

**AGENDA**  
**CITY OF TILLAMOOK APPEAL PROCEEDINGS**  
**~ TUESDAY, MARCH 5, 2013 AT 5:30 P.M. ~**  
**TILLAMOOK CITY HALL, 210 LAUREL AVENUE**  
**www.tillamookor.gov**

**CALL TO ORDER**

**ROLL CALL**

**APPEAL AND PUBLIC HEARING—Appeal of Planning Commission decision regarding PUD Conditional Use Permit #CU-12-04**

*Appeal Disclosure Statement*

*The City Council as the hearing body is conducting this hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct that would disrupt the hearing. The criteria specified by the appeal, which must be satisfied for approval of the action, are in the City Staff Report. The hearing body is conducting this hearing **on the record**. It shall review the record of the prior proceedings, and take testimony that is based strictly on the record of the prior proceedings. New evidence that was not available to the Planning Commission at the time of their decision is not allowed. The Council may ask for clarification from the participating parties only as it relates to the record. Testimony on the record from the parties with standing will be heard by Council. An appeal of the Council's decision must be based on the procedures detailed by State law and Administrative Rule.*

1. The Mayor asks the Councilors for:
  - a. ex parte contact;
  - b. bias; or
  - c. conflict of interest.
2. The Mayor asks parties with standing if anyone wants to challenge the above—*any challenges are debated and resolved.*
3. Applicants' contention regarding Inadequate Basis of Appeal—*testimony from attorneys only.*
4. Presentation of the Staff Findings by staff.
5. Testimony from appellants (15 minutes\*)
6. Testimony from other interested parties with standing (10 minutes each\*)
7. Testimony from applicants (15 minutes\*)
8. Rebuttal by appellants (5 minutes\*)

*\*Testimony may be extended at the discretion of the presiding officer.*

9. The Council asks questions of/clarification from staff.
10. The Mayor asks if the Council deems necessary any further "on the record" testimony by the appellant or parties in standing.

11. The Mayor asks Councilors for a motion to close the public hearing.
12. Councilor discussion and review of prior on-the-record proceedings.
13. The City Council may affirm, rescind, or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and code. The City Council may also remand the matter back to the Planning Commission for additional information subject to the agreement of the applicant to extend the 120-day review period.
14. The City Council shall make and enter findings from the record and conclusions thereof which support its decision; and the findings and conclusions shall set forth and demonstrate the manner in which the decision recommended shall be carried out, as well as the implementation of the goals and objectives of the Comprehensive Plan, the Zoning Ordinance and other official policies and objectives of the City.
15. Direction as to the preparation of the Final Order.

## **ADJOURN**

*Please Note: Meeting attendance may be limited to the Fire Marshal's maximum capacity for the City Council Chamber which is 60 people beyond the Council and Staff. In the event that maximum capacity is reached, preference for attendance will be given to those parties with standing in the appeal. Other parties will be admitted based on adherence to the fire code.*

**THIS IS A PUBLIC MEETING PER ORS CHAPTER 192. THE CITY COUNCIL RESERVES THE RIGHT TO CALL AN EXECUTIVE SESSION PER ORS 192.660. CITY HALL IS HANDICAP ACCESSIBLE. PLEASE CONTACT THE OFFICE OF THE CITY MANAGER SHOULD SPECIAL ACCOMMODATIONS BE REQUIRED. CITIZENS WITH VISUAL OR MANUAL IMPAIRMENTS MAY CONTACT THE OREGON RELAY SERVICE BY PHONING 1-800-648-3458 (TDD) OR 1-800-848-4442 (VOICE). THE CITY OF TILLAMOOK IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.**

**POSTED: February 28, 2013**

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