for a property line adjustment, the permit must be denied. The application must meet all of the following objective criteria:

1. The application does not violate any City or State regulations, including, but not limited to, lot configuration requirements, unimpeded drainage, accessibility by public utilities and vehicular/foot traffic, and zoning requirements.

2. The drawing is technically correct and the map of survey conforms with the approved site plan.

3. After property line adjustment, all lots must directly access either a public street or an easement that benefited the subject property(s) prior to the property line adjustment.

E. After a property line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

1. A metes and bounds legal description of the adjusted lots is recorded with the Tillamook County Clerk.

2. As required by ORS Chapter 92, a final plat of survey ***is*** prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures. After signatures are received the applicant files the final plat in the County Surveyor's office and returns three (3) copies to the City.

5. Subdivision of Land. A land subdivision is the division of one (1) lot into four (4) or more lots or any division that will create a street. The land subdivision is used in situations where substantial engineering and improvement work will need to be done.

A. Application Conference. It is in the best interests of the City to provide planning services that assist applicants in constructing appropriate developments. In that spirit, the City requires that prior to filing an application, a prospective applicant shall hold an application conference with the City Planner or his/her designee.

The purpose of an application conference is to provide advice to prospective applicants regarding compliance with the purpose and requirements of this Ordinance, and to determine which application materials must be submitted to constitute a complete application.

B. Application Requirements. All applicants shall submit to the City information and materials consistent with the requirements of this section. The City Planner is empowered to waive the submittal of any of the following application items, except filing fees, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall only occur following an application conference. If the City Planner position is vacant, all application materials must be submitted.

C. Completed Application Form. The applicant must submit a completed application form signed by the owner of record of the real property covered by the application. If more than one ownership is involved, the applicant shall submit a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

D. Tentative Plan. The applicant shall submit 20 copies of the plan on sheets not less than 18 inches by 24 inches at a scale of 1" ‘ 50' with the following information:

1. Proposed name and the title "Tentative Plan." The name shall not be similar to or pronounced the same as the name of any other subdivision in Tillamook County except as provided in ORS 92.090.

2. The name, address, and telephone number of property owner(s), preparer of plan, surveyor, and engineers. The stamp of the registered professional preparer of the plan shall also be clearly indicated, along with the date the plan was prepared.

3. Boundary lines (to scale) of the tract to be divided. This shall include section lines, corners, city boundaries, monuments, and lot and block dimensions and other identifying numbers as deemed necessary. The plan shall also include a North arrow and the zoning of the subject and adjacent properties. Location by section, township, range, and tax lot sufficient to define the location and boundaries of the proposed tract shall be called out in the title block.

4. A vicinity sketch shown on the plat at a small scale (i.e., 1" ‘ 400') showing all existing and adjacent subdivisions, streets, tract lines of acreage parcels, names of the recorded owners of parcels of land immediately adjoining the land to be divided, including properties across a street, and between it and the nearest existing or proposed public road.

5. Topographic contour lines having the following minimum intervals:

Overall Site Elevation Difference	Contour Interval
0' - 25'	2'
26'- 50'	5'
51'+	10'

With slopes indicated as follows:

Slopes 12% to 20% light shading.
Slopes exceeding 20% heavy shading.

6. The existing uses of the property, including scaled location and present use of all existing structures with an indication as to whether they will remain on the property after platting. The accurate location and outline of the exterior walls of all existing (dotted line) and proposed (solid line) buildings and structures, with the square footages, uses, and heights of each shall be clearly noted. Include setback dimensions for front, side, and rear yards.

7. The general type, size and location of existing (dotted line) and proposed (solid line) trees, shrubs and ground cover, including the location, height, and type of trees having a caliper of one and one half inches or greater measured four feet above the base of the tree. Groups of three or more trees with a closed canopy may be indicated using scalloped lines. The Landscaping Plan shall include a diagram of irrigation system piping and sprinkler locations.

8. The accurate location, height, and dimensions of all signs which are not to be attached to buildings.

9. Existing (dotted line) and proposed (solid line) exterior walls and fencing, including specification of construction materials and height.

10. The location and type of all exterior lighting.

11. The location of existing major site features, including water courses (location, direction, and extent of streams and their high banks), wetlands, rock outcroppings, drainage swales, springs, woodlands, significant isolated trees, and other natural features which influence site layout and design. Any proposed changes to such site features shall be shown.

12. The existing drainage demonstrating disposition of storm water runoff and the direction of flow for the site. A drainage Plan showing all proposed drainage ways, sized inlets, culverts, drainage lines, drainage easements, disposition of storm water runoff, and approximate slopes of drainage channels to demonstrate adequate disposition of storm water runoff. A grading plan is required if more than 100 cubic yards of material will be disturbed. Include slope calculations, contours, and erosion control.

13. The location and elevation of 100-year floodplains or floodways, and all other areas subject to seasonal ponding.

14. The location of setback lines, along with the location, widths, and purpose of all existing or proposed easements on or abutting the tract.

15. The location and size of all existing and proposed sanitary sewer mains, storm drains, water lines, fire hydrants, street lights and irrigation canals on and within 100 feet of the tract. Include wells, septic tanks, and drainfields, if applicable.

16. The location of waste handling facilities and outdoor storage areas, along with screening technique.

17. The typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

18. Existing Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and abutting the tract. Source of datum shall be indicated on the plan and shall be acceptable to the review body.

19. Proposed Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and providing service for the direct benefit of the proposed land division, including approximate radius of curves and grades. Include entry and exit points for motor vehicles and pedestrians using off-street parking areas, and internal circulation patterns, and location of any street plugs required to direct future street extensions.

20. A Future Transportation Plan: The pattern of future transportation routes from the boundaries of the proposed land division. This pattern must include other tracts within 200 feet of the proposed land division and properties to each side of a proposed route which will primarily benefit the proposed subdivision.

(a)) A Future Transportation Plan shall not be required for any portion of the area for which a proposed street layout has been established by a Transportation System Plan previously approved by the governing body.

(b) The Planning Commission may adopt a Future Transportation Plan submitted by an applicant, provided the Transportation Plan does not conflict with a Transportation System Plan previously approved by the governing body and contains only local streets.

(c) If a Future Transportation Plan submitted by an applicant does conflict with a Transportation System Plan previously approved by the governing body or contains other than local streets, review and adoption of the Future Transportation Plan by the City Council will be required before a Tentative Plan can be approved.

21. The numbering, location, dimensions, and lot sizes (in square feet or acres) of all proposed lots and blocks.

22. The Building Envelopes necessary to show compliance with all setback requirements. Approved building envelopes shall be enforceable and recorded as a supplement to the final plat and/or covenants, conditions, and restrictions

23. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.

E. Development Schedule. The applicant shall submit a construction timeline schedule showing all major events. If the project is to be constructed in phases, a schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan.

F. Architectural Details. The applicant shall submit the details of any structures proposed to be built in conjunction with the proposed subdivision.

G. Deed Restrictions. The applicant shall prepare preliminary covenants, conditions, and restrictions (CCRs) that affect all resulting properties. These CCRs shall also establish a homeowners association if necessary to address the development and maintenance of all common areas. The proposed preliminary covenants, conditions, and restrictions, once approved, may not be substantially altered when presented back to the City in their final form.

H. Names and Mailing Addresses. The applicant shall submit the correct name and mailing address of all fee title holders of real property situated within 300 feet of the outer boundaries of the property covered by the application. The names and mailing addresses

shall be submitted on an 8-1/2 by 11 inch sheet(s) of peel-and-stick transferable label paper. This information shall be provided to the City Recorder's office twenty-five (25) days in advance of the hearing at which the application is scheduled for consideration.

I. Application Fee. The applicant shall pay an application fee for processing all applications. No part of any application fee is refundable. The amount for such fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the City.

J. Legal description of the property. The applicant shall submit a land division guarantee issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premise.

K. Supplemental Information. The applicant shall submit the following information:

1. Land use Tabulation:

(a) Total Site Area (Acres).

(b) Area Dedicated to Public Right of Way (Acres).

(c) Useable Site Area (Acres - Item (a) minus item (b).

(d) Density Factor Used (du/Acre).

(e) Minimum Allowable Dwelling Units

(f) Maximum Allowable Dwelling Units (du - item (c) times item (d)).

(g) Actual Dwelling Units (du) total, and per stage of development.

(h) Area Recreation/Open Space (Acres and % Useable Site).

(i) Area Impervious Surface (Acres, # of parking spaces, and % Usable).

2. If the subdivision proposal is adjacent to any resource land, either in the City or in the County, a written mitigation plan is required that describes buffering techniques that will utilize current best management practices.

3. A written disclosure to that effect that there are no special or unusual seismic, soil or geologic conditions on the site. If there are any such conditions, an engineer's report and recommendations as to mitigation of those concerns are required.

4. A written statement that there are no wetlands on the subject. If, when compared to City wetland maps, there are any wetlands identified on or potentially impacted by the tentative plan proposal, the Division of State Lands shall be notified at least 30 days prior to any hearing.

5. A statement showing the source and availability of the municipal water supply, sanitary sewer, adequate drainage, public parks, schools, transportation facilities, and police and fire services. The statement must be accompanied by a certification from the Public Works Director that verifies the statement's accuracy and that the services contemplated are available and can be furnished without unreasonable detriment to the existing service

commitments of the City. In the absence on such certification, the statement shall be deemed insufficient to meet this requirement.

6. A statement as to how the proposal satisfies all applicable zoning requirements.

L. Conversion Plan Requirement. If the land being subdivided is only a part of the land owned or controlled by the applicant or if the land will have additional division potential after the current proposal is completed, the applicant must submit a conversion plan (Shadow plat) for the unsubdivided portion, or convey the remaining development rights on that unsubdivided portion to a disinterested third party.

The conversion plan (Shadow plat) must provide all of the graphic information required for a land subdivision above, based on the ultimate practical number of lots allowable under the zoning. The conversion plan (Shadow plat)must show the location and gradient of the streets and how they will connect to existing streets and streets proposed for the new subdivision. The conversion plan (Shadow plat) must show how the presently proposed division will be compatible with the allowable ultimate land division.

The conversion plan (Shadow plat) must be simultaneously recorded with the approved subdivision plat and shall be binding unless amended with the Planning Commission's approval.

M. Preparation of Tentative Plan. The tentative plan must be prepared under the direction of a registered civil engineer, or registered surveyor, licensed by the state of Oregon.

N. Additional Requirements for Commercial Proposals: For Commercial land to be eligible for a subdivision, the applicant must submit a legitimate development proposal to substantiate the need for the subdivision and the ability of the resulting parcels to provide adequate off-street parking and loading. The applicant shall submit the following:

1. Parking Plan: A parking plan with adequate, convenient, well-marked and safely lighted off-street parking. Include shade trees and landscaping to ameliorate the effect of paved areas. Handicapped access is required. Loading areas must be safely integrated.

2. Pedestrian Plan: A pedestrian circulation plan that provides adequate pedestrian access in the vicinity and within the project. The plan must provide hard surfaced, safely lighted walkways suitable for use by the handicapped.

3. Traffic Plan: A traffic plan that provides adequate vehicle circulation in the vicinity of and within the project. The traffic plan must coordinate internal and external transportation networks, including bikeways and mass transit to extent possible. Traffic noise must be minimized.

4. Loading Plan: A plan for loading dock or space that provides adequate room for safe truck backing and turning movements.

5. Landscape Plan: A plan for landscaping including trees, bushes, shrubs, ground cover for site aesthetics, shade, visual buffers, screening, pedestrian paths, pavers, other site features, etc.

6. Public Safety Plan: A plan for minimizing the likelihood of criminal activity by

eliminating areas that are neither clearly private nor clearly public and by using landscaping that allows maximum observation while providing desired aesthetics.

7. Perimeter Plan: A plan for the perimeter of the project to protect adjacent properties from noise, visual incompatibility, light glare, heat pumps, fans, or other potential nuisances. This may be accomplished through screening, setbacks, siting, or other means.

O. Determination of a Complete Application.

1. If an application is incomplete, the City shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

2. The applicant must submit all additional information 180 days from the date of initial submission. The application shall be deemed complete for purposes of this subsection upon receipt by the City of the missing information.

3. The applicant must make available for public inspection at the Tillamook City Offices, the complete application and all evidence to be used by the applicant in seeking approval no less than 14 days prior to the first public hearing date regarding the proposal.

4. Initial Submission. Twenty (20) copies of a tentative plan consistent with Section D (1-through-18) shall be submitted to the City Planner at least 30 days prior to the meeting of the City Planning Commission.

5. Preliminary Review. Upon receipt of a notice of a complete application within 30 days, accompanied with filing fees, the applicant shall transmit copies of the tentative plan to each of the following:

   a) School District.

   b) State Department of Transportation (ODOT) if the property abuts a state highway.

   c) Electric, telephone, garbage, and cable TV utilities.

   d) County Surveyor.

   e) Affected Governmental Agencies and Special Districts, and others, as determined by the City Planner.

   Any comments received will be included in the staff report as part of the official record and distributed to the review body.

6. The City Planner shall prepare a report on the findings for submission to the City Planning Commission. The report shall include information on the Comprehensive Plan, Comprehensive Plan Background Report, zoning, adjoining streets and property, existing sewers, water mains, culverts, electric conduits, and other community facilities, in addition to features of the proposal, together with any other data pertinent to the review of the plan.

7. The City Planner shall provide adequate public notice according to §153.004 (subsections 10 & 11), of this Ordinance. Individual notices shall be mailed to all owners of parcels of land within 250 feet of the subdivision boundaries, according to §153.004 (3) of this

Ordinance.

8. Planning Commission Determination. The City Planning Commission shall determine whether the tentative plan is in conformity with the provisions of the Comprehensive Plan and this ordinance.

P. Limited land use decision. Subdivision approval shall be considered a "Limited Land Use Decision" and subject to the procedures established by ORS 197.195. Following review and a recommendation by the City Planner, the Planning Commission shall approve, approve with condition(s), or deny the application based on the evidence and the application of the comprehensive plan and zoning ordinance criteria.

Q. Proposal presentation. The licensed professional(s) who is retained by the applicant to prepare the application, including the tentative plan, must supervise the presentation of the proposal before the Planning Commission and be available for questioning during the presentation.

R. Burden of Proof. The applicant must produce substantial evidence to support the requisite findings of compliance with all the standards and criteria applicable to subdivisions. As a quasi-judicial process, the Planning Commission shall determine whether the tentative plan is in conformity with the provisions of the Comprehensive Plan and of this Ordinance.

1. The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

a) That the project will maintain a high quality visual appearance, and to the extent possible, a distinct rural/urban transition at city limits along major city entryways.

b) That the project will be compatible with the use or character of any adjacent resource land.

c) That the project conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by erosive slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the Comprehensive Plan, or where objective levels are not available, as determined by the Planning Commission.

d) That the project identifies, preserves, and protects natural wildlife habitats and wetlands.

e) That the project demonstrates the adequate availability of the following:

1. public sanitary sewers
2. drainage facilities
3. municipal water facilities
4. transportation facilities
5. police and fire services
6. public elementary schools
7. improved parks or recreation facilities

f) Alternately, that the applicant agrees to provide, concurrent with the subdivision

development, such improvements as would bring any inadequate facilities and services to the level necessary to accommodate the project.

g) That the project's proposed transportation plan affords the most economic, safe, efficient and least environmentally damaging circulation of people, goods, and information and layout of utilities and parking possible.

h) That the project, through sensitive housing and site design, minimizes the cost of housing and barriers to the handicapped.

i) That the project demonstrates that adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the City's Comprehensive Plan and this Code, and with the Tillamook County Comprehensive Plan and Code, where applicable.

j) That the project complies with all design standards contained in this Title and applicable portions of the Comprehensive Plan, this code, and State and Federal Laws.

2. In granting a land subdivision permit, the Planning Commission may impose such reasonable conditions or limitations as it deems necessary to assure compliance with Comprehensive Plan and Zoning Ordinance criteria and standards, or State and Federal laws. The Planning Commission may require dedication of land and easements, and may specify conditions or modifications in the drawing to facilitate development, including, but not limited to, deed restrictions and constructed on-site and off-site improvements. All conditions of approval shall be satisfied prior to final plat approval unless otherwise specified by the review body.

3. If the City Planning Commission does not approve the plan, it shall state the reasons for denial. The action of the Planning Commission shall be noted on two copies of the tentative plan, including any conditions attached thereto. The Planning Commission shall retain one copy and the other returned to the subdivider. An appeal, to the City Council of a Planning Commission decision, may be made consistent with §153.076 of this Ordinance.

S. Revised Tentative Plan. Prior to receiving a development permit for the tentative plan, the applicant shall submit a revised plan to the Planning Commission demonstrating compliance with the conditions of tentative plan approval. The review body may waive this requirement if no significant modifications are required. Any significant modifications must be approved by the Planning Commission.

T. Filing Tentative Plan. After the tentative plan has been approved, or approved as revised, two (2) copies are to be indelibly inscribed with the approval date and a reference adequately directing the reader to any documents that describe conditions of approval. One (1) copy of the inscribed tentative plan is to be given to the applicant and one (1) copy is to be filed with the city recorder.

U. Expiration of Tentative Plan. Within 18 months following the effective date of approval of a tentative plan, improvements must be completed and the final plat shall be submitted to the City Planner and shall incorporate any modification or condition required by the approval of the

tentative plan. If the improvements have not been completed or the final plat has not been submitted for approval, then the tentative plan shall become null and void.

1. The Planning Commission may extend the validity for good cause, for one (1) additional year. An extension must be applied for in writing before the original eighteen months expire. Upon granting such an extension, the City Planner shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant taking the tentative plan back through the application process and that no other development approval would be affected.

V. Staged Development. When an applicant desires to record and develop subdivision plats in stages, the reviewing body may authorize a time for the submittal of the final plat and development in various stages. The time period may exceed one year, but in no case shall the total time period for all stages exceed five years without resubmission of the tentative plan application for review and approval. Each stage so platted and developed shall conform to the applicable requirements of this Code. Stages platted after one year are subject to further review against current standards for compliance with modifications or any changes in the Comprehensive Plan or implementing regulations.

W. Preparation of Final Plat. The subdivision final plat must be prepared under the direction of, and bear the seal of, a licensed professional land surveyor. All subdivisions shall be surveyed by a registered professional land surveyor, setting lawfully approved monuments at all the parcel corners. If the surveyor finds a discrepancy in a previous survey, the discrepancy must be corrected as part of the subdivision process. Signatures of all property owners whose properties are altered by the subdivision must be included on the final plat.

1. Submission of Final Plat. Within eighteen (18) months after approval of the tentative plan, the subdivider, or land divider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved, unless an extension is requested in writing and granted by the Planning Commission.

   a. A request for extension must be submitted prior to the expiration of eighteen (18) months, as described in "U" above.

   b. An original drawing and five blue line or black line prints of the plat shall be submitted to the City Recorder.

2. A subdivision final plat must subsequently be approved if it is substantially the same as the approved tentative plan and complies with all other city and state requirements.

X. Determining Complete Submittal and General Conformance. Within 18 months of tentative plan approval, or not later than the extension date authorized by the Planning Commission, a final plat shall be submitted to the City Planner for review and processing. With 30 days of submission, the City Planner shall determine whether or not the application is complete and the final plat generally conforms with the approved tentative plan and conforms with the applicable requirements of this Code. If the City Planner determines that generally the final plat fails to conform, or if the required supplemental information required is inadequate, then the applicant shall be advised and afforded an opportunity of up to 30 days to make corrections.

1. Information on Final Plat. At the time of submittal of the final plat, all required materials

and required fees shall be accepted by the City Planner prior to review of the final plat. The final plat shall be prepared under the supervision of a licensed professional land surveyor and contain the following information, along with any additional information required by Oregon Revised Statute Chapter 92, Section 209.250 and other applicable ORS statutes:

a) The date, north arrow, and scale.

b) Legal description of the tract boundaries.

c) Name of the owner or owners, subdividers, and engineer or surveyor.

d) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

1) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

2) Adjoining corners of adjoining subdivisions.

3) City boundary lines when crossing or adjacent to the subdivision.

4) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

e) The exact location and width of streets and easements intercepting the boundary of the tract.

f) Tract, block and lot or parcel boundary lines and street right-of -way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points or curvature, and tangent bearings. Approximate high water lines and high banks for any creek, lake or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with bases of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

g) The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on a curvature which are being dedicated, curve data shall be based on the street centerline dimensions, the radius and central angle shall be indicated.

h) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.

i) Lot numbers beginning with the number "1" and numbered consecutively.

j) The area of each lot or parcel which is one acre or larger to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot.

k) Block numbers in any addition in the subdivision of the same name shall be a continuation of the numbering in the original subdivision. No other block numbers shall be used.

l) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrasing shall be used when

identifying open space dedications.

1) Common Open Space - shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved Homeowners Association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.

2) Public Open Space - shall be used when identifying those parcels of land dedicated in fee simple to the City of Tillamook or Tillamook County for open space purposes.

3) Open Space or Landscape Easement - shall be used to identify that portion of a lot or lots that has established an open space or landscape easement agreement with the City of Tillamook, or a Homeowners' Association.

m) The following certificates which may be combined where appropriate:

1) A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the final plat.

2) A certificate signed and acknowledged as above, dedicating all lots for land shown on the final plat intended for the exclusive use of the owners in the subdivision, their licensees, visitors, tenants, and servants.

3) A certificate conforming to ORS 92.060 through 92.070 with the seal and signature of the surveyor responsible for the survey and final plat.

4) A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads, without any reservation or restriction other than reversionary rights upon vacation of any such street or road, and easement for public utilities.

5) Other certifications now or hereafter required by law.

n) Statement of Water Rights: A statement of water rights noted on the subdivision plat together with the water rights certificate number, if applicable, per ORS 92.120 (5).

o) Final Plat Notes: The City may require, through the terms of approval, additional notes to be placed on the face of the plat including, but not limited to, restrictions, notices, and special conditions which are peculiar to the subdivision. The City shall not require that the plat show graphically any information or requirement that is, or may be, subject to administrative change or variance.

p) Supplementary Information. As required by the City Planner, the applicant must submit:

1) A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises, and written documentation stating that all taxes and assessments are paid to date. The report must not be more than thirty (30) days old at the time it is submitted.

2) A copy of all final conditions, covenants and deed restrictions applicable to the subdivision.

3) A copy of all dedication agreement requiring separate documents.

4) Contracts with the private companies that will install public utilities and improvements.

5) Mylar Sheets and drawings showing the following:

i) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

ii) The computation of distances, angles, and courses shown on the plat.

iii) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and street highway stationing.

iv) Floodway or 100 year Floodplain designation, as applicable.

6) Building envelope and/or setback lines, if any, are to be made a part of the subdivision's Deed Restrictions.

7) Any and all instruments of improvement guarantees, including warranty bonds.

8) Payment of 110% in advance of all outstanding inspection fees incurred by the City and bonding for 110% of all estimated inspection fees that are likely to be incurred by the City with any remaining work yet to be completed.

q. Referral for Review. On the same day the applicant submits the application to the city, the applicant must also mail or deliver copies of the application to each of the following:

1) School District.

2) State Department of Transportation if the property abuts a state highway.

3) Electric, garbage, telephone and cable TV utilities.

4) County Surveyor.

5) Affected Governmental Agencies and Special Districts, and others, as determined by the City Planner.

Any comments received will be included in the staff report as part of the official record and distributed to the review body.

r. Technical Review. Upon receipt of the final plat and accompanying data, the City Planner shall review the plat and documents, to determine that it conforms to the proposed tentative plan**.** The City Planner shall review the final plat and shall state findings on whether to approve or deny the request. A denial of the final plat shall render the tentative plan void.

s. The City Planner shall approve or deny the request based upon the following criteria:

1) The final plat must be accompanied by application must contain all of the final plat and supplemental all of the information asked for in this chapter.

2) The layout shown on the subdivision plat must be substantially the same as the layout approved for the tentative plan.

3) The subdivision plat must be technically correct.

4) All required off-site and on-site improvements and other conditions of approval have been satisfied or guaranteed.

t. Processing a subdivision final plat is an administrative action that does not require discretionary decision-making. The application for Final Plat and all required material is judged solely on its merits by the City Planner. If the application fails to comply with all objective criteria, the subdivision final plat must be denied.

u. Following the final action of approval by the City Planner, the applicant shall obtain the following signatures on the original of the final plat:

1) The County Surveyor

2) The director of any Special District (such as Fire) shown on the final plat.

3) The County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with State law.

4) The City Administrative Services Department certifying that all fees, charges, and special assessments on the property have been paid.

5) Following (1) through (4) above, the review authority of the final plat, and other officials as required by law.

6) Following (5) above, the Tillamook Planning Commission.

v. At the applicant's expense a City engineer or surveyor may examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by state law. He may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If he determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.

w. If the engineer determines that full conformity has been made, he shall so certify and transmit the plat to the Planning Commission.

2. <u>Final Plat Approval of City Planning Commission/ City Manager or Designate.</u> If the City Planning Commission determines that the plat conforms to all requirements, it shall approve same, but before certifying its approval thereon, it shall be required that the subdivider file the agreement and bond, or make the deposit, required in Section 8 of this Section and when the agreement and bond have been filed as approved and prescribed, the

City Planning Commission approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law. The approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat.

3. Filing of Final Plat. After obtaining all required approvals and signatures, the developer shall:

   a) Within 90 days, file the plat with the County Recorder. Failure to file within 90 days will render the final plat null and void, and will require resubmission of the tentative plan in the same manner as a new tentative plan.

   b) File one print each of the approved and recorded plat with the City Planner and the City Engineer.

4. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

Y. Appeal.

1. A person may appeal to the City Council a decision or requirement of the Planning Commission. Written notice of the appeal must be based on criteria and filed with the city within 10 days after the notice of decision has been mailed. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

2. The City Council shall hold a hearing on the appeal according to §153.076 of this Ordinance. The City may continue the hearing for good cause according to §153.076 of this Ordinance. The Council may uphold, modify, or overrule the decision of the Planning Commission.

6. Planned Unit Development (PUD)

A. Purpose. To encourage development of large land areas as planned building groups by making possible greater variety, functionality, and diversification in the location and orientation of buildings and open spaces. It is further the purpose of Planned Unit Developments to:

1. Promote creative and imaginative design for urban development in a way that is more compatible with the natural topography.

2. Promote the preservation of important natural features, view sheds, and scenic qualities of the land.

3. Promote a mixture of housing types.

4. Promote a more economic and efficient use of urbanizable land while integrating with the surrounding neighborhood and not compromising the public health, safety or general welfare.

5. Promote clustering of housing to preserve open space, historic & heritage resources and limit the amount of key facilities or infrastructure to service the development.

6. Promote a mixture of land use types that are thoughtfully planned and integrated.

7. Promote the development, public utilization and appropriate maintenance of open spaces and other elements intended for common use and ownership.

8. Provide opportunities to further the objectives and policies of the Tillamook City Comprehensive Plan.

9. Promote the use of energy-efficient, sustainable, development.

10. Promote construction of pedestrian ways including internal pedestrian circulation.

A PUD proposal must serve at least three of the above purposes.

B. Application Requirements. The owner or his agent may make application for planned unit development approval by filing an application with the city. When an application is submitted for a planned development, the following items will be submitted:

1. A filing fee in an amount established by general resolution of the City Council. No part of the fee shall be refundable;

2. A current assessor's map with the boundaries of the proposed PUD identified;

3. Preliminary Plan. All applications shall be accompanied by a general development plan (12 copies). Additionally, such plans shall include preliminary plans for the provision of public access, water and sanitary sewer service and a proposal for the PUD's operative Covenants, Codes, and Restrictions (CCRs). The applicant shall also submit one copy of the Preliminary PUD Plan which has been reduced to a size suitable for photocopy reproduction.

4. If a tentative plan for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plan shall be on separate sheets, with the tentative plan submitted in accordance with the application requirements of subsection 9.

5. The following Quantitative data is required:

a. Total number and type of dwelling units;

b. Parcel sizes;

c. Proposed lot coverage of buildings and structures;

d. Approximate residential densities; total amount of open space (including separate figures for common open space and usable open space);

e. The total amount of non-residential acreage (including a separate figure for commercial and industrial acreage) .

f. A Development Schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan. The schedule shall indicates the approximate date when construction of a Planned Unit Development is expected to begin and end, or if developed in phases, the development schedule for each phase shall be keyed to a plan that indicates phasing boundaries. The schedule coordinates the improvement of the common open space, and the construction of buildings and other

structures in the common open space with the construction of the primary structures in the Planned Unit Development.

6. Site Plan and Supporting Maps: A site plan and any maps necessary to show the major details of the proposed planned development must contain the following minimum information:

   a. The existing site conditions, including contours at two-foot intervals, shorelines, flood plains, unique natural features, and forest cover;

   b. A grading plan for the site showing future contours if the existing grade is to be changed by more than two feet;

   c. Proposed lot lines and other divisions of land for management, use or allocation purposes;

   d. The approximate location of present and proposed buildings and structures;

   e. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses;

   f. The existing and proposed vehicular circulation system including off-street parking and loading areas;

   g. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict;

   h. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;

   i. Enough information on land areas adjacent to the proposed development to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;

   j. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls;

   k. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed development. When the approval of architectural plans for buildings has been proposed, the Preliminary PUD Plan shall show the footprint of planned buildings in conceptual form and indicate their approximate height(s). Such building envelopes shall reasonably anticipate and separately define the maximum extent of the footprint for each building in the PUD.

7. A narrative description of the PUD shall cover the following:

   a. The nature, planned use, future ownership and method of perpetual maintenance of accessways and land to be left in natural or developed open space or which is otherwise to be held in common ownership.

b. A listing of all deviations from the strict provisions of this Code by citing each provision of the Code to be deviated from, followed by a brief explanation which covers the nature and extent of the deviation.

c. A proposed development schedule which indicates the approximate date when construction of the PUD is expected to begin and end. If the PUD will be developed in phases, the development schedule for each phase shall be keyed to a plan that indicates PUD phasing boundaries.

d. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to adopt regulations and requirements differing from those ordinarily applicable under this chapter.

8. Written findings of fact and conclusions of law which address the approval criteria.

9. The names and mailing addresses of the owners of property which are located within 200 feet of the exterior boundary of the whole PUD. The names and mailing addresses shall be typed on mailing labels.

C. Limitation on application. No application shall be accepted for a use which will require a change of zoning district, unless said application is accompanied by an application for a zoning amendment as set forth in §153.004 of this Ordinance.

1. Applicability of Planned Unit Development Regulations. The requirements for a Planned Unit Development set forth in this Section are in addition to the conditional use procedures and standards of §153.070.

2. PUD approval process. Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan as the first step and approval of a Final PUD Plan as the second step. Where use is made of the planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

3. Findings for Project Approval. The Planning Commission shall approve a Planned Unit Development only if it finds that the Planned Unit Development will satisfy the criteria of this section including the following:

a. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal, the fact that it will result in a safe, functional and attractive development, and the ability to carry out the project as proposed.

b. The proposal conforms with all requirements found in §153.073 and §153.051 that are relevant to the property or properties upon which that development proposal is located or to the off-site facilities and services which are affected by the proposal, and any other implementing ordinances of the City in terms of location and general development standards, except those for which a specific deviation has been approved under this section.

c. The project shall accrue benefits to the city and the general public in accordance with this section sufficient to offset any requested deviations to the zoning district.

d. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street rights-of-way improvements.

e. The project will be compatible with the adjacent natural environment and resource areas, and shall compliment the character of the area.

f. The property is or can be supplied, at the time of development, with the following types of public facilities that are determined to be sufficient in their condition and capacity to support development of the property as anticipated by the PUD:

1. Public sanitary sewerage collection facilities;

2. Public domestic water distribution facilities;

3. Storm drainage facilities;

4. Public Streets;

5. Parks and Recreational facilities.

In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a whole PUD project, nothing in this criterion shall prevent the approval of early phase of a PUD which can be supplied with adequate public facilities.

g. In the case of proposed commercial developments, that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed center, or will be obviated by presently proposed improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that such development will be an attractive and efficient center which will fit harmoniously into and will have minimal adverse effects upon the adjacent or surrounding development.

h. The proposal has met three of the above criteria objectives in this subsection.

i. Developments shall be designed to provide pedestrian and bicycle access and link with existing and planned pathways.

j. Designs such as detached garages to the rear of the residence shall be encouraged to reduce the conflict between automobiles and pedestrians. If an alley is available, it shall service the detached garage, if traffic impacts on other properties adjacent to the alley can be mitigated. If lot size, shape, topography, or traffic circumstances prohibit such relationships or render them impractical, attached garages may be permitted provided that the garage is located at least ten (10’) feet behind the front wall of the house.

4. Potential Uses in a residential zone. The following uses are allowed in a residential planned development if the Planning Commission considers them appropriate for the particular development being proposed and if other applicable standards are satisfied:

a. Single-family dwellings, detached or attached, row houses, on individual lots or in cooperative or condominium ownership;

b. Duplexes and triplexes;

c. Multi-family housing developments;

d. Manufactured home, mobile house, or modular home;

e. Commercial uses supported mainly by residents of the planned development when such commercial uses require an area no larger than five percent of the area devoted to residential uses;

f. Non-residential uses permitted in the underlying zone as either an outright use or a conditional use.

5. Size of the Planned Unit Development Site. A tract of land to be developed as a Planned Unit Development shall contain not less than four (4) contiguous acres and be of a configuration that is conducive to a Planned Unit Development.

6. Density. The density of a planned development shall not exceed the density of the underlying zone**,** if any, with uses permitted singly or in combination. When calculating density, the gross area of the PUD shall be used (total area including street dedications). Areas of common use may be included in calculating allowable density.

7. Deviations to be authorized. The Planning Commission may authorize the design and approval of PUD's which deviate from the strict standards of this Code. It is further provided that the nature and extent of potential Code deviations shall be limited to the limitations, restrictions and design standards which are listed below and pertain to:

a. The size, dimension, location, position and coverage of lots;

b. The location, size, height, yards and setbacks for buildings and other structures;

c. Off-street vehicle parking and loading;

d. Lot frontage, access, buffer yards and agricultural buffering;

e. Streets with respect to length, width, intersection standards, grades, curve radii, turnarounds, easements, street lighting, sidewalks, curbs and driveway approaches for streets within the PUD, provided they allow for adequate fire access.

f. It is further provided that any deviations from the standards adopted in this Code shall be of an equivalent or better structural quality with respect to the amount, quality and installation of construction materials. It is also provided that, when deviations are proposed for the design of streets, the City Engineer shall have sole discretion whether said streets will be accepted as dedicated city streets or shall be held in private ownership and such determination shall be made at the time the Preliminary PUD Plan is approved. In no instance, shall this section be used to deviate from the standards of this Code, which apply to collector or arterial streets whether such streets occur adjacent to or within the PUD.

The overall residential housing density for the entire portion of the PUD, which is

devoted to residential uses, may be increased by not more than thirty-five percent over the maximum density allowed in the underlying zone. Density bonuses shall be applied in seven (7%) percent increments by the Planning Commission; satisfied by the applicant's design.

g. One or more additional uses may be approved without the need to comply with the conditional use permit process or other criteria as part of the PUD provided that the amount of land devoted to uses other than those permitted outright in the underlying zone shall not exceed twenty percent of the gross acreage of the entire PUD is satisfied.

h. The percentage of land within the PUD allowed for other uses shall be computed by multiplying the gross area of the PUD by a factor of 0.2 and rounding the result down to the nearest whole number.

8. Dimensional and Bulk Standards.

a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a Planned Unit Development. Such standards may be less than the minimums set forth in this ordinance, provided that the residential density, open space, and other requirements of this section are satisfied.

b. Other setbacks may be established by the Planning Commission to provide adequate light, ventilation, privacy, and other characteristics.

c. If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.

d. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.

e. The maximum building height shall, in no event, exceed those building heights prescribed in the applicable zoning district in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to a greater height.

9. Common Areas.

a. In all planned developments, forty percent (40%) of the total land area shall be devoted to open space. This open space may be in the form of yards, buffers, setbacks, common open areas, or recreational facilities. Of this 40%, seventy-five percent (75%) of this area shall be common or shared open space, and the remaining twenty-five percent (25%) of said open space may be utilized privately by individual owners or users of the planned development. Notwithstanding the previous standards, the Planning Commission may increase or decrease the open space requirements depending on the particular site and the needs of the development.

b. No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

1. The location, shape, size and character of the common open space is suitable for the planned development.

2. The common open space is for amenity, recreational, or other common functionality purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

4. The development schedule which is part of the development plan coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of the primary structures in the Planned Unit Development.

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

c. Land shown on the final development plan as common open space shall be conveyed under one of the following options:

1. To a public agency, which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

2. To an association of owners or tenants, created in accordance with the laws of the state, which shall adopt and impose articles of incorporation and bylaws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and other common elements.

3. No common open space may be put to a use not specified in the final development plan unless the final development plan is amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space shall authorize the City to enforce their provisions at the City's discretion, and shall require City Council ratification of any amendments after initial approval.

d. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of primary structures in the planned development.

e. Where a PUD has open spaces, parking areas or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and in no event shall any lot or unit be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. If the PUD is a planned community under ORS Chapter 94, the declaration and plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Commission before being recorded in the official records of Tillamook County.

2. If the PUD is a condominium under ORS Chapter 100, the declaration and plat for the condominium shall have been recorded in the official records of Tillamook County and a copy of the recorded declaration and plat shall be submitted with the Final PUD Plan. A condominium declaration and plat that has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Tillamook County is not required to be reviewed and approved by the Planning Commission and the Planning Commission shall have no authority under this Subsection to require changes thereto.

3. If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents, in such instance, shall be submitted to the Planning Commission for approval as part of the Final PUD Plan before being recorded in the official records of Tillamook County.

4. When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be proportional with the development of housing and other elements intended for private ownership. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.

5. Land shown on the Final Development Plan as a common element shall be conveyed under one of the following options:

   a. To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.

b. To an association of owners created pursuant to ORS Chapters 94 and 100 or as otherwise created under Subsection 17.64.090(3), in which instance the City shall be made a party to the legal document which establishes the association and such document shall provide that the association cannot be terminated or discontinued without the City's prior consent, and that the City may enforce any and all of its

provisions.

10. Transportation.

a. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within planned developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

b. Streets in a planned development may be dedicated to public use. All streets will be constructed in accordance with City Public Works design standards unless an alternative is accepted by the Planning Commission based upon the applicant's engineer attestation as to its equal functionality, safety, and durability.

c. All uses shall comply with access, parking, and loading standards as shown in Section 25 of this ordinance. The Planning Commission may authorize exceptions where warranted, or may specify additional requirements when appropriate.

11. Signs. All signs larger than eight (8) square feet within a planned development are subject to approval of the Planning Commission. The Planning Commission shall consider each such sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and the need for the sign.

12. Compatibility with Adjacent Development. If topographical or other barriers near the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Commission shall require buildings in the planned development to be setback an adequate distance, as determined by the Planning Commission, from the perimeter and/or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms.

13. Utility Easements. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

14. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Unit Development may include the following uses:

a. Golf courses;

b. Private park, lake or waterway;

c. Recreation area;

d. Recreation building, club house or social hall;

e. Other accessory structures which the Planning Commission finds are designed to serve primarily the tenants of the Planned Unit Development, and are compatible to the design of the Planned Unit Development.

15. Review Procedures.

a. Planned developments will be reviewed in two phases; a preliminary development plan phase and a final development plan phase. However, pre-application review of the

project before these phases is required.

b. The preliminary development plan will include the information and procedures specified in subsection 6, of this Section. If the proposed planned development involves subdividing land, the preliminary plat shall be reviewed concurrently with the preliminary development plan.

   1. Planning Commission Action. The Planning Commission shall act upon the application for a Planned Unit Development within 120 days of a determination of complete application by the City Planner, excluding such time as may be required to complete any necessary zoning amendment. A Public hearing shall be held in accordance with provisions in §153.070 as modified by this section.

   2. Planned Unit Development is a limited land use decision and shall be conducted in accordance with ORS 197.195, excepting that the Planning Commission may take verbal testimony. Pursuant to ORS 197.195, only those submitting written testimony during the 14-day comment period shall have the right to appeal said decision.

   3. In taking action, the Planning Commission may approve, approve with conditions or deny the Planned Unit Development based on the Preliminary Development Plan. Any Planned Unit Development authorized shall be subject to all conditions imposed. Any approval of a Planned Unit Development granted hereunder, shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a preliminary Planned Unit Development granted hereunder, shall lapse and become void unless, within 18 months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has begun and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.

   4. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in §153.076.

c. Within three (3) months to a year following the approval of the preliminary development plan, or approval of the plan with conditions, the applicant shall file with the City a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development.

d. If the City Planner finds evidence of a material deviation from the preliminary development plan, the City Planner shall advise the applicant to submit an application for amendment of the Planned Unit Development to the Planning Commission. An amendment shall be considered in the same manner as an original application. If no significant deviation from the preliminary development plan is found, the City Planner will approve the final planned development.

e. Approval of final PUD plan; Approval criteria. The following provisions shall govern the submittal and approval of a Final PUD Plan:

1. Filing Requirements; Time Extensions: Within twelve months following final approval by the Planning Commission of the Preliminary PUD Plan, the applicant shall file a Final PUD Plan on forms supplied by the City. The Final PUD Plan shall contain in final form all information and materials required by the Preliminary PUD Plan approval. However, there shall be no burden to demonstrate compliance with the above approval criteria and no findings of fact and conclusions of law for these criteria are required in order for the Planner to approve a Final PUD Plan. The Final PUD Plan shall incorporate all conditions imposed by the Planning Commission at the time the Preliminary PUD Plan was approved. In its sole discretion and upon the written request by an applicant, the Planning Commission may extend the time for filing a Final PUD Plan for one additional twelve-month period or such lesser period as may be established by the Planning Commission.

2. Phased PUD: Time Limit Between Phases: The Final PUD Plan may be submitted for the entire project or on a phase-by-phase basis consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved as a phased project, nothing in this Subsection shall prevent the Planner from approving a Final PUD Plan in phases provided that the Final PUD Plan complies with all other requirements of this Chapter. If the Planner approves a Final PUD Plan for the first phase of a PUD having approved multiple phases, such approval shall perfect the applicant's rights under this Section to complete subsequent future phases. However, it is further provided that after Final PUD Plan approval for the first phase and for each successive phase thereafter, no more than five years shall elapse between the approval of phases. If more than five years pass between the Final PUD Plan approval of any two PUD phases, the Planning Commission may, without consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under the public hearing provisions of §153.070. Nothing in this Subsection shall prohibit or limit the ability of the Planning Commission to establish time periods within which substantial construction of a PUD or any phase thereof is required to occur after a Final PUD Plan has been approved.

3. Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before, after or concurrent with the approval of a final plat for a land division by the City Planner. However, it is further provided that no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved.

4. Final PUD Plan Approval Criteria: A Final PUD Plan shall be approved by the Planner or Planning Commission if they conclude that compliance exists with each of the following criteria:

a. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in subsection

b. The Final PUD Plan is substantially consistent with Preliminary PUD Plan and the conditions, if any, which were attached by the Planning Commission to the approval of the Preliminary PUD Plan. An applicant may seek written clarification from the Planner or Planning Commission regarding whether any

anticipated differences between the Preliminary and Final PUD Plans meet the test of being substantially consistent. In no instance shall a Final PUD Plan be approved if inconsistencies with the approved Preliminary PUD Plan exist in any of the ways listed below, and when such inconsistencies are found to occur, these shall result in the need to approve a revision to the approved Preliminary PUD Plan.

1. The exterior boundaries of the PUD shall not change except for slight deviations which are the result of correcting boundary errors or inconsistencies that are found to exist at the time the PUD property is surveyed.

2. The number of housing units shall not be increased and in no instance shall the number of housing units be decreased by more than two percent.

3. There are new deviations to provisions of this Code which were not approved by the Planning Commission as part of the Preliminary PUD Plan.

5. Engineering construction plans.

a. Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The required engineering plans shall be submitted to and approved by the City before the start of construction.

b. Unless specifically authorized by the Planning Commission at the time of Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership of said facilities or utilities will be conveyed. The procedures for engineering design, plan approval and inspection shall in all respects be the same as for land divisions under this Code.

6. Zoning Clearance and Building permits: Development and operation of a PUD.

a. All site, building and construction plans submitted for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. In addition to other provisions of the Tillamook Municipal Code and law, the City shall have authority under this Section to ensure the successful completion of all public improvements. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.

16. <u>Control of the Development After Completion</u>. The final development plan shall continue to control the Planned Unit Development after it is finished, and the following shall apply:

a. The building official in issuing a Certificate of Completion of the Planned Unit Development shall note the issuance to the City on the recorded final development plan.

b. After the Certificate of Completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the Planned

Unit Development shall be governed by the approved final development plan.

c. After the Certificate of Completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan, except as follows:

   1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

   2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.

d. An amendment to a completed Planned Unit Development may be approved by the Planning Commission if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved, or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.

e. Revision of a preliminary or final PUD plan. The revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval, provided that:

   1. For changes deemed by the Planner to be minor, the Planner shall exercise appropriate discretion to limit and waive the submittal of any of the required filing materials that are deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions; and

   2. At the sole discretion of the Planner, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan; and

   3. The burden of proof and supporting findings of fact and conclusions of law for the criteria shall be strictly limited to the specific nature and magnitude of the change.

   4. No modification or amendment to a completed Planned Unit Development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

17. Commercial/Industrial P.U.D. In addition to the criteria contained in subsection 6 of this section, a P.U.D. within a Commercial or industrial zone shall be subject to the following standards:

   a. The principal uses conducted on the site are either outright or conditional uses for the respective zone. Conditional uses shall meet the review criteria of §153.070.

   b. Secondary uses shall be directly related to the principal use, or provide support services including, but not limited to, transportation, housing, commercial service and

commercial retail.

c. Secondary uses should be limited to 30% of the buildable area within the P.U.D.

18. Termination of a PUD. A PUD may be terminated by action of the Planning Commission subject to the following procedures:

a. If substantial construction or development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated by filing with the City a written petition signed by the owner or owners who control a majority interest in the land covered by the approved PUD. Upon receipt of a petition submitted by the PUD owners, the Planning Commission shall consider the matter in open meeting and may declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and, after the Final Order is signed, the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall in no way affect other land use actions taken by the City which concern the PUD property.

b. If substantial construction or development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated by filing with the city a written petition signed by the owner or owners who control a majority interest in the land covered by the approved PUD. Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter. The Planning Commission may declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and, after the Final Order is signed, the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall in no way affect other land use actions taken by the City which concern the PUD property.

12. Monuments.

A. In addition to requirements of state law and other provisions of this Ordinance, permanent monuments of a type approved by the city shall be set in the following locations:

1. At each boundary corner of the subdivision, at the beginning and end of the property line curves and at any other points required by the city.

2. At intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the center line curve or offsets therefrom.

B. Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant.

C. Complete field notes, in a form satisfactory to the city, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of this ordinance shall be submitted to the city, to be retained by the city as a permanent record.

§153.073 SITE PLAN REVIEW

1. Purpose. The purpose of the Site Development Standards is to bring under special review those projects involving building design and the development of land where inappropriate development may cause a conflict between uses in the same adjoining district by creating unhealthful or unsafe conditions, and thereby adversely affecting the public health, safety, and general welfare.

2. Objective

   A. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.

   B. Discourage monotonous, drab, unsightly, dreary and inharmonious design.

   C. Conserve the City's natural beauty and visual character and charm by insuring structure signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements, and;

   D. Protect and enhance the City's appeal to tourists and visitors, and thus support business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

3. Types of Development Requiring Site Plan Review Approval.

   A. An administrative site plan review shall be conducted when plans are made in the R-0, C-C, N-C, H-C, L-I, G-I Zone District for:

      1) Conversions of residences to commercial uses.

      2) 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) [Note: if the exterior structural addition, extension or relocation of, or to, an existing structure does not equal or exceed 50% of the existing structure or is less than 10,000 square feet, Site Plan Review approval is not required].

      3) Previously approved site plan reviews that are null and void for more than one year and no changes are proposed.

   B. A site plan review shall be conducted before the City Planning Commission when plans are made in the R-0, P & S-P, C-C, C-N, C-H, I-L, I-G Zone District:

      1) For all new developments, expansion and major modification of existing developments, except it shall not apply to:
         a. Single-family detached dwellings;

b. Manufactured homes on individual lots;
c. A duplex, which is not being reviewed as part of any other development;
d. Minor modifications;
e. Home occupation

2) For expansion of an existing structure, which is greater than 50% of the existing structure or greater than 10,000 square feet.

C. A site plan review within the TC Overlay District shall be conducted before the City Planning Commission, as specified below:

1) For a new structure.

2) For an exterior structural addition, exterior extension, exterior remodeling, or other exterior development that requires a building permit or other permit required by this Ordinance, site plan review shall be required for development which equals or exceeds 10% of the market value of the structure before the improvement or repair is started. County assessment records shall be used as the basis for establishing market value.

3) For an exterior structural addition, exterior extension, exterior remodeling or other exterior development that requires a building permit or other permit required by this Ordinance which has a market value below the threshold established above, compliance with the standards in this section shall be processed by administrative action. In processing administrative requests, the City Planner may waive selected submittal requirements if they are not necessary to determining compliance with this chapter. In addition, the City Planner may forward any request to the Planning Commission for review if the scale or nature of the proposal merits broader review.

D. A site plan review shall be conducted in conjunction with any conditional use permit in any zone district of the City of Tillamook.

4. Site Plan Review Requirements.

Planning Commission Authority. The Planning Commission shall approve, approve with conditions or disapprove, the site plans for all buildings or structures in those zoning districts where Site Plan Review is required, except those eligible for administrative review as listed above.

5. Application for Site Plan Review. A request for site plan review may be initiated by a property owner or authorized representative. The application shall be filed with the Planning Department, accompanied by a filing fee as determined by the Tillamook City fees schedule, and by a written statement addressing each of the Criteria and Standards as listed in Subsection 8 of this Section**.** The applicant shall also pay the cost of publication and notification as required. One (1) copy of the site plan shall be submitted for preliminary approval, and a pre-application conference needs to be scheduled, prior to acceptance of the application, as per the following subsection 8.

6. Preliminary Site Plan Approval. A site plan for the total parcel shall be prepared and one (1) copy shall be submitted to the City Planner for review, at the time a pre-application

conference is held. If, at the time of the pre-application conference, the City Planner finds that the site plan meets all submittal requirements, the application shall be prepared for the Planning Commission for review and a hearing, according to the relevant application procedures. Additional materials may be requested that are essential to the proposed use, site or its relationship to surrounding properties.

7. Site Plan Procedures. The site plan shall be drawn to scale and indicate the following:

A. Site Plan to locate where appropriate:
   1) Structures, both existing and proposed
   2) Driveways
   3) Landscaped areas
   4) Off-Street vehicle and bicycle parking spaces
   5) Points of egress and ingress, including on-site traffic movement
   6) Loading areas
   7) Utility service and drainage areas
   8) Pedestrian pathways and internal circulation
   9) Fences and walls
   10) Relationship of site to abutting properties

B. Landscape Plan
   1) Topography, existing grades, elevation and proposed grades
   2) Existing trees
   3) Species, size and location of plant materials

C. Architectural Drawings
   1) Floor Plans
   2) Any other improvements
   3) Elevations (existing and proposed)

D. Exterior Surface Specifications
   1) Type
   2) Color
   3) Texture
   4) Elevations
   5) Any other improvements

E. Exterior Lighting
   1) Type
   2) Height
   3) Area of illumination

F. Sign Plan

   1) Location
   2) Size
   3) Design
   4) Material
   5) Color

6) Method of illumination, if lighted

G. Traffic Capacity Plan
1) Points of egress and ingress, including on-site traffic movement
2) Off-street parking
3) A carrying capacity plan detailing trips and general traffic generated by the business activity of full development.
4) Vision clearance areas

8. Criteria. Each of the following must be addressed by the applicant in order for the Site Plan Review application to be considered complete:

A. All of the above-listed objectives have been satisfied;

B. All negative environmental and historical impacts have been mitigated;

C. All development, parking, signage, and utility standards have been met; and

D. There is adequate public utility capacity available (or can be made available by the developer) to service the impacts of the development.

9. Additional Materials for submittal.

A. Traffic Capacity Analysis*

1) The City Planner, or Planning Commission upon their review, may require a proposed development to submit a detailed Traffic Capacity Plan.

2) The following requirements are to be dealt with as part of the total Site Development Plan for high traffic generating developments adjacent to highway:
a) The analysis shall include alternatives for access to the development from highways, country roads, and city streets.
b) The analysis of alternative access shall include:
(1) Existing daily and P.M. peak hour counts by traffic movements at intersections affected by generated traffic from the development.
(2) Projected daily and P.M. peak hour volumes for these same intersections and proposed access points when the development is in full service. This shall be shown by the use of traffic flow diagrams.

3) A determination of the existing levels of service and projected levels of service at each intersection and access points studies. These determinations shall be in conformance with nationally accepted capacity manuals or equivalent manuals.

4) An analysis of the need for traffic signals. This should include a traffic warrant computation based on the National Manual on Uniform Traffic Control Devices.

5) A complete analysis of the trip generation for the development, following the "1976 Institute of Transportation Engineer's Information Report" Trip Generation or the most current information.

6) The recommendation made in the analysis should be specific, and should be based on a minimum level of service "D" when the development is in full service. As an example, if a traffic signal is recommended, the recommendation should include the type of signal control and what movements should be signalized. If storage lanes for right and left turns are needed, the recommendation should include the amount of storage needed. If several intersections are involved for signalization, and an interconnect system is considered, specific analysis should be made concerning progression of traffic between intersections.

7) The analysis should also include considerations for bicycle and pedestrian usage of the development.

*** Oregon Department of Transportation, Highway Division, "Minimum Requirements for Traffic Report"**

B. Other Requirements
Any other such architectural or engineering data may be required by the City Planner, or Planning Commission upon their review, to permit the necessary findings that provisions of this Ordinance are complied with.

10. Phased Site Plan Development. The Planning Commission shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for site development review. All of the following criteria shall be satisfied in order to approve a phased site development review proposal:

A. All underground utilities are constructed during the initial phase of the development and the remaining public facilities are constructed in conjunction with or prior to each phase.

B. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or district standard.

C. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required by an approved development proposal.

11. Final Site Plan Approval. Within 120 days of determination of completeness of the application, after preliminary plan approval, the Planning Commission shall approve, approve with conditions, or disapprove, the site plan. In approving the plan, the Planning Commission shall find that all applicable provisions of this Development Code are complied with. The decision of the Planning Commission shall be final unless appealed to the City Council.

12. Revisions of Site Plans. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required Site Plan Approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan.

13. Time Limitation for Site Plan Review and Expiration of approval.
A. Site plan approval shall be null and void after one (1) year, unless a building permit been

issued and substantial construction has taken place.

B. The site development review approval by the City Planning Commission shall lapse if:
   1. Substantial construction of the approved plan has not been completed within the agreed upon time period; or
   2. Construction on the site is a departure from the approved plan.

C. The City Planner may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided, that:
   1. No changes are made on the original site development review plan as approved by the Planning Commission;
   2. The applicant can show intent of initiating construction on the site within the one year extension period; and
   3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

D. Notice of the decision shall be provided to the applicant.

§153.074 NON-CONFORMING USES AND STRUCTURES

A structure or use lawfully occupying a site on the effective date of the original zoning Ordinance dated July 28, 1980**,** of or amendments thereto, which does not conform to the regulations for the district in which it is located, shall be deemed to be a non-conforming structure or use and may be continued, subject to the following regulations:

1. Routine maintenance and repairs may be performed on sites, the structure or use of which is non-conforming.

2. No non-conforming structure or use, shall be moved, altered or enlarged without permission of the Planning Commission unless required by law or unless the moving, alteration or enlargement will be performed in the elimination of the non-conformity.

3. No structure partially occupied by a non-conforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use, without permission of the Planning Commission.

4. The Planning Commission may grant an application for a change of use, filed in accordance with the provisions of this ordinance, if on the basis of the application and the evidence submitted, they make findings that support the following criteria:

   A. That the proposed use is classified in a more restrictive category than existing or pre-existing use by the district regulations of this Ordinance. The classifications of a non-conforming use shall be determined on the basis of the zoning district in which it is first permitted, provided that a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district.

   B. That the proposed use will not more adversely affect the character of the zoning district in which it is proposed to be located than the existing or pre-existing use.

   C. That the change of use will not result in the enlargement of the space occupied by a non-conforming use, except that a non-conforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of the building became non-conforming provided that no structural alterations, except those required by law are made.

5. If a non-conforming use has been changed to a conforming use, or if the non-conforming use of a building, structure, or premises ceases for the period of one (l) year or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located.

6. If a structure containing a non-conforming use is destroyed by any cause, it may be rebuilt for that use subject to the requirements that, if the structure is not returned to that use within one (1) year from the date of destruction, a future use on the site shall conform to the Ordinance.

7. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a valid permit exists prior to the adoption of this Ordinance and subsequent amendments thereto, except that if the designated use will be non-conforming, it shall be considered a discontinued use if not in operation within one (1) year of the date of issuance of the building permit.

8. The Planning Commission may grant an application for the expansion of a non-conforming use existing at the date of passage of this Ordinance when filed in accordance with the provisions of this ordinance. Permission may be given if, on the basis of the application and the evidence submitted, the Commission makes findings that support the following criteria:

   A. That the proposed expansion will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.

   B. That there is public need for the expansion of such use.

9. If an existing non-conforming use, or portion thereof not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use, or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied by such use; provided, that this shall not apply where such increase in area is for the purpose of increasing an off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and providing further, that this shall not be construed as permitting unenclosed commercial activities where otherwise prohibited by this Ordinance.

10. A building or structure lawfully occupying a site on the effective date of this Ordinance of or amendments thereto, which does not conform to the setback or coverage regulations for the district in which it is located, shall be deemed to be a non-conforming structure and may be continued, subject to the following regulations:

    A. If a building or structure, in existence on the effective date of this Ordinance and subject to any yard, location or coverage restriction imposed by this Ordinance, fails to comply with such restriction, such building or structure may be enlarged or altered to the extent that such alteration or enlargement does not itself encroach upon a required area of the building or structure that it violated the coverage restriction; but this right shall be subject to all other restrictions contained in this Ordinance.

    B. If a non-conforming structure is destroyed by any cause other than a willful act by the owner(s) or his agent, it may be rebuilt within the foundation and building outlines of that pre-existing structure subject to the requirement that, if destruction exceeds 50 percent of its assessed value as indicated by the records of the County Assessor and it is not returned to use within (1) year, a future structure on the site shall conform to this Ordinance. The willful removal or destruction of the structure by the owner(s) or his agent does not entitle the right to replace the structure to its original form and, hence, any new structure on the property must conform to the lot requirements as specified for the applicable zoning district.

§153.075 VARIANCES

1. Purpose. The purpose of this section is to assure that variances may be granted as provided in this section where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions. This section shall not be used to allow a use that is not permitted by this ordinance for the district in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property, the neighborhood or the city as a whole.

2. Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of the Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located.

   In granting a variance, the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. The conditions to an authorized variance shall also be a part of the public record on the deed and be a part of the requirements for an issuance of a Zoning Clearance permit.

3. Application. The property owner or his authorized agent may make application for a variance from the provisions of this Ordinance by filing an application, on a form and in a manner prescribed by the City in §153.004, with the Planning Department at least forty days prior to the meeting date the matter is intended to be considered.

   Such application shall be accompanied by a legal description of the property, plans and elevations necessary to show the proposed development, a filing fee in the amount established by general resolution of the City Council, a map showing the subject property and surrounding properties and current property owners within two hundred fifty feet of the property subject to such variance application, a statement, plans and supportive evidence that all of the following conditions in subsection 5 below exist.

4. Burden of Proof. In order for the City Planning Commission to grant a variance, all the conditions and circumstances listed in subsections A, B, C and D of subsection 5 must be found to exist. The specific findings by the Planning Commission in granting a variance must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the variance from the provisions of this title. If no evidence is produced concerning any or all of the findings listed in subsections A, B, C and D of subsection 5, the application must be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings for approval of any variance application.

5. Criteria for Granting a Variance. No variance shall be granted unless it can be shown that ALL of the following conditions exist:

A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same district or vicinity.

C. The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to property in the district or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy.

D. The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.

6. Before a variance is granted, the proposed variance shall be considered by the Planning Commission at a public hearing, or administratively by staff. Notice of said hearing or administrative action shall be provided as per §153.004 of this Ordinance.

7. Action of the Planning Commission. The City Planning Commission shall make its findings and conclusions available in writing within 10 days after the decision on the proposed variance. Upon the filing of said order with the City Recorder, the order shall be in full force and effect. An order denying the variance shall be entered and filed in a like manner, with the necessary findings, where the planning commission, based on the standards specified herein, determines that the variance should not be granted.

A. The Commission, at the time of a public hearing, or staff, in the case of an administrative action, may attach conditions to an authorized variance, which it feels are necessary to protect the public interest and carry out the purpose of this Ordinance.

B. The conditions to an authorized variance shall also be part of the public record and be a part of the requirements for an issuance of a building permit**.** The variance shall not be effective if any such express condition is not fulfilled or is violated or if the activity of the applicant exceeds any express limitation in the variance. It shall be unlawful for any person to cause or permit the use of any property in violation of the express conditions or limitations of any variance granted with respect to such property.

8. Appeal. Appeal of a decision made by the Planning Commission shall be filed and conducted in accordance with §153.076.

9. The following type of variance application can be handled administratively:

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.

10. Time Limit on and Extension of Approval of a Variance.

A. Authorization of a variance shall be void after six months if:

1. A building permit has not been issued and substantial construction has not taken place; or

2. Construction on the site is a departure from the approved plan.

B. The City Planner, in the case of an administrative action, or Planning Commission, may, upon written request by the applicant, grant that authorization may be extended for an additional six months; provided, that:

1. No changes are made on the original approved variance;

2. The applicant can show intent of initiating construction on the site within the six month extension period; and

3. There have been no changes to the applicable comprehensive plan policies and Zoning ordinance provisions on which the approval was based.

C. Notice of the decision regarding the extension shall be provided to the applicant.

11. Effect. No building or zoning permit shall be issued in any case where a variance is required until fourteen days after the decision of the City Planning Commission is filed with the city recorder, and then only in accordance with the terms and conditions of said approval. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon.

12. Time Limitation. In the case where an application is denied by the planning commission, or denied by the City Council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial unless, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

§153.076 APPEALS, GENERAL

The Planning Commission shall have the power to hear appeals from administrative decisions, and to declare the meaning and intent, and interpret the provisions of the Development Code, unless a corresponding interpretation has been made by Resolution of the City Council. In thus resolving ambiguities on appeal, the Planning Commission shall so interpret the Development Code as to carry out Section 1, of this Section. In the event of an ambiguity in this Development Code affecting enforcement thereof, the City Council shall have the power to hear and decide appeals from Planning Commission interpretations, and to declare the meaning and intent, and interpret the provisions of the Development Code. In thus resolving ambiguities on such appeal the City Council shall so interpret the Ordinance as to carry out Section 2, of this Section. Final action on an application for a permit, limited land use decision, conditional use permit, variance, or zone change, including resolution of all appeals, shall be taken by the governing body of the City within 120 days after the application is deemed complete (according to ORS 227.180).

1. Appeal to Planning Commission.

   A. Any appeal from a decision of the administration, shall be based on a specific issue about the criteria and/or standards raised in the administrative decision that pertains to this Ordinance, and shall be filed with the Planning Commission within fourteen (14) days of written notice (signed and mailed) of the administrative decision. The Commission shall consider such appeal on the record and render its decision within sixty (60) days of the receipt of the appeal. Any action of the Planning Commission interpreting any uncertainty or ambiguity may be in the form of a final order, and shall be signed by the President or presiding member of the Commission and filed with the City Recorder.

      Notice of the appeal hearing shall be the same as that required for the original decision, but shall include other interested parties who may testified during the original decision.

   B. The action of the Planning Commission shall be final and an appeal shall not be heard by the City Council if the appeal period has lapsed.

2. Appeal to City Council.

   A. The appellant must be an interested party who has participated either orally or in writing in previous Planning Commission proceedings pertaining to the decision under appeal. The appeal must be made within ten (10) days of the written notice of decision of the Planning Commission, in writing to the Tillamook City Council. All appeals shall be made in writing, based on a specific issue about the criteria and/or standards raised during the Planning Commission Hearing, dated and signed by the appellant. Such appeal shall be filed with the appropriate fee listed in §153.004 of this Ordinance within fourteen (14) days after the written notice of decision of the Planning Commission with the City Recorder.

      The City Council shall consider such appeal and render its decision within sixty (60) days of the receipt of the appeal. In no instance, however, shall this period extend the date of the

hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant. Notice of the appeal hearing shall be the same as that required for the original decision, but shall include other interested parties who testified during the original decision.

B. City Council – Land Use Hearings Procedures.

1) It shall be the duty of the City Council, upon receiving an application of Appeal of a Decision by the Planning Commission, to receive and examine available information, including Planning Commission transcripts per §153.004, and conduct a hearing on behalf of the applicant or other interested party. Individual Council Members may tour the site at any time prior to the Council rendering its decision, and must disclose exparte contact, but there is no requirement that Council Members do so. The Mayor may call a special City Council Meeting to tour the site should he/she determine a unique need exists due to site characteristics or complexity of proposed development. A written decision will be rendered within thirty (30) days of the hearing and will be considered final. In no case, however, shall this decision and preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application (ORS 227.178).

2) The City Council shall review only the record of the prior proceeding(s), and may ask for clarification or additional information from the participating parties as it relates to the record. Full disclosure of both parties must be made at the Planning Commission level and additional issues of evidence or fact shall not be accepted nor considered, nor added to the record.

3) The City Council shall establish and issue rules of procedures and standards for the conduct of hearings.

4) The City Council may affirm, rescind, or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and the Zoning Ordinance. The City Council may also remand the matter back to the Planning Commission for additional information subject to the agreement of the applicant to extend the 120-day review period.

5) The City Council shall make and enter findings from the record and conclusions thereof which support its decision; and the findings and conclusions shall set forth and demonstrate the manner in which the decision shall be carried out, as well as the implementation of the goals and objectives of the Comprehensive Plan, the Zoning Ordinance, and other official policies and objectives of the City.

§153.077 REVOCATION OF PERMITS, PLANS OR VARIANCES

1. Revocation of Permits, Automatic if not used.

   Any Planned Unit Development Permit, Conditional Use Permit, Home Occupation Permit, Change of Use Permit, Site Plan Approval, or Variance granted in accordance with the terms of this Ordinance shall be deemed null and void if not used within one (1) year from the date of approval or such time as specified by the Planning Commission. Said permit shall not be deemed used until the applicant has actually obtained a building permit, and commenced construction there under.

2. Revocation for Non-Compliance with Conditions.

   Any Planned Unit Development Permit, Conditional use Permit, Home Occupation Permit, Change of Use Permit, Site Plan Approval, Variance or other land use action, as listed in this ordinance, granted in accordance with the terms of this Ordinance may be null and void if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a Planned Unit Development Permit is revoked for a substantial violation of any of its conditions, the City Council may reconsider any zone change granted in connection with the Planned Unit Development and restore the zoning existing prior to such revocations, but any such proposed change of zone shall follow the procedures otherwise specified for zone changes herein.

3. Public Hearing.

   The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and to other owners of property as set forth in §153.004. The Planning Commission shall render its decision within forty-five days after the conclusion of the hearing. In case the permittee is not satisfied with the action of the Commission, they may appeal the Planning Commission decision to the City Council in the manner provided in §153.004 and §153.076.

§153.099 ENFORCEMENT AND PENALTIES

Enforcement. It shall be the duty of the City Manager to enforce this Ordinance. All departments, officials and public employees of the City of Tillamook City, vested with the duty or authority to issue permits shall conform to the provisions of this Development Code and shall issue no permit, certificate, or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Development Code. Any permit, certificate or license issued in conflict with the provisions of this Development Code, unintentionally or otherwise, shall be void.

1. Penalties for Violation. Unless otherwise indicated, any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Development Code shall be found to have committed an offense. Any offense under this chapter is classified as a violation punishable by a fine set by resolution.

2. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Development Code is committed or continued by such a person, firm or corporation and shall be punishable as herein provided.

3. Injunctive Relief. The foregoing sanctions shall not be exclusive, and where the public health, safety, morals, or general welfare will be better served thereby, the City Manager may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the City Manager may seek injunction against the specific device, activity or practice causing the nuisance.

4. Evidence. In any prosecution for causing or maintaining any condition or use of, or activity on, or constructing, moving or maintaining any structure on, any premises in violation of this Development Code, a person in possession or control of the premises, as owner or lessee at the time of the violation or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable and either the City or the defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, an owner of lessee or other person in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by this Development Code. For the purposes hereof, the person to whom the premises are taxed according to the records of the Tillamook County Assessor shall be prima facie the person in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereon, or displaying the real or assumed business name of a person or proprietor thereof, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

5. Abatement. Where, because of the absence of the responsible person, or persons from the City or from the State, as the case may be, the courts of the City of Tillamook City or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause

or continuation of a structure or condition erected or maintained in violation of this

Development Code, or where the City Council deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the City Council may, after notice and hearing, order the removal of the unlawful structure or condition and, if such removal or correction is not effected within the time prescribed in the order, the City Manager shall cause such abatement, going upon the premises with such men or equipment as may be necessary and the City Council shall thereafter by ordinance assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if give thirty (30) days in advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order, but less than thirty (30) days, as the City Council may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that the City of Tillamook City shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City.

The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in this section.