



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/19/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tillamook Plan Amendment  
DLCD File Number 001-11

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: Wednesday, January 04, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: David Mattison, City of Tillamook  
Angela Lazarean, DLCD Urban Planner  
Matt Spangler, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**DEC 15 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Tillamook**

Local file number:

Date of Adoption: **11/30/2011**

Date Mailed: **12/13/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9/1/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Urban Growth Manage**

### Agreement

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

The City of Tillamook and Tillamook County have approved an amendment to the Urban Growth Management Agreement. The amended Urban Growth Management Agreement recognizes the Goal 11 and 14 exceptions previously approved by Tillamook County (OA-02-12B) and has brought the Agreement up-to-date.

Does the Adoption differ from proposal? Please select one

yes

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 file No.** \_\_\_\_\_

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

DLCD, Tillamook County, City of Tillamook

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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**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF TILLAMOOK IN THE STATE OF OREGON

In the matter of amending the Tillamook County }  
Comprehensive Plan, Ordinance No. 32, }  
amending the Urban Growth Management Agreement } OA-11-03  
with the City of Tillamook }  
}

This matter came before the Tillamook County Board of Commissioners (the “Board”) at the request of the City of Tillamook (“City”) and the Tillamook County Department of Community Development.

The Board of Commissioners being fully apprised of the City and Department of Community Development staff, and after conducting a joint public hearing with the City Council on November 7, 2011, finds as follows:

1. On or about December 18, 2002, the Board enacted OA-02-07 which amended Ordinance #32 to include an Urban Growth Management Agreement (“UGMA”) with the City of Tillamook.
2. The UGMA should be amended to more accurately reflect current Urban Growth area needs and policies.
3. Section 3 of the UGMA provides that it may be amended “At any time by mutual consent of both parties, after public hearing by the City and County.”
4. The UGMA should be amended to incorporate the acknowledged Goal 11 (Public Facilities), and Goal 14 (Urbanization) exceptions adopted through OA-02-12B, authorizing extension of sewer service to the lands subject to those exceptions, in accordance with OAR 660-011-0060(9).
5. The UGMA should be amended recognizing the quantity of industrial lands proximate to but outside of the Urban Growth Boundary (UGB) designated by Tillamook County for urban industrial use through Goal 11 and Goal 14 exceptions, with the City and County agreeing on the need to evaluate industrial land needs on a regional basis, and further agreeing to prepare a single, coordinated Economic Opportunities Analysis (EOA) for the central Tillamook County region in accordance with OAR 660-009-0030.
6. Based on testimony from the Port of Tillamook Bay, the City Council and Board agreed to eliminate Section 9 of the UGMA which limited commercial zoning in areas outside of the UGB but within five miles of the city.
7. No other testimony was presented at the joint hearing.

8. After reviewing the City and County staff reports, including comments received from the Department of Land Conservation and Development, and written and oral testimony received from the Port of Tillamook Bay, the Board made the following motion:

- a) To approve the proposed amendments contained in Exhibit B of the November 2, 2011 County staff report, and to revise outdated ORS and OAR citations, and to eliminate Section 9 of the *City of Tillamook and Tillamook County Urban Growth Management Agreement (UGMA)*, enacted on or about December 18, 2002, under OA-02-07 which amended Tillamook County Comprehensive Plan Ordinance No. 32. The proposed revisions are intended to recognize acknowledged Goal 11 (Public Facilities) and Goal 14 (Urbanization) exceptions adopted by Tillamook County through OA-02-12B, authorizing extension of sewer service to the Port of Tillamook Bay property and the Tillamook Creamery property; and other revisions proposed to more accurately reflect current intergovernmental coordination and policies within the urban growth area.

The vote on the decision was two in favor, one opposed; with Commissioners Josi and Labhart voting to approve the amendments; Commissioner Hurliman voting nay.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

The *City of Tillamook and Tillamook County Urban Growth Management Agreement (UGMA)* is hereby amended as set forth in Exhibit A, which is incorporated herein by reference as though set forth in full.

DATED THIS 30<sup>th</sup> DAY OF November, 2011.

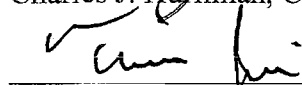
BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

Aye    Nay    Abstain/Absent

  
 \_\_\_\_\_  
 Charles J. Hurliman, Chair

   \_\_\_\_\_    \_\_\_\_\_

  
 \_\_\_\_\_  
 Tim Josi, Vice-Chair

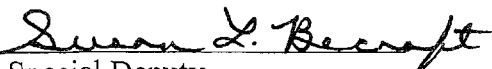
   \_\_\_\_\_    \_\_\_\_\_

  
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 Mark Labhart, Commissioner

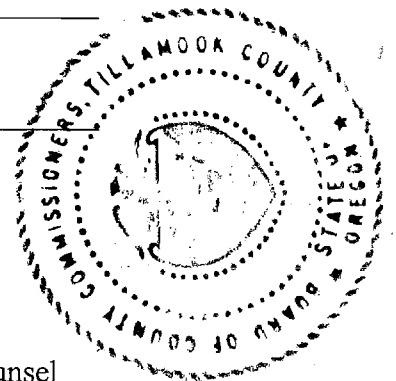
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ATTEST: Tassi O'Neil,  
 County Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Special Deputy

  
 \_\_\_\_\_  
 William K. Sargent, County Counsel



**CITY OF TILLAMOOK AND TILLAMOOK COUNTY**

**URBAN GROWTH MANAGEMENT AGREEMENT**

**ORDINANCE NUMBER 1260**

WHEREAS, the City of Tillamook City, Oregon, hereinafter referred to as **the City**, and Tillamook County, Oregon, hereinafter referred to as **the County**, are authorized under the provisions of Oregon Revised Statutes Chapter 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform; and

WHEREAS, Oregon Revised Statutes Chapters 195.025, 197.175, 197.250, and Oregon Administrative Rules 660-03-010 and 660-018-0021 require counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals, and to enact ordinances or regulations to implement the comprehensive plans; including joint management agreements, and

WHEREAS, Statewide Planning Goal Number 14 requires that establishment and change of urban growth boundaries shall be a cooperative process between the city and county that surrounds it; and

WHEREAS, the City and County recognize the need for coordination and cooperation in the management of growth in and around the Tillamook Urban Area; and

WHEREAS, this agreement establishes a process for maintaining current and ongoing planning efforts, essential to assure the citizens of the City and County that growth occurs in an orderly and efficient manner; and

WHEREAS, this requires powers and procedures to be put in place by which a plan for the management of the unincorporated area but within the Urban Growth Boundary can be implemented and by which urban growth can be modified; now, therefore,

BE IT AGREED, that the City and the County do hereby enter into this agreement, which shall provide the basis for future intergovernmental planning and regulatory action, and which may be modified as new governmental and procedural modifications warrant.

**Section 1: Definitions**

Terms contained herein and not defined within this agreement shall be construed as defined within the Statewide Planning Goals, the City Comprehensive Plan and the City Zoning Ordinance.

Party: The applicant, or any person who appears orally or in writing at a public hearing conducted pursuant to the provisions of this agreement, or the City, or the County.

Urban Area: Those lands, which lie within the designated Urban Growth Boundary, either within or outside the City.

Urban Growth Area: That portion of the Urban Area, which is outside of the incorporated limits of the City but inside the Urban Growth Boundary.

Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land,

as identified within the Comprehensive Plan for the City.

Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban development; and (2) can be served by public facilities and services.

### **Section 2: Intent of Agreement**

1. The City and the County do hereby agree to establish a procedure for the implementation of the Urban Growth Management Agreement through use of land use regulation procedures within the Urban Growth Area. The Comprehensive Plan for the City, hereby referred to as the Plan, shall serve as the plan for Urban Growth Area. City Zoning regulations and Zoning Districts shall apply to all of the area within the City Urban Growth Area and Urban Growth Boundary. All public and private sector land use actions within the Urban Area shall be reviewed for consistency with the City Comprehensive Plan, City zoning, and the provisions of this agreement, as applicable.
2. The provisions of this agreement, as amended, shall establish the procedure for review and action on comprehensive plan amendments, implementing ordinances, land use actions, public improvement projects and other related matters.
3. The adopted Urban Growth Boundary shall define the geographical limits of urbanization.
4. The City and the County shall encourage urbanization to occur in an efficient manner, resulting in a compact and orderly development of the urban area meeting the long-term social, economic, open space, and environmental health needs of the residents of the City. Urbanization within the Urban Growth Area shall be managed and regulated in accordance with the provisions of Section 4.
5. The very nature of planning requires continual refinement of various elements of the planning process. This includes the preparation of implementing ordinances, and the refinement of this Urban Growth Management Agreement. As the plan is implemented, the City and County will work together in a coordinated effort to achieve the goals of these documents.

### **Section 3: Terms of this Agreement**

This agreement becomes effective as of January 1, 2012. This agreement shall be reviewed and may be amended at the time established for review of the Plan, or at any other time by mutual consent of both parties, after public hearing by the City and the County.

Any modifications in this agreement shall be consistent with the City Comprehensive Plan and Section 11 of this agreement.

### **Section 4: Land Use Regulatory Procedures**

The City and County recognize that those unincorporated lands, which are within the Urban Growth Area, could ultimately become part of the City and, until such event occurs, will impact directly upon the existence and the operation of the City. It is the intent of the City and County, therefore, to administer a mutually beneficial policy relating to land use regulation within said unincorporated lands until such time as these lands become urbanized and/or annexed.

The County hereby recognizes the Planning Commission for the City as the official planning commission for purposes of administering the land use provisions of this agreement within the Urban Area.

Also in line with the policy, the City shall serve as the lead agency for all development requests within the Urban Area, and the following procedure shall be adopted:

1. All land use applications for development shall be submitted to the City Planning Department and shall be on a form or forms provided by that Department. The application and all additional required information shall be accompanied by the appropriate City filing fee.
2. Building Permit fees shall be shared between the City and County in such a manner as provided for under separate administrative agreement, incorporated herein by this reference. Such policy may be amended from time to time upon mutual consent of the City and County.

All such applications shall be subsequently reviewed as provided for in the City's Zoning Ordinance and Subdivision Ordinance.

3. For any land action, described in Section (5) below, within the Urban Growth Area that requires adoption by a governing body, the recommendation of the City Planning Commission shall be forwarded to the appropriate governing body for final approval. Within fifteen (15) working days from the date of receipt at the recommendation, the appropriate governing body shall schedule a hearing to review the findings and recommendation of the City Planning Commission.

The appropriate governing body shall conduct a public hearing on the record of the City Planning Commission hearing. The scope of that hearing shall be limited to the record made before the City Planning Commission. If the governing body determines that new testimony shall be taken, it shall refer the matter back to the City Planning Commission. The City Planning Commission shall conduct a public hearing on any additional testimony or evidence, which may be submitted. The City Planning Commission shall report its recommendations back to the appropriate governing body. The decision rendered by that body shall sustain or reverse the recommendation of the City Planning Commission and shall be in writing. The decision shall be announced at that time or within thirty-five days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing. The final decision shall be mailed to the applicant and the other governing body within five days from the date of decision.

4. A decision by the City for any land use action within the Urban Growth Area that does not require final approval by the County may be appealed to the City Council by filing written notice in accordance with the procedures contained within the City Zoning Ordinance.

5. Final approval for any land use action within the Urban Growth Area shall be as follows:

<u>Action</u>	<u>Final Approval</u>
Plan Amendment	Board of Commissioners
Zone Change	City Council
Subdivision/Planned Unit Development	City Planning Commission
Partition *	City Staff/Planning Commission
Conditional Use Permit *	City Staff/Planning Commission
Site Plan Review *	City Staff/Planning Commission
Variance *	City Staff/Planning Commission
Building Permits and Associated Local Permits	City Planning Staff

\* Please refer to Zoning Ordinance #979, Section 10, for exceptions to this action



### **Section 5: Annexations**

1. The City may initiate the land annexation process upon action by the legislative body of the City, on its own motion, or after having received a request for annexation, in the form of a petition to the legislative body of the City by owners of real property in the territory to be annexed, when affirmative findings are made in relation the following:
  - A. The land is contiguous with the city limits and within the Urban Growth Boundary.
  - B. The development of the property is suitable for the extension of utilities and roads to the surrounding area.
  - C. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing City limits.
  - D. The proposal is in compliance with the Comprehensive plan of the City.
  - E. Sanitary sewer shall be extended to all annexation areas, and sewer plant capacity and sources of funding shall be available at the time of annexation.
2. Requests for annexation to the City for areas outside the Urban Growth Boundary shall be considered as a request for an amendment to the Urban Growth Boundary and shall be subject to the approval of the City and County as an amendment pursuant to Section 13 herein.
3. Requests for annexation shall be handled in conformance with the provisions of Oregon Revised Statutes Chapter 222.

### **Section 6: Urban Services**

The City and the Fairview Water District are hereby recognized as the providers of urban water and sewer services within the Urban Area. The City is recognized as the provider of urban sewer services within the Urban Area. To this end the following shall prevail:

1. Extension of water and/or sewer services shall be required when they are consistent with the policies and proposals of the comprehensive plan and with any adopted functional plans for water and/or sewer, which are consistent with the City Comprehensive Plan.
2. Sewer main extensions shall be accomplished in a logical manner, taking into consideration the following factors:
  - A. serving properties nearest to the City Limits first, after applying geographic limitation and the availability of other public facilities.
  - B. financing of the facilities through an equitable manner those benefited properties.
3. All City services shall be provided and maintained to City Standards and under the supervision of the City, unless some other arrangement acceptable to the City has been made for the maintenance and supervision of services.

4. Provision of urban services shall occur in areas beyond the Urban Growth Boundary only 1) after a determination by affected agencies that a "danger to public health exists " as defined by Oregon Revised Statutes Chapter 431.705 (5) or 2) a moratorium to construct new and repair septic systems has been declared by the Environmental Quality Commission as mandated by Oregon Revised Statutes, Chapter 454.685, or 3) if the properties to be served have been identified in accord with Tillamook County Goal 11 and 14 exceptions in County OA-02-12B. Intervening non-urban properties not located in such areas may not utilize such sewer line extensions

5. The City and the County shall coordinate the maintenance of utility extension plans. These plans shall provide a basis for the extension of services within the Urban Area as mandated by Oregon Revised Statutes, Chapter 195.065.

6. Approval of on-site sewage disposal permits shall be in conformance with the State Department of Environmental Quality On-Site Sewage Disposal Rules, Chapter 340, Divisions 71 and 73. Permits to construct septic systems shall be issued by the County.

### **Section 7: Special Districts**

Before the County shall create any special districts for the provision of urban services, the County shall first determine the ability of a preferred provider to provide such services. Said provider shall submit to the County an analysis of its abilities to provide the service desired. The County shall review such an analysis and shall incorporate its findings into the decision as to whether or not to create a new district. No district shall be formed unless it is found by the County that the service desired cannot be feasibly provided by any preferred provider.

### **Section 8: Public Works Construction Standards**

1. Public-works construction standards, as adopted by the City, shall be applied within the Urban Growth Area by the County, excepting the existing subdivision known as Colonial Estates, Phases I and II, in which City Public Works Construction Standards shall be applied by the City. These standards shall include, but not be limited to, streets, curbs and sidewalks, water, sewer and storm drainage.

2. No septic system shall be permitted within the Urban Growth Area except as provided for in this section. Septic systems may be permitted for single-family and multi-family residential developments, and commercial development when these developments meet the requirements of the Oregon Department of Environmental Quality On-Site Sewage Disposal Rules, Chapter 340, Divisions 71 and 73. As a sanitary sewer system is extended to an area, in accordance with Section 6 of this Agreement, all development structures discharging sewage wastes to a septic system shall be required to connect to the sanitary sewer system upon failure of the septic system and/or determination by County Sanitarian. Such sanitary sewer services shall be extended only to those areas, which are annexed, except when the Administrative Staff determines it to be in the City's best interest to allow service connections outside of the City's limits. When this is the case, a consent to annex form must be presented to the City as a hookup requirement.

### **Section 9: Phasing of Development**

In order to ensure that development in the Urban Area is timely, orderly and efficient, the City and County shall recognize the following priority lists in their review of development proposals. In all three cases, consideration shall be given to the factors listed in the City Comprehensive Plan.

1. Land currently within the City limits. This land has the highest priority ranking because it is efficiently serviced, and its owners are paying property taxes within the City for the maintenance of City services.
2. Platted land within the Urban Growth Area.
3. Unplatted land within the Urban Growth Area.

In all cases, the City, County and all developers shall assure that development will not over-burden the capacity of public facilities or the carrying capacity of the environment.

### **Section 10: Special Provisions for Specific Areas and Problems**

1.. For agricultural and farming practices surrounding and within the Urban Growth Boundary, including the City, the following policies shall be recognized:

A. It shall be the policy of the City and the County to protect agricultural operations from potential conflicts arising from Highway Commercial activities. Accepted agricultural practices, adjacent to or within the City may create noise, dust, odors or other such inconveniences for the owners or users of the commercial properties. This includes but is not limited to, the spreading of liquid manure on fields in the area when frequent strong winds are likely to carry the resultant odor into areas designated for non-farm development. However, the City does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate Highway Commercial areas. The owners of the Highway Commercial property shall not allow activities on their properties which create management difficulties, fire hazards or increased costs for adjacent agricultural operations, and shall not hold agricultural operators or the City, or the County, responsible for noise, dust, odors or other such inconveniences resulting from those agricultural practices that are not more offensive than what is customarily required to maintain profitable farm operation.

B. The County shall not allow the placement of new agricultural structures closer than 30 feet from a property line, which is also the City limits. This provision shall not apply to the replacement of an existing structure with a new structure.

2. Recognizing the volume of industrial lands identified in accord with Tillamook County Goal 11 and 14 exceptions in County OA-02-12B, the City and County hereby find that the quantity of Light Industrial lands within the UGB are not necessary to satisfy the industrial needs of the region and agree to prepare a single coordinated Economic Opportunities Analysis for the central Tillamook County region in accordance with the OAR 660-009-0030 and redesignate lands in a mutually agreed proportion for the purposes of future City rezoning considerations.

3. In addition to the requirements of the City Zoning Ordinance, the following requirements and procedures shall apply to McCormick Loop and Schild Roads.

A. It shall be the policy of the County and City jointly to work with the developer or developers for the necessary improvement of McCormick Loop Road and Schild Road from Highway 6 south to the UGB, at such time as the properties west of McCormick Loop and Schild Roads are actually developed and the expected increased traffic use or actual increased traffic use is such that said roads should be improved. The design of such improvement shall be based on the expected increased traffic as a result of the development or developments. Responsibility for the costs of the improvements shall be determined at the time the improvement is made.

## Section 11: Amendments to the Urban Growth Boundary

### 1. Purpose

The purpose of revision to the Urban Growth Boundary is to accommodate public necessity, convenience and general welfare and to provide for flexibility within the planning process in response to individual land use changes as a result of changed public needs, and the rate of development in order to carry out the statewide planning goals.

### 2. Review Process - Individual Request - (Quasi-judicial)

The revision process for the Urban Growth Boundary is a review procedure, which shall result in a decision by the City Planning Commission, the City Council and the Board of County Commissioners on a proposed Urban Growth Boundary revision submitted by the individual property owner.

A. An application for a revision of the Urban Growth Boundary may be initiated by the owner or group of owners of the subject property or their authorized representative.

1. All applications shall be submitted to the City Planning Department and shall be made on a form provided by the Department.

2. The application form and all additional required information shall be accompanied by a filing fee. Such fee shall be an amount agreed upon from time to time by the City and County and adopted by resolution by each governing body. This fee shall be to defray the costs of the review procedures.

B. Within five (5) working days of receipt of a complete application, the City Planning Department shall forward to the County Community Development Department and the State Department of Land Conservation a complete copy of the application, appropriate forms and shall schedule a hearing before the City Planning Commission.

The hearing shall be held no sooner than forty-five (45) days and no later than ninety (90) days after the receipt of the application.

C. Both the City and the County shall prepare a staff report on the proposed Urban Growth Boundary revision. The County shall submit the report no later than thirty (30) days after the receipt of the application.

D. The City Planning Commission shall conduct a public hearing on the request at the time and place designated on the notice of public hearing. After consideration of all pertinent information and testimony, they shall announce a recommendation at that time. The recommendation shall be to approve, conditionally approve, or disapprove the request. Said recommendation shall incorporate findings in support of such recommendation and shall be in writing. A copy thereof shall be mailed to the applicant, the City Council and the Board of Commissioners within fifteen (15) days of the formal recommendation.

E. Within fifteen (15) working days of receipt of the Planning Commission recommendation, the City Council and the Board of Commissioners shall each at their respective public hearing, review the findings and recommendation of the Planning Commission. Each governing body shall either approve or deny the application for a revision of the Urban Growth Boundary within thirty (30) days after the hearing is



conducted.

- (1) Denial - If either one of the governing bodies votes to deny the request, the application is denied.
- (2) Approval - To approve an application for a revision of the Urban Growth Boundary, both bodies are required to vote to approve the application.
- (3) If a revision is approved, the City Planning Department shall revise the Urban Growth Boundary on their comprehensive plan map and issue a copy of the revised map and associated documents to the County and other appropriate agencies.

F. Any Quasi-judicial decision made by either the City Council or by the County Board of Commissioners may be appealed to the State Land Use Board of Appeals, as provided by Oregon Revised Statutes.

G. An appeal will be filed with the jurisdiction which decision is in opposition to the appellant.

### 3. Review Process - City or County Request - (Legislative)

The revision process for the Urban Growth Boundary is a review procedure, which shall result in a negotiated legislative policy decision by the City Council and the Board of County Commissioners to determine whether the Urban Growth Boundary should be revised.

A. Initiation by the City Council or the Board of County Commissioners - The City Council or the Board of County Commissioners may initiate proceedings for a legislative revision of the Urban Growth Boundary.

(1) The governing body that initiates the procedure for revision shall first declare by resolution at a public meeting the specific and compelling reasons to hold legislative hearings for a revision of the Urban Growth Boundary (2) Within five (5) working days a copy of that resolution shall be sent to the other governing body, the City Planning Department, County Department of Community Development, and other appropriate agencies and groups in accordance with goals one (1) and two (2) of the statewide Goals and Guidelines.

(3) Upon receipt of the resolution a public hearing, will be scheduled within forty (40) working days with both the Board of County Commissioners and the City Council, for a joint session. The 40 working day schedule will allow either jurisdiction the option of sending the request to their respective planning commissions for their consideration and recommendation.

(4) Staff reports, any relevant testimony and general discussion will be heard at the joint sessions.

(5) At the close of testimony, the City and County shall discuss the application in preparation to vote. At the end of discussion, the body that submitted the request shall vote on the matter. Following the completion of this vote, the second body shall vote on the matter.

(6) This vote will either approve or deny the request for the revision of the Urban Growth Boundary.

(a) Denial -If either one of the governing bodies votes to deny the request, the application is denied.

(b) Approval -To approve an application for a revision of the Urban Growth Boundary both bodies

are required to vote to approve the application.

(c) If the request for a revision is approved, the City Planning Department shall revise the Urban Growth Boundary on the comprehensive plan map and issue a copy of the revised map to the County and other jurisdictions and other appropriate agencies.

(7) Each jurisdiction will be subject to their appropriate rules of procedure for public hearings.

#### 4. Review Criteria

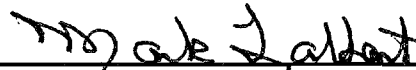
Each application for a revision to the Urban Growth Boundary either Quasi-judicial or legislative, shall include sufficient information to make a decision based on the following factors:

- A. Compliance with Oregon Statewide Planning Goals;
- B. Compatibility with City Comprehensive Plan

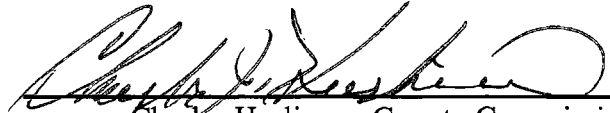
### **Section 12: Acknowledgement and Approval**

#### Approvals

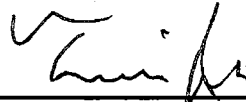
Approved by the Tillamook County Board of County Commissioners on this 30<sup>th</sup> day of November 2011, by Ordinance No. OA-11-03.



Mark Labhart, County Commissioner



Charles Hurliman, County Commissioner



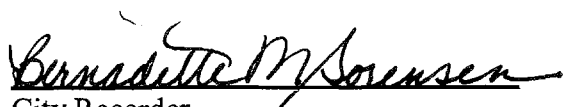
Tim Josi, County Commissioner



Approved by the City Council for the City of Tillamook City on this 5 day of December 2011,  
by Ordinance No. 1260.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

