

ORDINANCE NO. 1320

AN ORDINANCE AMENDING THE CITY OF TILLAMOOK TOWN CENTER PLAN AND PORTIONS OF THE ZONING CODE; THE CODE OF THE CITY OF TILLAMOOK (CCT), TITLE XV: LAND USAGE, CHAPTER 153

WHEREAS, the Planning Commission held a public hearing on September 1, 2016 to address proposed amendments to the Town Center Overlay District; and

WHEREAS, the City Council held a public hearing for the amended Zoning Code elements on October 17, 2016 to review and consider the Planning Commission's Findings and proposed changes; and

WHEREAS, the Tillamook City Council held a workshop on November 7, 2016 to specifically address concerns regarding the commercial growth of marijuana in the Town Center, to which all Town Center property owners were invited; and

WHEREAS, the Council wishes to integrate the proposed changes to the Zoning Code, as detailed in the attached Exhibit A.

NOW THEREFORE, the City of Tillamook ordains as follows:

Section 1: Amendment of the Code of the City of Tillamook (CCT)

The Code of the City of Tillamook (CCT) Title XV: Land Usage Chapter 153 is hereby amended to include the revisions and additions as detailed in Exhibit A—Zoning Code Changes.

Section 3: Findings.

These amendments are predicated upon the findings of fact and conclusions of law as detailed in Zoning Code Amendments #ZjOA-16-02 (Exhibit B).

Section 4: Codification.

Provisions of this Ordinance shall amend the Code of the City of Tillamook, and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 5: Repeal and Replacement.

This revision of the Comprehensive Plan replaces all prior versions where amended.

Section 6: Effective Date.

This Ordinance shall take effect 30 days from the date of adoption.

PASSED FIRST READING by the City Council this 7th day of November, 2016.

PASSED SECOND READING by the City Council this 21st day of November, 2016.

ADOPTED by the City Council this 21st day of November, 2016.

APPROVED by the Mayor this 21st day of November, 2016.

Attest:

Suzanne Weber, Mayor

Abigail Donowho, City Recorder

§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). ***It may include the following: Conditional Use Permit, Land Partition, Site Plan Review, Variance, Zoning Ordinance/Comprehensive Plan Amendments and/or Zone Change.*** 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 **§153.073**.

1. Each land use action's requirements are listed separately in the following sections of this ordinance:

- a. Conditional Use Permit – §153.070.***
- b. Land Partition – §153.072.***
- c. Site Plan Review – §153.073***
- d. Variance – §153.075.***
- e. Zone Change/Amendment – §153.071.***

2. Administrative actions are listed in subsection 15 of this section.

3. A Land Use Action does not include the following:

- 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 occupations***

- 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

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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.

5. 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.

6. 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

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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~~ *the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof, the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.* (Note: The “absolute consents” can be considered as part of the two-thirds ~~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.

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- 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
 - 1. Existing public ownerships, rights-of-way, and similar public easements, which provide access to or along the estuary shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.
 - 2. The City shall review, under the provisions of ORS 271.300 - 271.360, proposals for the sale, exchange or transfer of public ownership, which provide access to or along the estuary. A public hearing shall be held to review such proposals.
- 7. 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.
- 8. 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.
- 9. 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

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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

<u>Request</u>	<u>Required Land Use Criteria</u>
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.

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- 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. Transportation System Plan Compliance.
 - 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

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- 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.
10. Pre-Application and Post-Application Meetings.
- A. A pre-application meeting shall be scheduled prior to the submittal of the land use application. The pre-application meeting **shall be coordinated by the City Planner. A plan review committee meeting shall be conducted after the submittal of the land use application, but prior to public notice and may** include participation by 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 **and approval** of a land use application, **but shall be scheduled prior to the construction and/or submission of a Zoning Clearance Permit.**
11. Rehearing. The Council, Commission, or Planning Department, shall not consider any application involving a lot, parcel, or structure which has been the subject of the same application within twelve (12) months following final action on such application, unless

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substantial new evidence is submitted which could not reasonably have been presented at the previous meeting.

NOTIFICATION REQUIREMENTS

12. 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.

13. 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;

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5. A general description of the applicable comprehensive plan and zoning **ordinance code** 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.
14. 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.
15. 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;**
 - (b) Modifications of an existing conditional use permit.**

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[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure conditionally approved, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Conditional Use approval is not required].

2. Partitions/Lot Line Adjustments/**Flag Lot Development**.
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.

[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Site Plan Review approval is not required].

- 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 any other zoning requirements of not more than ten percent (10%) (i.e. required % of area, required coverage, required density, sign requirements, lot requirements, off-street parking requirements).**
 - d.** Deviation from a residential accessory dwelling living area of not more than five percent (5%).
 - e.** Expansion of a conditional or nonconforming use by not more than twenty percent (20%) of the gross building volume.

5. Home Occupations

- 5.** Time Extensions on the following land use actions:

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- a. Tentative Land Partitions
 - b. Preliminary Subdivision/PUD Plat Approval
 - c. Conditional Use Permits
 - d. Site Plan Reviews
 - e. **Performance Reviews**
 - f. **Variances**
- B. A property owner may initiate an **administrative** 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 **subsection 3 of this section**;
 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

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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.

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

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the Comprehensive Plan or **zoning codes ordinances**, 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 30** 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

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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.

DRAFT

§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 **District** 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.

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- 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.

1. The report shall be based on historical inundation information

2. In situations where similar source, tectonic, and coastal environments exist and modeled inundation has been done elsewhere, interpolate inundation based on maximum modeled inundation in nearby / bounding areas.

a. If available, use low resolution, regional simulations to estimate the relative amplification of tsunamis by offshore bathymetric effects.

b. Interpolation should take into account the behavior of tsunamis of similar size for terrain analogous to that of the target area.

3. The report should extrapolate lower-resolution model data on land to estimate inundation and add a safety factor for both inundation and elevation.

a. Extrapolation should take into account the behavior of tsunamis of similar size for terrain analogous to that of the target area, even for tsunamis from other parts of the world.

4. In the absence of other tsunami hazard information, consultation with your NTHMP scientific representative, for tsunami evacuation planning.

- 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.

D. Buildings identified for vertical evacuation should have the following characteristics:

1. Designed and built using modern structural engineering;

2. Constructed of reinforced concrete or steel; and

3. Well maintained, with building materials in good condition.

- 7. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.

§153.031 - HAZARDS OVERLAY ZONE, OR HO DISTRICT

- 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 to 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.

2. 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.

3. Outright Permitted Uses. The following uses are permitted outright in the TC District:

§153.032 TOWN CENTER OVERLAY DISTRICT, OR 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 Section 31 shall be deemed legal non-conforming and may be altered, and/or expanded consistent with Section 31.
- 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 ~~customarily appurtenant~~ 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**

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

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.

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~~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 Section 22.~~

~~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;~~

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

~~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

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

useable pedestrian space related to the adjacent business. See Section 10(B) for Building Frontage requirements.

D. Side Yard Setback: No requirements ~~except for the following:~~

E. Rear Yard Setback: No requirements.

F. Site review as per Section 22, 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 **and** 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. Internally illuminated acrylic sign faces shall require Performance Review.

~~F.G.~~ 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 Section 25.

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 Section 22. All vehicular driveway entries shall be patterned to differentiate them from sidewalks.

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- 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 Section 25.
 - 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. Site Planning and General Building Design Standards. 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.

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- 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.

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- ◆ 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.

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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. Landscaping and Screening. 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):

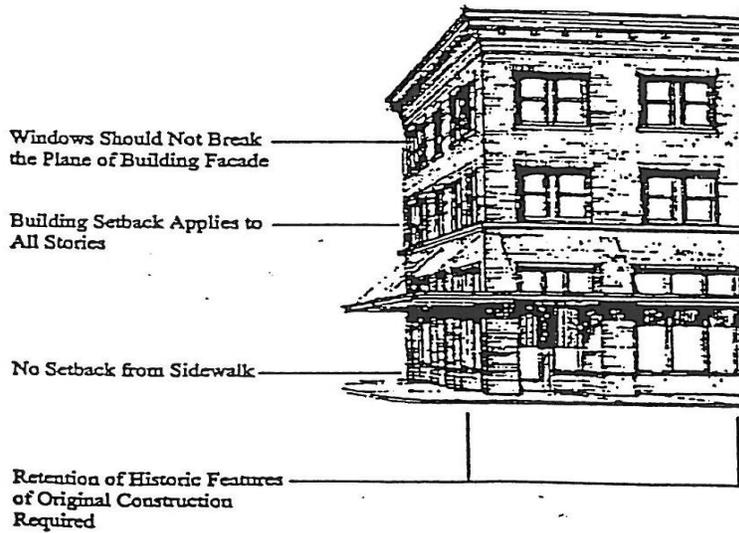
§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

- 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 Section 26. 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. **Prohibited Uses. The following uses are prohibited in the Town Center Overlay District.**
- A. Recreational marijuana production.**
13. 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.

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

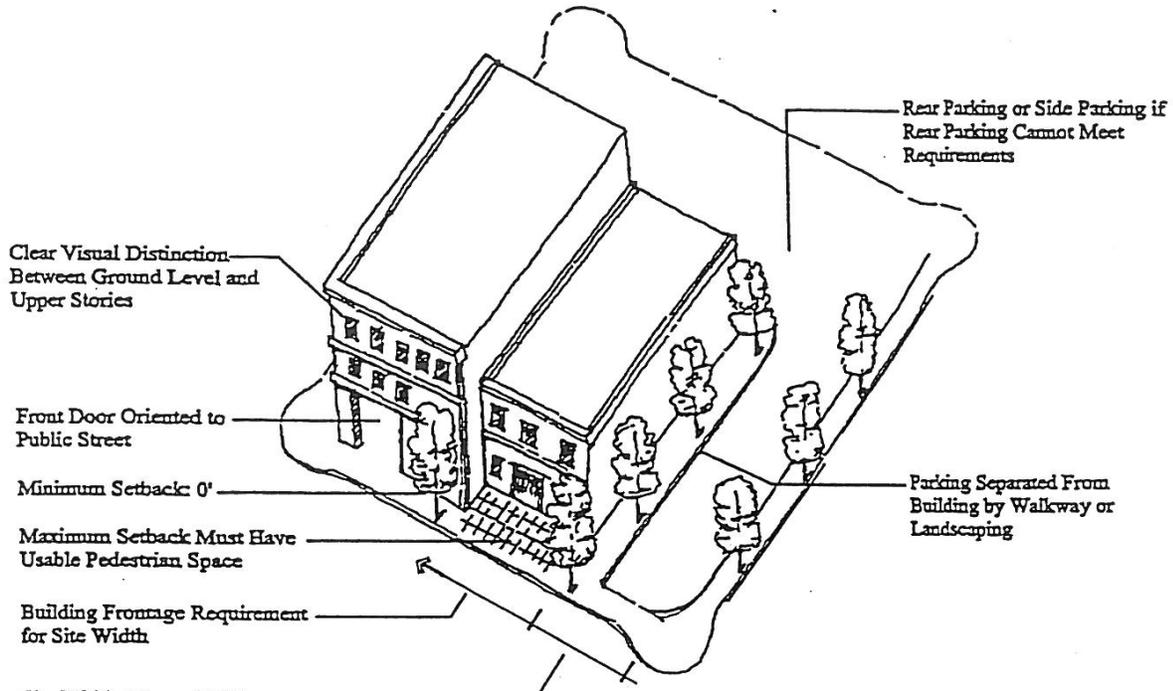


Tillamook Town Center District
Site Planning and
General Building Design

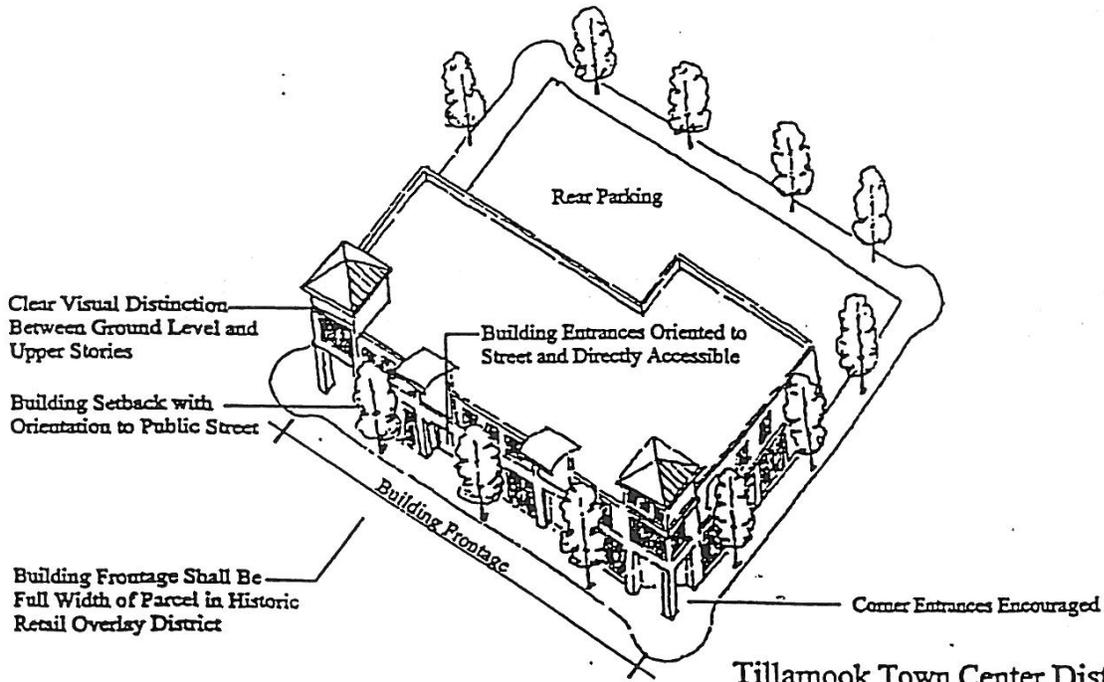


Tillamook Town Center District
Site Planning and
General Building Design
(Historic Retail Overlay District)

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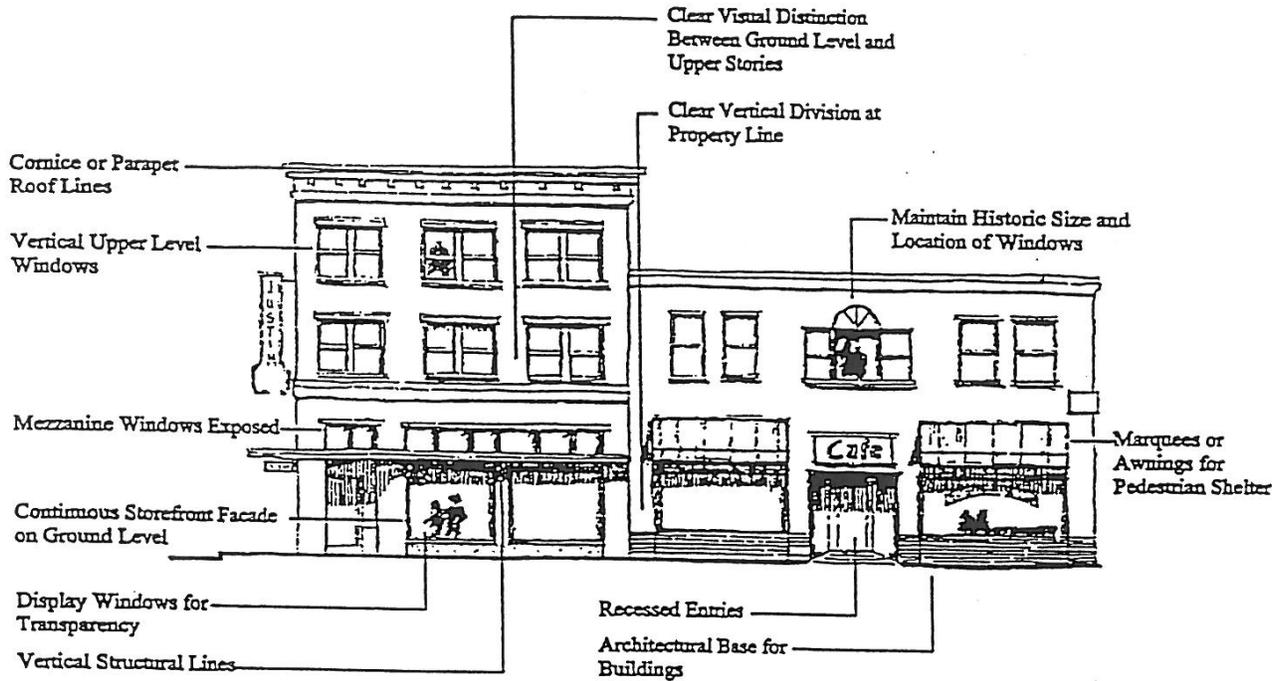


**Tillamook Town Center District
Lot Requirements, Parking,
and Circulation**



**Tillamook Town Center District
Site Planning and
General Building Design**

§153.032 TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT



Tillamook Town Center District
Historic Architectural Guidelines



Tillamook Town Center District
Awnings and Signs

§153.033 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 a 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.

§153.033 WATER RESOURCES PROTECTION OVERLAY DISTRICT

- C. Applicable riparian and wetlands setbacks. The applicant shall be responsible for providing a map of the precise location of the top of the streambank, 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) Hoquarten 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. Activities Permitted and Prohibited within the Riparian/Wetlands Area. 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/wetlands area 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 and wetland area, and no other options or locations are feasible:
 - 1) Streets, roads, and paths;

§153.033 WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 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 **and wetland** surface area;
- 5) Non-conforming uses existing fully or partially within the riparian corridor **and wetland area** may be expanded, provided the expansion does not occur within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor/**wetland area** shall comply with the standards of this ordinance;
- 6) Existing lawn within the riparian corridor/**wetland area** 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/**wetland** 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/**wetland area** 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:

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- 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 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/wetland 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/wetland area 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;

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- 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. Development Standards. 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 **wetland** 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.

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- 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 **and wetland** setback area, a mitigation plan shall be prepared and implemented.
- 1) Permanent alteration of the riparian/**wetland** 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/**wetland** setback approved through the procedures of Subsection 7 of this section.
 - b) Proposals for development activities within the riparian/wetland 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.

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- 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 Section 32 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/wetland area 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

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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.

§153.051 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 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 **(including LED)**, 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.

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- 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.

<u>Public Facilities Improvement Requirements Table</u>						
	<u>Fire Hydrant</u>	<u>Street Improvements</u>	<u>Water Hookup</u>	<u>Sewer Hookup</u>	<u>Storm Drainage</u>	<u>Street Lights</u>
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 or 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.

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- 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.

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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 **(including LED)** 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:

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- 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 Section 20 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.

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- 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).

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- 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:

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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. Land for Public Purposes.

- 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:

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1. 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.

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

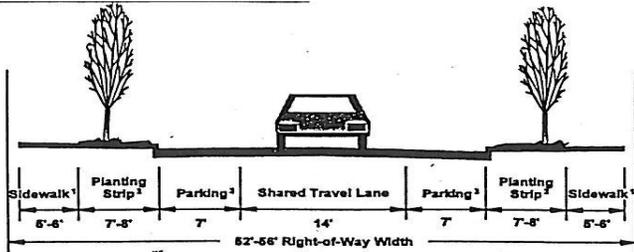
- J. Half-streets. Half-streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the development 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

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

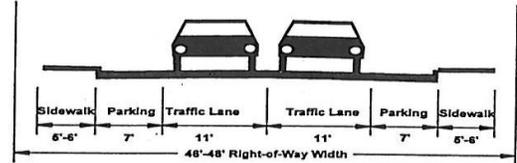
necessary for adequate protection of residential properties and to afford separation of through and local traffic.

O. Alleys. Alleys are encouraged where feasible.

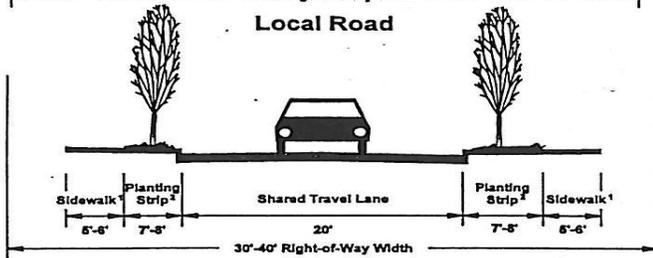
P. The following cross-section drawings show the standards for each type of roadway in the City.



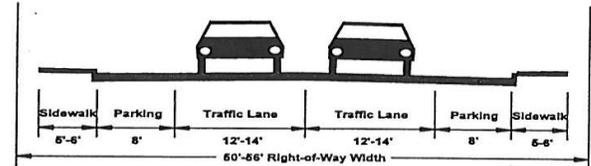
Local Road



2-Lane Arterial Road (U.S. 101 Downtown - Main Avenue)¹

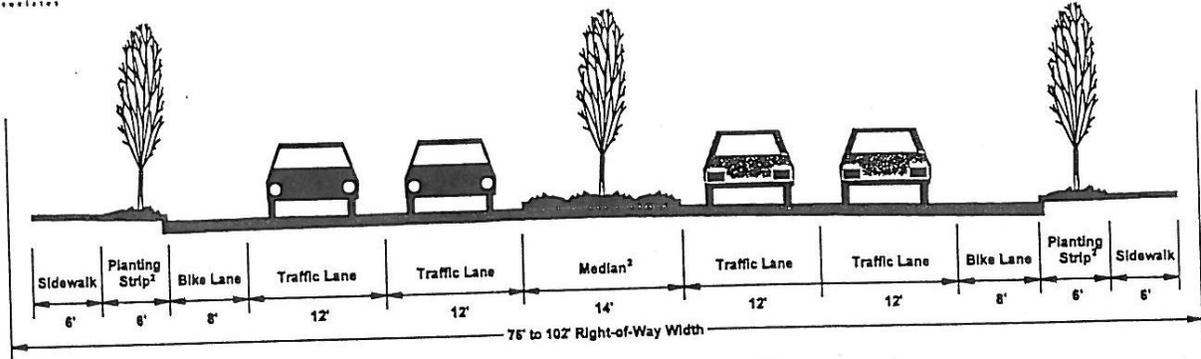


Alternative Local Road⁴

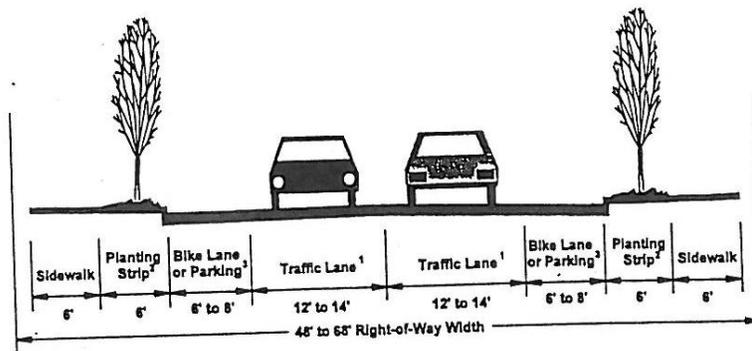


2-Lane Arterial Road (U.S. 101 Downtown - Pacific Avenue)

Associated



4-Lane Arterial Road (U.S. 101 North of Downtown)



Collector Road

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

12. Approval of streets and ways.

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

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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 Section 24.
- C. Historic Resources

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

- 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.

D. 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 areas as indicated in site plan (as per subsection 6b(6)).

E. 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."

F. 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.

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

- 2) In the event of a proposed development within a wetland or setback area, a copy of the proposed development as per Section 22 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.

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.

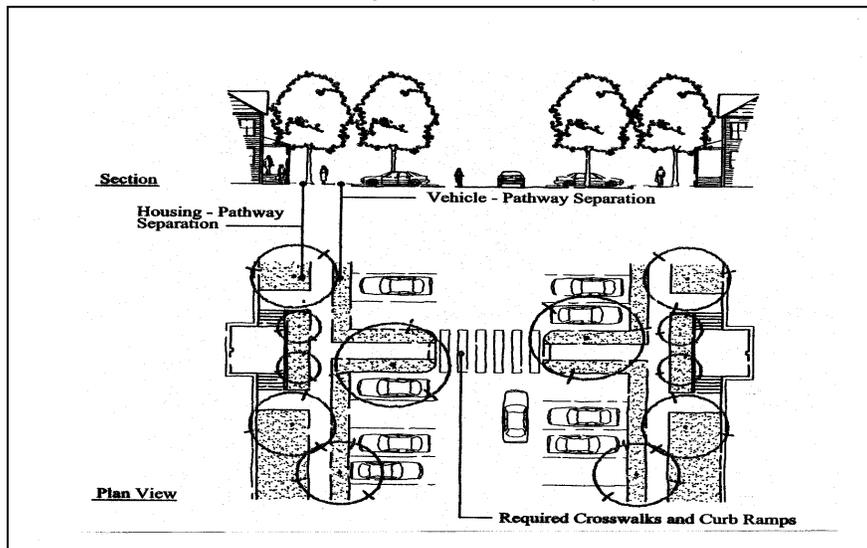
§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

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.

17. **Agreements**, Bonding and Assurances.

A. 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

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

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.

B. 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.

C. 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.

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

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.

D. 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;

§153.051 SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

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

E. Bond. 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.

F. 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.

G. 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.

H. 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.

§153.053 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 manner, 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 Section 26 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

§153.053 SIGN STANDARDS AND REQUIREMENTS

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 Section 31 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	<u>R-7.5</u> <u>R-5.0</u>	<u>R-0</u>	<u>C-N</u>	<u>C-H</u>	<u>T-C</u>	<u>I-L</u>	<u>I-G</u>	<u>P&S-P</u>	<u>O</u>
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 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	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							

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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 Section 28 (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

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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.

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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 are 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 Section 22 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.

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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.

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- 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. Sign Clearance and Setbacks for Free-Standing or Ground-mounted Signs.
- 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.

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~~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.~~

3) 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

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- 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.

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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.

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- 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.~~

- 3) Size: Signs shall not exceed sixteen (16) square feet in size, as viewed from one direction.
- 4) Time Limit: All such signs shall be removed within one (1) week after the election for which the sign is posted.
- 5) 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:

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- 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:

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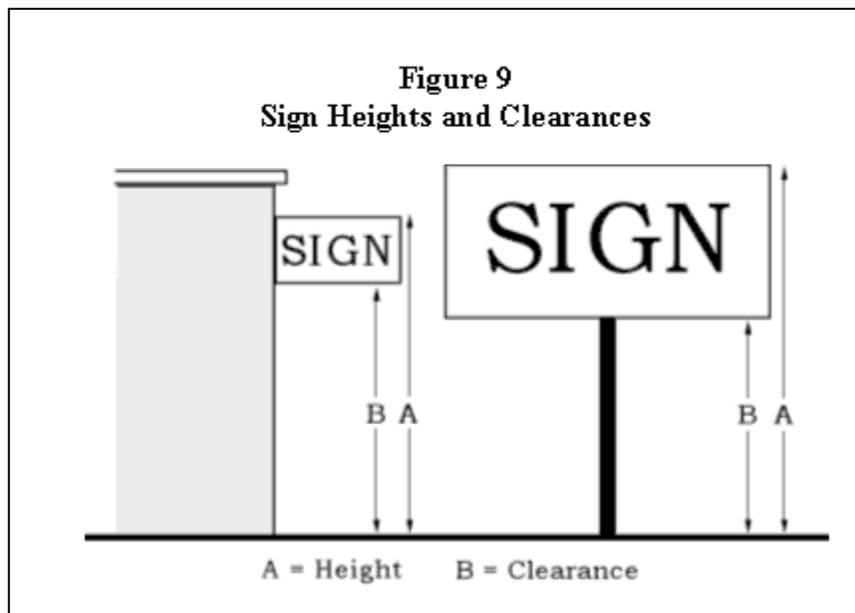
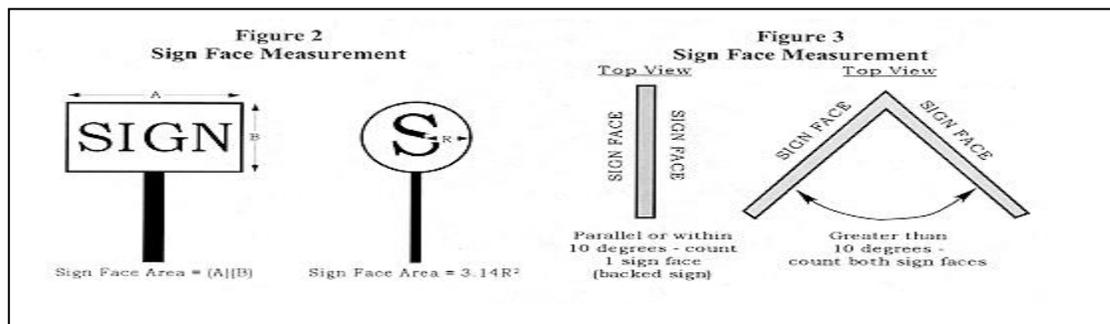
A. Changeable Copy Signs may be incorporated into a permanent identification sign for a business or development. The following conditions shall apply:

- 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.



§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 Section 21 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 Section 21 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, **split-face block**, 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.

§153.055 DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

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. Building Permit and Setback Requirements for Fences. 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. Exterior Lighting (including LED) Requirements. All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

§153.055 DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

- 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.

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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. Sidewalk and Pathway Standards.
- 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. Driveway and Garage Standards.

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- 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 **(including LED)** 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; and
 - 4. 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.

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- 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 and 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.

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- 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

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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 Section 22, 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

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- 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

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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 ***the City Code of Ordinances, Title IX, Chapter 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.

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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.

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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

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- 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.

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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.** *There are certain uses, which, due to the nature of impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified “Conditional Uses.”* Conditional uses may be permitted in certain districts, subject to the granting of a Conditional Use Permit. *It is the purpose of this section to establish the terms, criteria, and procedures by which Conditional Uses may be permitted, enlarged, or altered. It is a further purpose of this section to supplement the other sections of Code and the Comprehensive Plan.* 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 **administrative authorization** or authorization by the Planning Commission in accordance with the standards and procedures set forth in this section. *Nothing in this section guarantees that a Conditional Use permit will be issued.*

2. General Provisions.

A. *Application for approval of a Conditional Use may be processed and authorized under an administrative or a Planning Commission decision making procedure as provided by Section 4, Application Procedures, as well as the provisions of this Section.*

B. *A Conditional Use permit shall be issued only for the specific use or uses outlined in the application, together with the limitations or conditions as determined by the approval authority.*

C. *The findings and conclusions made by the approval authority and the conditions, modifications, or restrictions of approval, if any, shall specifically address the relationship between the proposal and the approval criteria listed in this Section, in the underlying zoning district, and any applicable overlay zones.*

D. *An application shall be approved if it satisfies the applicable criteria or can be made to meet the criteria through imposition of reasonable conditions of approval. If findings or data or reasonable conditions cannot bring an application into compliance with the criteria, then the application shall be denied.*

3. Approval Authority

A. Administrative Authority. *An administrative review is required for those uses listed in §153.004. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional are considered modifications, and can be handled administratively.*

If an exterior structural addition, extension or relocation of, or to, an existing structure conditionally approved, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Conditional Use approval is not required

§153.070 **CONDITIONAL USE PERMITS**

- B. 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.
- C. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional, **except for accessory uses and buildings customarily appurtenant to a conditional use described in "3"**, 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.
- D. 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:
1. Increasing the required lot size or yard dimensions, open spaces or buffer areas;
 2. Limiting the height of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of off-street parking and loading spaces required, along with the type of surfacing and drainage of parking areas;
 6. Limiting the number, size and location of signs;
 7. Requiring screening, fencing, and/or landscaping (and maintenance thereof) to protect adjacent property; and
 8. Requiring means of pedestrian/bicycle access pathways to serve the property;
 9. Limiting the location, coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
 10. Limiting or prohibiting openings in sides of buildings or structures;
 11. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;
 12. Regulation of noise, vibration, odors, etc.;

§153.070 **CONDITIONAL USE PERMITS**

13. Regulation of 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. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed;
17. 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.

4. 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 Section 4.

The application shall be accompanied by a site plan (as described in Section 30), 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.

5. 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 Section 4 of this Ordinance.
6. 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.

§153.070 **CONDITIONAL USE PERMITS**

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

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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

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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.

- 7. 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 Section 33.
- 8. 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.
- 9. 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 Section 34. 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.

- 10. 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.
- 11. 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

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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.

12. 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.

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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 Section 4, 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 Section 4 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

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proposed amendment to the Zoning Ordinance shall be given as provided in Section 35 (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 Section 35 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;

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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. The Planning Commission and Council, shall determine that **text amendments to the zoning codes or Comprehensive Plan and** zone change requests meet the following criteria:
 - A. Rezoning of the subject property **and any applicable text amendments to the zoning codes or Comprehensive Plan** will conform with the intent of and will be consistent with all policies of the Comprehensive Plan;

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- B. Rezoning of the subject property ***any applicable text amendments to the zoning codes or Comprehensive Plan*** 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 ***any applicable text amendments to the zoning codes or Comprehensive Plan*** will not seriously interfere with the permitted uses on other nearby and surrounding parcels;
- D. Rezoning of the subject property ***any applicable text amendments to the zoning codes or Comprehensive Plan are*** better suited to the purposes of the proposed zone than 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.
- G. Rezoning any applicable text amendments to the zoning codes or Comprehensive Plan are Consistent with Statewide Planning Goals as contained in the State Revised Statute and State Administrative Rules as follows:***
 - 1. State Revised Statutes (ORS):***
 - a. ORS 197.250 Compliance with Statewide Planning goals;***
 - b. ORS 197.610 Submission of Proposed Changes;***
 - c. ORS 227.186, Notice to Property Owners.***
 - 2. State Required Administrative Rules (OAR):***
 - a. OAR 660-003-0010, Acknowledgement Procedures and Notice;***
 - b. OAR 660-012-0060, Plan and Land use Regulation Amendments;***
 - c. OAR 660-025-0010, Periodic Review; and***
 - d. Associated Administrative Rules for each State Goal.***

§153.073 SITE PLAN REVIEW AND PERFORMANCE REVIEW

1. Purpose. The purpose of the Site Plan Review process 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. Objectives
 - 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 ensuring structure signs, and other improvements are property 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, C-N, C-H, I-L, I-G Zone District **for: as described in 153.004(15)**.
 - ~~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) and exceeds 50% of the market value before improvement or repair is started~~

~~[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Site Plan Review approval is not required].~~
 - ~~3. Previously approved site plan reviews that are null and void after 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;**

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~~c. A duplex, which is not being reviewed as part of any other development;~~

~~d. Minor modifications;~~

~~e. Home occupations~~

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.~~

C. 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 in subsection 5 of this Section.

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 Section 22. 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

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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 described in Section 10. 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

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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
 - 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.

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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 should 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 the Development Code are complied with.

10. Performance Review. Performance Review will be handled by the Planning Commission and is the examination of activities and their locations based on measurable

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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 the 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 Section 22.*

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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.*

11. 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:

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- 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.
12. 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.
13. 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 **or Performance Review** Approval has been granted, it shall be unlawful for any person to cause a **major modification** or permit the proposed construction, alteration, improvement or use in any manner ~~except in complete and strict compliance with the approved site plan~~ that **meets involves** one or more of the following:
- 1. **A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;**
 - 2. **An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified;**
 - 3. **A reduction of more than 10% of the area reserved for common open space or landscaping;**
 - 4. **Increase in automobile parking spaces by more than 10%;**
 - 5. **Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard;**
 - 6. **Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements;**
 - 7. **Change to a condition of approval, or change similar to these sections that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.**
- If the revision/modification does not involve one of the criteria listed above, it is considered a minor modification and can be handled administratively.**

14. Time Limitation for Site Plan Review and Expiration of approval.

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- 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.



FINDINGS AND CONCLUSIONS

BEFORE THE CITY COUNCIL OF THE CITY OF TILLAMOOK FOR CODE OF ORDINANCES, TITLE XV, §153, ZONING CODE AMENDMENTS #ZOA-16-02

SECTION I. SUMMARY OF LEGISLATIVE ACTION

The City of Tillamook has been working on these text amendments to the Zoning Codes of the City Code of Ordinances since early this year beginning with numerous City Planning Commission workshops and culminating with the Council's adoption of an Ordinance.

INTENT: Amend the text to the following sections of Title XV, Land Usage, Chapter 153, Zoning Codes, of the City Code of Ordinances.

§153.004, Application Procedures and Fees;
§153.031, Hazard Overlay District;
§153.032, Town Center Overlay District;
§153.035, Water Resource Overlay District;
§153.051, Site Development Standards;
§153.053 Sign Standards;
§153.055, Design and Landscape Standards;
§153.070, Conditional Use Permit;
§153.071, Amendments; and
§153.073, Site Plan Review.

THE STRATEGY: Section IV of this staff report describes the specific recommended ordinance text amendments to accomplish this. The Findings and Conclusions for #ZOA-16-02, recommended by City Planning Commission, dated September 1, 2016 are referenced herein. They contain a complete description of the proposal amending chapters of the City Code of Ordinances.

APPLICABLE REVIEW CRITERIA AND STANDARDS: Tillamook City Code of Ordinances, Title XV, §153.071. The criteria listed in §153.071, including the State criteria, will be reviewed in Section III of this report.

SECTION II. PUBLIC NOTICE AND HEARING PROCEDURES

HEARING DATES AND PUBLIC NOTICE: The legislative hearing dates for Code of Ordinances Amendment #ZOA-16-02 are as follows:

- City Planning Commission, **September 1, 2016.**
- City Council, **October 17, 2016.**

POSTING AND MAILING OF NOTICE: Notice was mailed to the State of Oregon on July 26, 2016, fifty-three (53) affected property owners on August 8, 2016, published in the Headlight Herald on August 24, 2016, and posted August 19, 2016 at: Tillamook City Hall, Tillamook County Court House, Tillamook County Library, Tillamook Fire District.

The names, addresses, and tax lot numbers of the affected property owners are those listed on the last preceding tax roll of the Assessor of Tillamook County.

COMMENTS RECEIVED: None to date.

SECTION III. ANALYSIS OF APPLICABLE CRITERIA FOR AMENDING THE LAND USE CODES

AMENDING TITLE XV, §153, ZONING CODE OF THE CITY CODE OF ORDINANCES

The Zoning Codes may be amended 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. Any such proposed amendment or change shall first be submitted to the Planning Commission.

In this case the proposed text amendments to the City Zoning Codes have been proposed by the Planning Commission, and are recommended for approval by the Planning Commission as well.

§153.071 City Submittals required for Zoning Code Amendments.

2. **Public Hearing on an Amendment.** The Planning Commission is required to hold a public hearing first before final action on a proposed amendment is taken. After receipt of the report on the amendment from the Planning Commission, the Council shall hold a public hearing on the amendment.
3. **Action by the City Council.** The Council may enact an ordinance granting the amendments, or deny the granting of the amendments. 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.

Findings: Public Hearings were held by the Planning Commission on September 1st and City Council on October 17th. The public hearings were properly noticed and recommendation by the Planning Commission was made to City Council to approve the code text changes.

Conclusion: Satisfied. All required submittals and notices were prepared.

**CONSISTENCY WITH STATEWIDE PLANNING GOALS
AS CONTAINED IN THE STATE ADMINISTRATIVE RULES.**

OREGON ADMINISTRATIVE RULES (OAR)

OAR 660-012-0060, Plan and Land use Regulation Amendments. 1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system;

Findings: The proposed amendments to the City Zoning Codes will not change the functional classification of any existing or planned transportation facility. The proposed amendment of the City Zoning Codes will not change standards implementing a functional classification system identified in the adopted TSP.

The proposed amendment to the City Zoning Codes will not allow land uses or levels of development that result in levels of travel that are inconsistent with the functional classification of an existing or planned transportation facility; and will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP and City Comprehensive Plan.

Conclusion: Not applicable. No new transportation facilities will be required or are necessary for the proposed amendment of the City Zoning Codes. Nor will the proposed amendment significantly affect an existing or planned transportation facility.

OREGON REVISED STATUTES (O.R.S.)

O.R.S. 197.250 Compliance with goals required. All comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.

Findings: The proposed text amendments comply with State requirements.

Conclusion: Satisfied. The proposed amendments to Title XV, Land Usage, Chapter 153, Zoning Codes, of the City Code of Ordinances meet this requirement and address the following State Goals:

- Goal 1 – Citizen Involvement – meeting the City requirements for public notice;
- Goal 2 – Land Use Planning – meeting the City land use requirements as described in the City Comprehensive Plan,

O.R.S. 197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules. (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development (DLCD). The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change.

Findings: Notice of the proposed amendments was sent to DLCD 37 days in advance of the first hearing (September 1, 2016) before the City Planning Commission.

Conclusion: Satisfied. The proposed amendments to Title XV, Land Usage, Chapter 153, Zoning Codes, of the City Code of Ordinances were submitted to DLCD on July 26, 2016.

ORS 227.186 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost. (1) As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

(3) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property.

(9) For purposes of this section, property is rezoned when the city:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

Findings: According to the Oregon Department of Justice, “Notice is required and applies where an ordinance establishes new or strengthens existing standards of general applicability for establishing a use, *and* where an ordinance directly reduces the physical extent to which a particular may occupy or occur on a given property, *and* whether or not a “regulation” would de-value or further restrict a property owners rights to develop their property.”

The additional amended text of the City Zoning Codes does not establish a new use, but does strengthen existing standards of general applicability for establishing an internally illuminated acrylic sign face with the performance review requirements. The prohibition of recreational marijuana production is based on Comprehensive Policy E-30, which includes the statement, ‘the commercial growth of marijuana is prohibited in the Town Center’, and restricts a property owner’s rights to develop property for this purpose in this overlay district in the City.

Conclusion: Satisfied. This Revised Statute is required for the Measure 56 notice. The requirements for Measure 56 are only applicable for the proposed changes identified in Town Center (TC) Overlay Zone

District section (§153.032) of the City Zoning Codes, and the fifty-three (53) property owners in the TC Overlay Zone District. Specifically, the addition of the statements, “Recreational marijuana production is prohibited in the Town Center Zone District,” and “Internally illuminated acrylic sign faces are allowed under Performance Review” in 153.032 of the City Zoning Codes, requires a Measure 56 notice.

SECTION IV. PROPOSED ORDINANCE AMENDMENTS

The following amended ordinance chapters (**shaded**), additions (**bold, underlined**) and deletions (strikethrough) are proposed to Title XV, Land Usage, Chapter 153, Zoning Codes.

Amend §153.004, Application Procedures and Fees, subsection 1(A) Initiation (page 1), subsection 6, Application for Vacation (A1 (c)) (page 3), subsection 10, Pre-Application and Post-Application Meetings (page 8), subsection 13, Notice of Hearings (page 8), subsection 15, Administrative Review (pages 9-11), subsection 16, Final action of Application for Permit or Zone Change Request (page 12), to read:

- 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). **It may include the following: Conditional Use Permit, Land Partition, Site Plan Review, Variance, Zoning Ordinance/Comprehensive Plan Amendments and/or Zone Change.** 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 **§153.073**.
1. **Each land use action’s requirements are listed separately in the following sections of this ordinance:**
 - a. **Conditional Use Permit – §153.070.**
 - b. **Land Partition – §153.072.**
 - c. **Site Plan Review – §153.073**
 - d. **Variance – §153.075.**
 - e. **Zone Change/Amendment – §153.071.**
 2. **Administrative actions are listed in subsection 15 of this section.**
 3. **A Land Use Action does not include the following:**
 - 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 occupations**
6. Application for Vacation.
- 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 **the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within**

such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. (Note: The “absolute consents” can be considered as part of the two-thirds consents.)

10. **Pre-Application and Post-Application Meetings.**

A. A pre-application meeting shall be scheduled prior to the submittal of the land use application. The pre-application meeting **shall be coordinated by the City Planner. A plan review committee meeting shall be conducted after the submittal of the land use application but prior to public notice and may** include participation by 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 **and approval** of a land use application, **but shall be scheduled prior to the construction and/or submission of a Zoning Clearance Permit.**

13. **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:

5. A general description of the applicable comprehensive plan and zoning ordinance **code** criteria which apply to the proposal.

15. **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;

(c) Modifications of an existing conditional use permit.

[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure conditionally approved, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Conditional Use approval is not required].

2. Partitions/**Property** Line Adjustments/**Flag Lot Development.**

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.

[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Site Plan Review approval is not required].

c. Previously approved site plan reviews that are null and void and no changes are proposed.

4. Variances involving one of the following:

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 any other zoning requirements of not more than ten percent (10%) (i.e. required % of area, required coverage, required density, sign requirements, lot requirements, off-street parking requirements).

d. Deviation from a residential accessory dwelling living area of not more than five percent (5%).

e. Expansion of a conditional or nonconforming use by not more than twenty percent (20%) of the gross building volume.

5. Home Occupations

5. 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
- e. **Performance Reviews**
- f. **Variances**

- B. A property owner may initiate an **administrative** 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 **subsection 3 of this section**;

16. **Final Action of Application for Permit or Zone Change Request.**

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the Comprehensive Plan or **zoning codes** ordinances, 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.

Amend §153.031, Hazard Overlay District, subsection 4, Hazard Overlay Zone Boundaries (page 1); subsection 6, Methods for Minimizing Inundation Zone Hazards (page 2) to read:

1. **Hazard Overlay Zone Boundaries.** The boundaries of the HO **District** 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.
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.

- 1. The report shall be based on historical inundation information**
 - 2. In situations where similar source, tectonic, and coastal environments exist and modeled inundation has been done elsewhere, interpolate inundation based on maximum modeled inundation in nearby / bounding areas.**
 - a. If available, use low resolution, regional simulations to estimate the relative amplification of tsunamis by offshore bathymetric effects.**
 - b. Interpolation should take into account the behavior of tsunamis of similar size for terrain analogous to that of the target area.**
 - 3. The report should extrapolate lower-resolution model data on land to estimate inundation and add a safety factor for both inundation and elevation.**
 - a. Extrapolation should take into account the behavior of tsunamis of similar size for terrain analogous to that of the target area, even for tsunamis from other parts of the world.**
 - 4. In the absence of other tsunami hazard information, consultation with your NTHMP scientific representative, for tsunami evacuation planning.**
- 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.
- D. **Buildings identified for vertical evacuation should have the following characteristics:**
- 1. Designed and built using modern structural engineering;**
 - 2. Constructed of reinforced concrete or steel; and**
 - 3. Well maintained, with building materials in good condition.**

Amend §153.032, Town Center Overlay District, with the removal of subsection 3, Performance Review Conditions (page 2-5), revisions to subsection 6, Signs (page 6), and based on Comprehensive Plan Policy E-30, 'the commercial growth of marijuana is prohibited in the Town Center', subsection 12, under Prohibited Uses (page 10) to read:

- ~~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 Section 22.~~
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.~~
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 **and** 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. **Internally illuminated acrylic sign faces shall require Performance Review.**
 - G. Electronic/Digital Display Signs/Reader-boards shall require Performance Review.
12. **Prohibited Uses. The following uses are prohibited in the Town Center Overlay District.**

A. Recreational marijuana production.

Amend §153.035, Water Resource Overlay District, subsection 4, Activities Permitted and Prohibited within the Wetlands Area (page 2-4) to read:

4. Activities Permitted and Prohibited within the Riparian/Wetlands Area. 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/**wetlands area** 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 **and wetland** area, and no other options or locations are feasible:
 - 4) Replacement of existing structures with structures in the same location that do not disturb additional riparian **and wetland** surface area;
 - 5) Non-conforming uses existing fully or partially within the riparian corridor **and wetland area** may be expanded, provided the expansion does not occur within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor/**wetland area** shall comply with the standards of this ordinance;
 - 6) Existing lawn within the riparian corridor/**wetland area** may be maintained, but not expanded to further intrude into the riparian corridor;
 - B. Removal of riparian/**wetland** vegetation is prohibited, except for:
 - 4) Existing landscaping, established prior to the effective date of this ordinance may be maintained. However, no new encroachment into the riparian corridor/**wetland area** 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.
 - 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/**wetland** Setbacks in this Ordinance, the following shall be exempt from the provisions of this ordinance:
 - F. Any permitted crossings of significant riparian corridor/**wetland area** waterways shall be conducted in consultation with the ODFW, DSL, and CoE.
6. Development Standards.
 - 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/**wetland** setback area.
 - D. Alteration Requiring Mitigation. If a use is proposed within a significant resource site or riparian **and wetland** setback area, a mitigation plan shall be prepared and implemented.
 - 1) Permanent alteration of the riparian/**wetland** 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/**wetland** setback approved through the procedures of Subsection 7 of this section.
7. Variances
 - 2) Strict adherence to the riparian/**wetland area** setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels.

Amend §153.051, Site Development Standards, subsection 1, Purpose, subsection 6, Improvement Requirements (page 1), subsection 17, Bonding and Assurances (pages 16-19) to read:

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 (**including LED**), open areas, and landscaping.

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:

G. Street Lighting. Street lighting of an approved type (**including LED**) shall be installed on all streets at locations approved by the city.

17. Agreements, Bonding and Assurances.

A. Agreement for improvements.

B. Construction plans

C. Improvement procedures.

D. On all projects where public improvements are required:

E. Bond.

F. 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.

G. 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

H. Guarantee.

Amend §153.053, Sign Standards, subsection 3, Signs Allowed in Each Zone District (page 4); subsections 4, Sign Clearance and Setbacks for Free-Standing or Ground-Mounted Signs, and subsection 5, Directional, On-Site Traffic Control Signs and subsection 6 (B) (pages 7, 8, 11) to read:

3. Signs Allowed in Each of the City Zone Districts

C. Neighborhood Commercial

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:
e) Illumination: Such signs may be internally or indirectly illuminated.

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:
e) Illumination: Such signs may be internally or indirectly illuminated.

4. Sign Clearance and Setbacks for Free-Standing or Ground-mounted Signs.

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.

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:

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.~~

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:

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. Temporary Display and Portable Signs

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:

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.~~

Amend §153.055, Design and Landscape Standards and Requirements subsection 2, Fence and Wall Standards, subsection 3, Exterior Lighting, subsection 6 (C), and subsection 12 (pages 1, 2, 5 and 10) to read:

2. Fence and Wall Standards

F. Materials: Wood, brick, rockwork, **split-face block**, 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.

3. Exterior Lighting (including LED) Requirements. All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

6. Other Outbuilding and Accessory Standards.

C. Materials: Wood or brickwork is encouraged. Wrought metalwork and sheet metal are discouraged. All exterior lighting **(including LED)** must minimize light trespass impacts.

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.

B. Landscape Standards for multi-family, multiple use, commercial and industrial projects.

2. Landscaping Requirement

j) The list of street tree species to be planted and minimum tree planting dimensions are listed in detail in **the City Code of Ordinances, Title IX, Chapter 93.**

Amend §153.070, Conditional Use Permit subsection 1, Purpose, subsection 2, General Provisions, and subsection 3, Approval Authority (pages 1, 2, and 3) to read:

1. Purpose. **There are certain uses, which, due to the nature of impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified "Conditional Uses."** Conditional uses may be permitted in certain districts, subject to the granting of a Conditional Use Permit. **It is the purpose of this section to establish the terms, criteria, and procedures by which Conditional Uses may be permitted, enlarged, or altered. It is further purpose of this section to supplement the other sections of Code and**

the Comprehensive Plan. 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 **administrative authorization** or authorization by the Planning Commission in accordance with the standards and procedures set forth in this section. **Nothing in this section guarantees that a Conditional Use permit will be issued.**

2. **General Provisions.**

A. **Application for approval of a Conditional Use may be processed and authorized under an administrative or a Planning Commission decision making procedure as provided by Section 4, Application Procedures, as well as the provisions of this Section.**

B. **A Conditional Use permit shall be issued only for the specific use or uses, outlined in the application, together with the limitations or conditions as determined by the approval authority.**

C. **The findings and conclusions made by the approval authority and the conditions, modifications, or restrictions of approval, if any, shall specifically address the relationship between the proposal and the approval criteria listed in this Section, in the underlying zoning district, and any applicable overlay zones.**

D. **An application shall be approved if it satisfies the applicable criteria or can be made to meet the criteria through imposition of reasonable conditions of approval. If findings or data or reasonable conditions cannot bring an application into compliance with the criteria, then the application shall be denied.**

3. **Approval Authority**

A. **Administrative Authority.** An administrative review is required for those uses listed in §153.004. **Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional are considered modifications, and can be handled administratively.**

If an exterior structural addition, extension or relocation of, or to, an existing structure conditionally approved, or the proposed accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Conditional Use approval is not required

C. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional, **except for accessory uses and buildings customarily appurtenant to a conditional use described in “3”**, 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.

Amend §153.071, Amendments subsection 8 (pages 3-4) to read:

8. The Planning Commission and Council, shall determine that **text amendments to the zoning codes or Comprehensive Plan and zone change requests** meet the following criteria:

A. **Rezoning of the subject property and any applicable text amendments to the zoning codes or Comprehensive Plan** will conform with the intent of and will be consistent with all policies of the Comprehensive Plan;

B. **Rezoning of the subject property and any applicable text amendments to the zoning codes or Comprehensive Plan** 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 and any applicable text amendments to the zoning codes or Comprehensive Plan** will not seriously interfere with the permitted uses on other nearby and surrounding parcels;

D. Rezoning of the subject property and any applicable text amendments to the zoning codes or Comprehensive Plan are better suited to the purposes of the proposed zone than it is to the purposes of the existing zone;

G. Rezoning and any applicable text amendments to the zoning codes or Comprehensive Plan are Consistent with Statewide Planning Goals as contained in the State Revised Statute and State Administrative Rules as follows:

1. State Revised Statutes (ORS):

- ORS 197.250 Compliance with Statewide Planning goals;
- ORS 197.610 Submission of Proposed Changes;
- ORS 227.186, Notice to Property Owners.

2. State Required Administrative Rules (O.A.R.):

- OAR 660-003-0010, Acknowledgement Procedures and Notice;
- OAR 660-012-0060, Plan and Land use Regulation Amendments;
- OAR 660-025-0010, Periodic Review; and
- Associated Administrative Rules for each State Goal.

Amend §153.073, Site Plan Review and Performance Review, subsection 3, Types of Development Requiring Site Plan Approval (pages 1-2), subsection 10, Performance Review (pages 5-7), subsection 13, Revisions of Site Plans (page 8), to read:

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, C-N, C-H, I-L, I-G Zone District for: as described in 153.004(15).

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) and exceeds 50% of the market value before improvement or repair is started~~

~~[Note: if the exterior structural addition, extension or relocation of, or to, an existing structure does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Site Plan Review approval is not required].~~

3. ~~Previously approved site plan reviews that are null and void after 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:

4. 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 occupations~~

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.~~

10. Performance Review. 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 Section 22.**
- 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.

13. 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 or Performance Review Approval has been granted, it shall be unlawful for any person to cause **a major modification** or permit the proposed construction, alteration, improvement or use in any manner ~~except in complete and strict compliance with the approved site plan that~~ involves one or more of the following:

1. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;
2. An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified;
3. A reduction of more than 10% of the area reserved for common open space or landscaping;
4. Increase in automobile parking spaces by more than 10%;
5. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard;
6. Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements;
7. Change to a condition of approval, or change similar to these sections that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

If the revision/modification does not involve one of the criteria listed above, it is considered a minor modification and can be handled administratively.

SECTION V. OVERALL CONCLUSION

The Tillamook City Code of Ordinances, Title XV, Land Usage, §153, Zoning Code Amendment #ZOA-16-02, identified in Section IV, complies with all applicable City and State requirements.