



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

October 24, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tillamook Plan Amendment
DLCD File Number 001-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 8, 2007

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

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

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

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

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PROP **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DEPT OF

OCT 19 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Tillamook** Local file number: **ZC-07-01/PA-07-01**
 Date of Adoption: ~~10/17/2007~~ **9/17/07** Date Mailed: **10/18/2007**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/15/2007

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Zone change of the subject property from Single-Family Residential (R-7.5) to Light Industrial (I-L)

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

Plan Map Changed from: **Single-Family Residential** to: **Light Industrial**
 Zone Map Changed from: **R-7.5** to: **I-L**
 Location: **1306 First Street** Acres Involved: **0**
 Specify Density: Previous: **7,500 square feet** New: **Not Applicable**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...
 45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD #001-07(16177)

DLCD file No. _____

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

DLCD, ODOT, Tillamook County

Local Contact: **David Mattison**

Phone: (503) 842-3443 Extension:

Address: **210 Laurel Avenue**

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

City: **Tillamook**

Zip: **97141-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1224

AN ORDINANCE CHANGING THE ZONE DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL (R-7.5) TO LIGHT INDUSTRIAL (I-L) FOR TAX LOT 900 OF MAP 1S 10 25AC, AND AMENDING THE CITY OF TILLAMOOK COMPREHENSIVE PLAN POLICY 45, TABLES D1 & K1 AND FURTHER TEXT TO CORRESPOND WITH THE REQUESTED ZONE CHANGE WITHIN THE CITY LIMITS OF THE CITY OF TILLAMOOK

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

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

WHEREAS, the Tillamook City Planning Commission conducted a public hearing on the date of August 2, 2007, after proper notification of interested persons within a 400-foot radius of the subject property, posting and publication in the Headlight Herald; and

WHEREAS, the public hearing produced no opposition to the proposed rezoning of the approximately 0.13 acre to Light Industrial (I-L) zoning and plan amendments; and

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

WHEREAS, the Tillamook City Planning Commission subsequently recommended that the zoning for said property be changed from Single-Family Residential (R-7.5) to Light Industrial (I-L) and corresponding Comprehensive Plan text changes be made by the City Council; and

WHEREAS, the Tillamook City Council held a public hearing on the date of September 4, 2007 to review and consider this requested Zone change and corresponding text amendments,

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

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

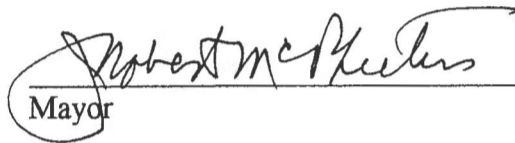
Section 2: The City Council adopts the Findings and Conclusions of the requested Zone Change #ZC-07-01 & Plan Amendment #PA-07-01.

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

PASSED 1st reading by the City Council this 4th day of Sept., 2007.

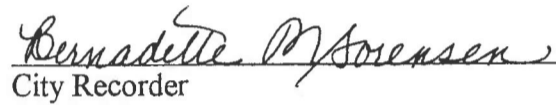
PASSED 2nd reading the City Council this 17th day of Sept., 2007.

APPROVED by the Tillamook City Council this 17th day of Sept., 2007.



Mayor

ATTEST:



City Recorder

Section 1

Policy 45: “Various sized parcels of land, totaling 86 acres, as shown on the land use map, shall be allocated for industrial use.”

The language in Policy 45 is proposed to change to the following:

Policy 45: “Various sized parcels of land, totaling approximately 185 acres, as shown on the land use map, shall be allocated for industrial use.”

TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS
IN 2006

<u>Land Use</u>	<u>Acres</u>
<u>Residential</u>	<u>318.7</u>
<u>Single-family</u>	<u>(151.7)</u>
<u>Single-family & Duplex</u>	<u>(74.7)</u>
<u>Multi-family</u>	<u>(92.3)</u>
<u>Commercial</u>	<u>223.6</u>
<u>Central Commercial</u>	<u>(52.5)</u>
<u>Highway Commercial</u>	<u>(165.7)</u>
<u>Neighborhood Commercial</u>	<u>(5.4)</u>
<u>Industrial</u>	<u>109.6</u>
<u>General Industrial</u>	<u>(88.6)</u>
<u>Light Industrial</u>	<u>(21)</u>
<u>Public and Semi-Public</u>	<u>173.6</u>
<u>Street and Right-of-Way</u>	<u>179.6</u>
<u>Open Space **</u>	<u>74</u>
<u>Total Land</u>	<u>1,079.1</u>
<u>Developed Land *</u>	<u>829</u>
<u>(Vacant) Undeveloped Land</u>	<u>116</u>

The acreages in Table D1 are proposed to change in the Residential and Industrial categories to the following:

<u>Residential</u>	<u>318.6</u>
<u>Single-family</u>	<u>(151.6)</u>

And

<u>Industrial</u>	<u>109.7</u>
<u>General Industrial</u>	<u>(88.6)</u>
<u>Light Industrial</u>	<u>(21.1)</u>

TABLE K1: 2006 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

<u>Land Use</u>	<u>Acre</u>	<u>Existing Tax Lots</u>	<u>Existing Developed Units</u>	<u>Potential Development (in units)</u>	<u>Potential Development (in acres)</u>
<u>Residential</u>	<u>318.7</u>	<u>1,369</u>	<u>1,717</u>	<u>1,211</u>	<u>73.19</u>
<u>Commercial</u>	<u>223.6</u>	<u>518</u>	<u>316</u>	<u>323</u>	<u>77.29</u>
<u>Industrial</u>	<u>109.6</u>	<u>71</u>	<u>66</u>	<u>5</u>	<u>1.45</u>
<u>Total:</u>	<u>651.9</u>	<u>1,958</u>	<u>2,099</u>	<u>1,539</u>	<u>151.93</u>

Source: City of Tillamook Tax Lot Data

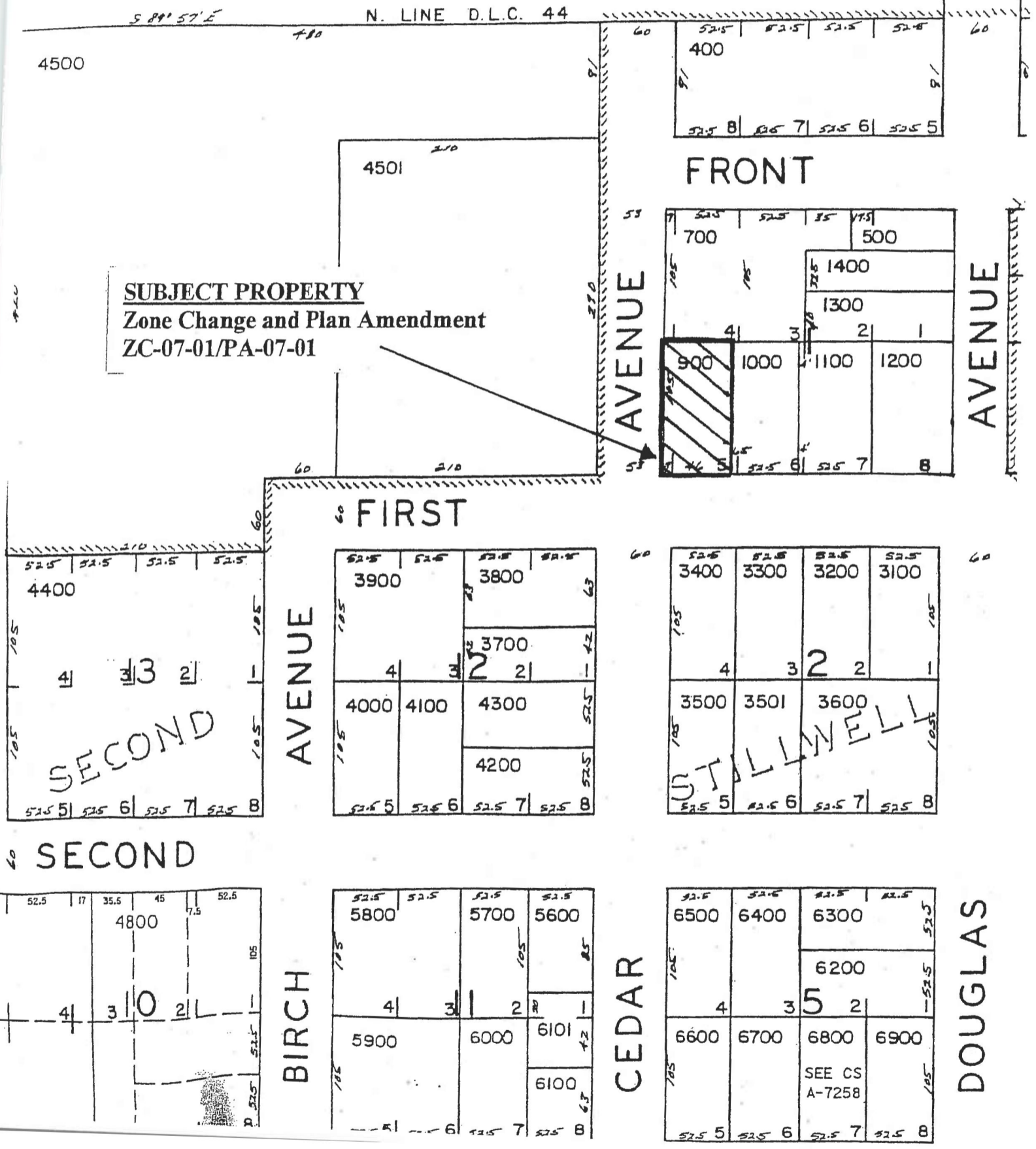
The acreages in Table K1 are proposed to change in the Residential and Industrial categories to the following:

<u>Residential</u>	<u>318.6</u>	<u>1,368</u>	<u>1,717</u>	<u>1,210</u>	<u>73.06</u>
<u>Industrial</u>	<u>109.7</u>	<u>72</u>	<u>66</u>	<u>6</u>	<u>1.58</u>

Section 1

Attachment B

SUBJECT PROPERTY
Zone Change and Plan Amendment
ZC-07-01/PA-07-01



4500

4400

52.5	52.5	52.5	52.5
4	3	2	1
52.5	52.5	52.5	52.5
5	6	7	8

SECONDS

4501

3900

3800

3700

4000

4100

4300

4200

52.5	52.5	52.5	52.5
4	3	2	1
52.5	52.5	52.5	52.5
5	6	7	8

AVENUE

400

700

500

1400

1300

900

1000

1100

1200

52.5	52.5	52.5	52.5
4	3	2	1
52.5	52.5	52.5	52.5
5	6	7	8

FRONT

AVENUE

4800

52.5	35.5	45	52.5
4	3	0	2
52.5	52.5	52.5	52.5
5	6	7	8

SECONDS

5800

5700

5600

5900

6000

6100

6100

52.5	52.5	52.5	52.5
4	3	2	1
52.5	52.5	52.5	52.5
5	6	7	8

BIRCH

6500

6400

6300

6200

6600

6700

6800

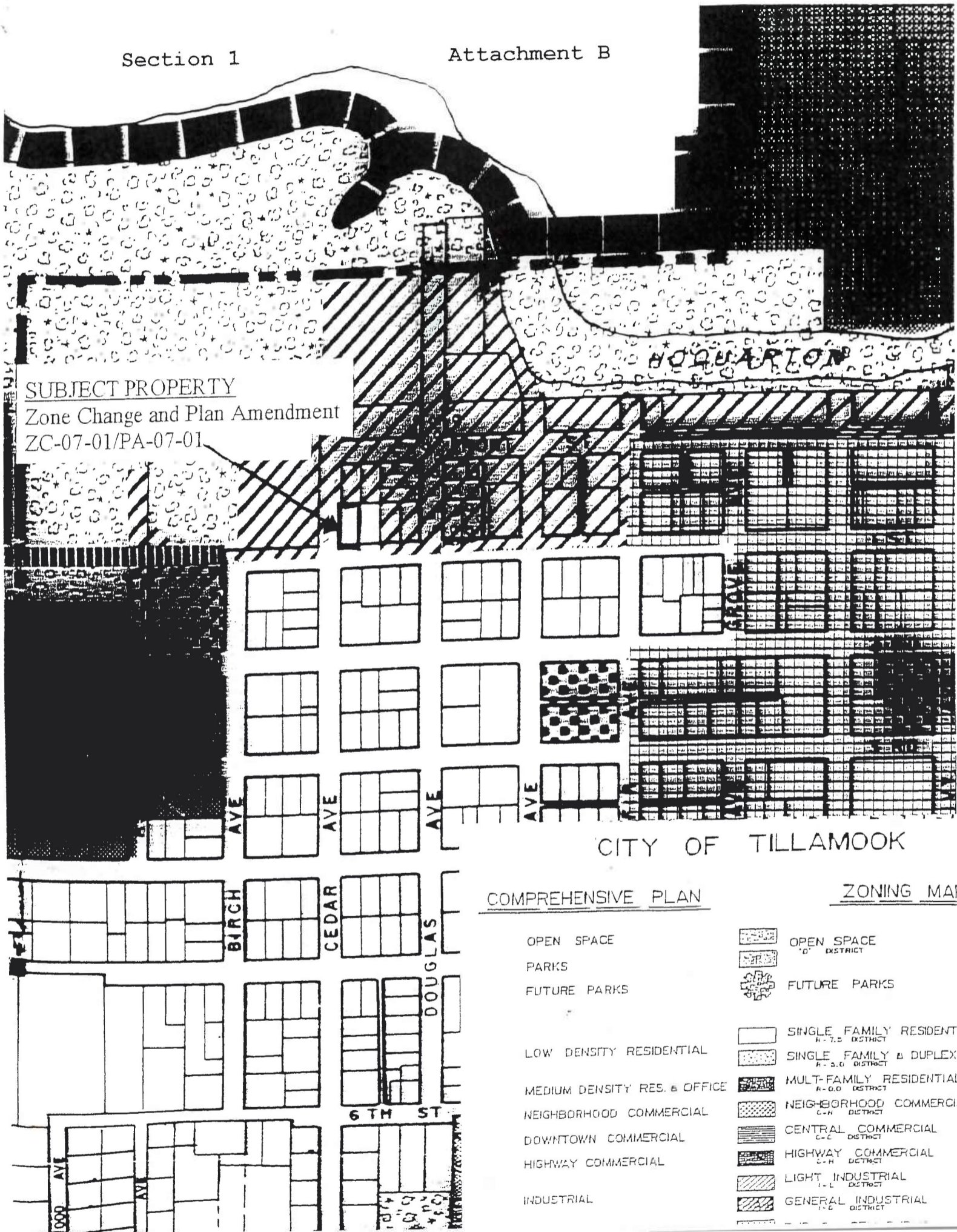
6900

52.5	52.5	52.5	52.5
4	3	5	2
52.5	52.5	52.5	52.5
5	6	7	8

SEE CS
A-7258

CEDAR

DOUGLAS



Section 2

Section 2

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF TILLAMOOK
FINAL FINDINGS AND CONCLUSIONS
ZONE CHANGE #ZC-07-01, PLAN AMENDMENT #PA-07-01
MAP 1S 10 25AD, TAX LOT 900**

APPLICANT/ OWNER: Terry Phillips, PO Box 1002, Tillamook, OR 97141

REQUEST: To rezone the subject property from Single-Family Residential (R-7.5) to Light Industrial (I-L), within the City of Tillamook, and amend the Tillamook City Comprehensive Plan, **Policy 45**, Tables **D1 & K1** and further text to correspond with the requested zone change within the City Limits of the City of Tillamook.

Additionally, please note that the number of acres allocated to each zone district, as displayed on the Comprehensive Plan Map, have been refigured to match the calculations rounded to the nearest 10,000th, by the County GIS Coordinator. Therefore adjustments have been made to tables such as Tables D1 and K1 in the Comprehensive Plan.

HEARING DATE: August 2, 2007

LOCATION: The subject property is located on the northeast corner of First Street and Cedar Avenue at 1306 First Street. This is inside of the City Limits of the City of Tillamook. Located at T1S R10, Section 25AD Tax lot 900.

PARCEL SIZE: Tax Lot 900 has a total of approximately 5,565 square feet, which is just over one tenth of an acre (.13 acres).

COMP PLAN/ZONING: Single-Family Residential (R-7.5). Light Industrial District (I-L). The City's Comprehensive Plan Economic Development Goal is, "To diversify- and improve the economy"; and the Economic Development objective is, "To improve the economic vitality of the Tillamook area." **Policy 45** states that, "Various sized parcels of land, totaling 86 acres, as shown on the land use map, shall be allocated for industrial use." **Policy 48** states that, "the economic vitality of the Tillamook area should be encouraged by attracting new, diverse employers."

According to the Comprehensive Plan, currently there are approximately 561 acres allocated to residential use within the City Urban Growth Boundary; and approximately 242 acres of those acres are allocated to single-family residential use within the City Urban Growth Boundary. Approximately 213 of those acres allocated for residential development remain buildable. Approximately 97 acres are allocated to light industrial use within

the City Urban Growth Boundary. Of the 97 acres allocated to light industrial within the UGB, there are fifty-eight (58) acres that remain undeveloped.

- ACCESS:** Currently the subject property has no approved access. It is recommended that the property be accessed from First Street.
- ROAD TYPE:** First Street is a paved two-lane City street. First Street is designated a Potential Tillamook Collector in the City Transportation System Plan. Cedar Avenue, between Front Street and First Street is a designated Potential Tillamook Collector in the City Transportation System Plan.
- EASEMENTS:** There are no access easements located on the subject property.
- LAND USE/BUILDINGS:** Currently, the property is vacant.
- ADJACENT USES:** Adjacent uses include single-family residents to the south across First Street; Bay Ocean Beer and Wine Company warehouse and shipping to the west across Cedar Avenue; Tillamook Door Company to the north and a single-family resident to the east. Property to the north and west is zoned Light Industrial (I-L). Property to the immediate east (Tax Lot 1000) and south is zoned Single-Family Residential (R-7.5). Property further east than Tax Lot 1000 is zoned Light Industrial (I-L).
- UTILITIES:** The subject property receives all existing City services.
- FLOOD POTENTIAL:** Not applicable. The subject property is located in an area designated as Zone X, an area of minimal flooding, as determined by Flood Insurance Rate Map (FIRM), Panel 3 of 4, Map #4102020003E, revised April 16, 2004.
- WETLANDS:** Not applicable. There are no wetlands located on or nearby the subject property.

RELEVANT CRITERIA: Sections 12, 18 and 35 of the City of Tillamook Zoning Ordinance #979, City Comprehensive Plan, and the Oregon Administrative Rules (OAR) lists the purposes of the Zone Districts, the required process for a rezone request and amendments, and criteria for a rezone and plan amendment.

Section 12 – Single-Family Residential District or R-7.5 Zone District

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

The applicant does not intend to use the subject property for residential purposes or family living and therefore is requesting the rezone.

Section 18 – Light Industrial District or I-L Zone District

1. Subsection 1. Purpose. This district is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.

The applicant has shown interest in utilizing the property for more heavy commercial and industrial purposes.

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

1. Subsection 1, Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. The application shall be made on the forms provided by the City, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A non-returnable fee as set forth in the City's fee schedule shall accompany each application. The applicant shall pay the costs of notification and publication required by this Ordinance. The applicant submitted a complete application and a site plan and paid the appropriate fee for an amendment to the City Comprehensive Plan and Comprehensive Plan Map on May 31, 2007.
2. Subsection 2, Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission, the Council shall hold a public hearing on the amendment.
 - A. Notice of hearing. Notice of time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by the City Recorder in the following manner.
 - 1) If an amendment to the text is proposed, the notice shall be by one publication in a newspaper of general circulation in the City not less than four (4) days nor more than 10 days prior to the date of hearing. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section. If an amendment to the Zoning Map is proposed, the notice shall be as provided in Section 10 of this Ordinance.
 - 2) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.

Public notice was submitted to State DLCDC on June 15, 2007. Notice was mailed to adjacent property owners within a 400 ft. radius of the subject property on July 11, 2007, and published in the Headlight Herald on July 18, 2007.

- B. Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the Commission shall announce the time and date when the hearing will be resumed.

City Comprehensive Plan

1. **Policy 45** states that, "Various sized parcels of land, totaling 86 acres, as shown on the land use map, shall be allocated for industrial use." This language will need to be changed to state that 185 acres shall be allocated for industrial use
2. Table D1 presents the existing land uses within the City of Tillamook.

TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS IN 2000

Land Use	Acres
Residential	318.7
Single-family	(151.7)
Single-family & Duplex	(74.7)
Multi-family	(92.3)
Commercial	223.6
Central Commercial	(52.5)
Highway Commercial	(165.7)
Neighborhood Commercial	(5.4)
Industrial	109.6
General Industrial	(88.6)
Light Industrial	(21.0)
Public and Semi-Public	179.6
Street and Right-of-Way	179.6
Open Space **	74.0
Total Land	1,079.1
Developed Land *	829
(Vacant) Undeveloped Land	116

The number of acres allocated for Light Industrial (I-L) and Single-Family Residential (R-7.5) are proposed to change as follows:

TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS IN 2000

Land Use	Acres
Residential	318.6
Single-family	(151.6)
Single-family & Duplex	(74.7)
Multi-family	(92.3)
Commercial	223.85
Central Commercial	(52.75)
Highway Commercial	(154.11)
Neighborhood Commercial	(5.4)
Industrial	109.7
General Industrial	(88.6)
Light Industrial	(21.1)
Public and Semi-Public	94.1
Street and Right-of-Way	179.6
Open Space **	74
Total Land	999.85
Developed Land *	829
(Vacant) Undeveloped Land	116

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

TABLE K1: 2000 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

Land Use	Acres	Existing Tax Lots	Existing Developed Units	Potential Development (in units)	Potential Development (in acres)
Residential	318.7	1,369	1,717	1,211	73.06
Commercial	223.85	520	316	323	78.55
Industrial	109.6	71	66	5	1.45
Total:	651.9	1,958	2,099	1,539	151.93

Source: City of Tillamook Tax Lot Data

The numbers in the residential and industrial land use rows are proposed to change as follows:

TABLE K1: 2000 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

Land Use	Acres	Existing Tax Lots	Existing Developed Units	Potential Development (in units)	Potential Development (in acres)
Residential	318.57	1,361	1,717	1,210	73.06
Commercial	223.85	521	317	325	78.8
Industrial	109.73	72	66	6	1.58
Total:	652.15	1,961	2,100	1,541	153.44

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

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

	Commercial	Industrial	Total
Base Case			
Current Supply (Acres)	180	1,058	1,237
Less: 2013 Demand (Acres)	141	76	217
Over/(Under) Supply	39	982	1,021
Low Growth			
Current Supply (Acres)	180	1,058	1,237
Less: 2013 Demand (Acres)	64	51	114
Over/(Under) Supply (Acres)	116	1,007	1,124
High Growth			
Current Supply (Acres)	180	1,058	1,237
Less: 2013 Demand (Acres)	159	115	274
Over/(Under) Supply (Acres)	21	943	964

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

No changes will be made to the numbers in this table.

Oregon Administrative Rules (OAR's)

OAR 660-008-0025, The Rezoning Process

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

- (1) The plan shall contain a justification for the rezoning process and policies which explain how this process will be used to provide for needed housing.
- (2) Standards and procedures governing the process for future rezoning shall be based on the rezoning justification and policy statement, and must be clear and objective.

The subject property is not being rezoned for residential designation. No residential development is allowed in the Light Industrial (I-L) Zone District, except for the citing of a caretaker's dwelling located on the subject property. It appears that comprehensively the surrounding area to the north, east and west is zoned for light industrial land use and

therefore rezoning the property to light industrial (I-L) would bring it into compliance with these properties and this area. Policy 124: Minor changes to the plan, which do not have significant effect beyond the immediate area of the change, will not be made more frequently than once a year, if possible. The City will set a certain time period each year for the consideration of minor changes to the comprehensive plan. Special studies or other information will be used as the factual basis to support the change. The public need and justification for change must be established.

OAR 660-009-0015, Economic Opportunities Analysis

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

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

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

The City has addressed these issues through the Comprehensive Plan.

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

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

The City Comprehensive Plan includes the economic development goal, "To diversify and improve the economy", the economic development objective, "To improve the economic vitality of the Tillamook area," and Policy 45, "Various sized parcels of land, totaling (*the amended*) 185 acres, as shown on the land use map, shall be allocated for industrial use."

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

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

- (1) Identification of Needed Sites. The plan shall identify the approximate number and acreage of sites needed to accommodate industrial and commercial uses to implement plan policies. The need for sites should be specified in several broad site categories, (e.g., light industrial, heavy industrial, commercial office, commercial retail, highway commercial, etc.) combining compatible uses with similar site requirements. It is not necessary to provide a different type of site for each industrial or commercial use which may locate in the planning area. Several broad site categories will provide for industrial and commercial uses likely to occur in most planning areas.
- (2) Long-Term Supply of Land. Plans shall designate land suitable to meet the site needs identified in section (1) of this rule. The total acreage of land designated in each site category shall at least equal the projected land needs for each category during the 20-year planning period. Jurisdictions need not designate sites for neighborhood commercial uses in urbanizing areas if they have adopted plan policies which provide clear standards for redesignation of residential land to provide for such uses. Designation of industrial or commercial lands which involve an amendment to the urban growth boundary must meet the requirements of OAR 660-004-0010(1)(c)(B) and 660-004-0018(3)(a).
- (3) Short-Term Supply of Serviceable Sites. If the local government is required to prepare a public facility plan by OAR Chapter 660, Division 11 it shall complete subsections (a) through (c) of this

section at the time of periodic review. Requirements of this rule apply only to local government decisions made at the time of periodic review. Subsequent implementation of or amendments to the comprehensive plan or the public facility plan which change the supply of serviceable industrial land are not subject to the requirements of this rule. Local governments shall:

- (a) Identify serviceable industrial and commercial sites. Decisions about whether or not a site is serviceable shall be made by the affected local government. Local governments are encouraged to develop specific criteria for deciding whether or not a site is "serviceable". Local governments should also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;
 - (b) Estimate the amount of serviceable industrial and commercial land likely to be needed during the short-term element of the public facilities plan. Appropriate techniques for estimating land needs include but are not limited to the following:
 - (A) Projections or forecasts based on development trends in the area over previous years; and
 - (B) Deriving a proportionate share of the anticipated 20-year need specified in the comprehensive plan.
 - (c) Review and, if necessary, amend the comprehensive plan and the short-term element of the public facilities plan so that a three-year supply of serviceable sites is scheduled for each year, including the final year, of the short-term element of the public facilities plan. Amendments appropriate to implement this requirement include but are not limited to the following:
 - (A) Changes to the short-term element of the public facilities plan to add or reschedule projects which make more land serviceable;
 - (B) Amendments to the comprehensive plan which redesignate additional serviceable land for industrial or commercial use; and
 - (C) Reconsideration of the planning area's economic development objectives and amendment of plan policies based on public facility limitations.
 - (d) If the local government is unable to meet this requirement it shall identify the specific steps needed to provide expanded public facilities at the earliest possible time.
- (4) Sites for Uses with Special Siting Requirements. Jurisdictions which adopt objectives or policies to provide for specific uses with special site requirements shall adopt policies and land use regulations to provide for the needs of those uses. Special site requirements include but need not be limited to large acreage sites, special site configurations, direct access to transportation facilities, or sensitivity to adjacent land uses, or coastal shoreland sites designated as especially suited for water-dependent use under Goal 17. Policies and land use regulations for these uses shall:
- (a) Identify sites suitable for the proposed use;
 - (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities to those which would not interfere with development of the site for the intended use; and
 - (c) Where necessary to protect a site for the intended industrial or commercial use include measures which either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

The requested rezone and amendments to the Comprehensive Plan meets both the City's long-term and short-term supply of industrial land available for development. The subject property has available City services and adds to the inventory of industrial land within the Urban Growth Boundary. No special siting requirements are necessary for the subject property.

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

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

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

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

- 1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

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

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

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

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

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

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

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

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

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

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

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

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

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

systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

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

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

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

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

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

(a) Any one of the following:

(A) An existing central business district or downtown;

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

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

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

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

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

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

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

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

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

The proposed rezone of the subject property will not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility. The proposed rezone of the subject property will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. First Street, Front Street, and that portion of Cedar Avenue between the two streets are all classified as 'Potential Tillamook Collectors' in the City TSP, which is part of the City Comprehensive Plan.

ODOT Region 2 was provided with notice of the proposed amendment and zone change on July 11, 2007. Since ODOT has not provide a written statement, the City of Tillamook shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services.

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

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

According to the applicant, the request is for the approval to rezone 0.13 acre of Single-Family Residential property to 0.13 acre of Industrial property.

By changing the zoning to industrial, it would fill in this portion of the block to the existing Light Industrial (I-L) Zone District. It appears that comprehensively the surrounding area to the north, east and west is zoned for light industrial land use and therefore rezoning the property to light industrial (I-L) would bring it into compliance with these properties and this area. By revitalizing and reusing this property, the rezoning to light industrial use would be adding to the livability of Tillamook and the surrounding area.

B. Proposed services should be addressed, such as:

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

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

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

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

According to the applicant and City records, the subject property is within Zone X, an area of minimal flooding, does not contain, nor is within 50 feet of any designated wetlands, but does contain supported with a retaining wall (along Cedar Avenue) a steep slopes on the subject property.

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

According to the applicant, the intent of the policies of the Comprehensive Plan support such a zone change request. The City Comprehensive Plan includes the economic development goal, "To diversify- and improve the economy", the economic development objective, "To improve the economic vitality of the Tillamook area;" **Policy 45** states that, "Various sized parcels of land, totaling (*the amended*) **185** acres, as shown on the land use map, shall be allocated for industrial use." **Policy 48** of the Comprehensive Plan states that, "the economic vitality of the Tillamook area should be encouraged by attracting new, diverse employers." The additional industrially zoned property will add to Tillamook's diversity of employers. Further information regarding a site plan review and general development standards will be discussed further as the applicant applies for such land use review.

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

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

According to the applicant, the property currently benefits from all city services, such as water and sewer. Those resources would not be compromised by the proposed change. The surrounding area (to the north, east and west) in general is zoned Light Industrial (I-L) Zone and this change would simply add to the consistency of the area.

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

According to the Comprehensive Plan, the current land supply is likely to be more than enough to accommodate residential growth over the next twenty years. The applicant states that rezoning the property from Single-Family Residential to Light Industrial will not have a negative impact on housing availability in the City.

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

The subject property is located within Tillamook's City Limits and would be using existing City services including water and sewer. The addition of a building in this area would not significantly impact either of those services.

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

The proposed changes to the Light Industrial District would not impact any current or proposed transportation system. First Street is a Collector Street, and Cedar Avenue is a Collector street according to the Transportation System Plan.

PROPERTY OWNERS NOTIFIED: This request was mailed to 167 adjacent property owners within a 400 ft radius on July 11, 2007.

CLOSING DATE: July 31, 2007.

AGENCIES NOTIFIED: County Assessor's Office, State Department of Land Conservation and Development (DLCD), State Department of Transportation (ODOT).

COMMENTS RECEIVED: On July 23, 2007, comments were received from Robert E. and Linda L. Fitzgerald, 6395 Long Prairie Road, Tillamook. Mr. and Mrs. Fitzgerald are supportive of the proposed land use change. Rezoning the subject property would have no effect on their properties. They are in favor of this request, because Tillamook needs more businesses that will benefit the area.

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

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

CONCLUSIONS AND RECOMMENDED CONDITIONS:

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

- A. Rezoning of the subject property will conform with the intent of all policies of the Comprehensive Plan;
- B. Rezoning of the subject property will conform with the intent of the zoning designation to which the subject property is proposed to be changed as defined in the purpose statement of the proposed zone;
- C. Rezoning of the subject property will not seriously interfere with the permitted uses on other nearby parcels;

- D. Rezoning of the subject property will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located; and
- E. Rezoning of the subject property will not adversely impact the road and street system serving the area in which the property is located.

Based upon the findings and conclusions listed above, City staff finds that the proposal appears to meet all of the State Administrative Rule criteria, intent of all policies of the City's Comprehensive Plan and intent of the zoning designations of the Light Industrial Zone District of the Zoning Ordinance requirements, will not seriously interfere with the permitted uses on other nearby parcels, will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located, and will not adversely impact the road and street system serving the area in which the property is located, and therefore it is recommended that the Zone Change and Plan Amendment request, ZC-07-01, PA-07-01 be approved if the following conditions are met:

1. The applicant complete a Land Use application with the City pays all appropriate fees for a Site Plan Review (SPR) prior to construction on the subject property.
 2. The rezoning process be completed for the subject property prior to the application for a Site Plan Review.
 3. The applicant is required to comply with all applicable local, state and federal laws of any kind, including without limitation codes, ordinances, regulations, rules and statutes.
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BEFORE THE PLANNING COMMISSION
OF THE CITY OF TILLAMOOK

IN THE MATTER OF A ZONE CHANGE, AND PLAN)
AMENDMENT REQUEST)
)
FOR THE FOLLOWING PROPERTY:)
T1S 10W Section 25AD, Tax Lot 9400)
) ORDER NO. ZC-07-01/PA-07-01
ZONING: R-7.5, SINGLE-FAMILY RESIDENTIAL TO)
I-L, LIGHT INDUSTRIAL)
)
APPLICANT/OWNER: TERRY PHILLIPS)

The above named applicant applied to the City for a Zone Change (ZC-07-01) and Plan Amendment (PA-07-01) to rezone the subject property from Single-Family Residential (R-7.5) to Light Industrial (I-L), within the City of Tillamook, and amend the Tillamook City Comprehensive Plan, Policy 45, Tables D1 & K1 and further text to correspond with the requested zone change, within the City Limits of the City of Tillamook.

A public hearing on the above-entitled matters was held before the Planning Commission on August 2, 2007, and the Planning Commission closed the public hearing and rendered a decision at the August 2, 2007 meeting.

The Planning Commission recommends that this application for a Zone Change (ZC-07-01) and Plan Amendment (PA-07-01) be approved by the City Council, and adopts the findings of fact and conclusions of law attached hereto.

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

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

DATE SIGNED: August 2, 2007

DATE MAILED: August 3, 2007

CITY OF TILLAMOOK PLANNING COMMISSION CHAIR



Jan Stewart, Planning Commission Chair