



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

November 2, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Tillamook County Plan Amendment  
DLCD File Number 004-06



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 16, 2006**

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: Doug White, DLCD Community Services Specialist  
Laren Woolley, DLCD Regional Representative  
Bill Holmstrom, Tillamook County

<paa> ya



**FORM 2**

DEPT OF

OCT 27 2006

**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

(See reverse side for submittal requirements)

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: Tillamook County

Local File No.: ZC-06-02  
(If no number, use none)

Date of Adoption: October 18, 2006  
(Must be filled in)

Date Mailed: October 26, 2006  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 9, 2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Zone Change 15,682 square feet from Pacific City/Woods Low Density Urban Residential (PCW-R2)  
to Pacific City/Woods High Density Urban Residential with Planned Development Overlay (PCW-  
R3/PD)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Original proposed change was to PCW-R3 zone

Plan Map Changed from : PCW-R1 to PCW-R2/PD

Zone Map Changed from: PCW-R1 to PCW-R2/PD

Location: Pacific City T4S10 19CC 2100 Acres Involved: .34

Specify Density: Previous: 7,500 sq ft New: 5,000 sq ft

Applicable Statewide Planning Goals: 14

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 004-06  
(15226)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  X  No:

If no, do the Statewide Planning Goals apply. Yes:   No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:   No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Tillamook County

Local Contact:  Bill Holmstrom, Associate Planner  Area Code + Phone Number:  503/842-3408

Address:  201 Laurel Ave  City:  Tillamook

Zip Code+4:  97141-2394  Email Address:  whohmstr@co.tillamook.or.us

### **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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ENDORSED  
JW Filed 1:27p  
10-18, 2006  
Tassi O'Neil  
County Clerk

BEFORE THE BOARD OF COMMISSIONERS  
OF TILLAMOOK COUNTY, OREGON

IN THE MATTER OF AN AMENDMENT TO TILLAMOOK COUNTY )  
COMPREHENSIVE PLAN AND ZONING MAPS, ZONE CHANGE ZC-06- )  
02 TO CHANGE THE ZONING DESIGNATION FROM PACIFIC ) ZC-06-02  
CITY/WOODS LOW DENSITY URBAN RESIDENTIAL (PCW-R1) TO )  
PACIFIC CITY/WOODS MEDIUM DENSITY URBAN RESIDENTIAL ) FINDINGS AND  
WITH A PLANNED DEVELOPMENT OVERLAY (PCW-R2/PD) ON ) DECISION  
PROPERTY DESIGNATED AS TAX LOT 2100 IN SECTION 19CC OF )  
TOWNSHIP 4 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, )  
TILLAMOOK COUNTY, OREGON. )

This matter came before the Tillamook County Board of Commissioners at the request of Howard Goodman, PO Box 880, Pacific City, OR 97135.

The Board of Commissioners being fully apprised of the representations of the above-named person(s), and the records and files in this matter finds as follows:

- (1) The files in this proceeding can be found in the office of the Department of Community Development under Zone Change ZC-06-02.
- (2) Notice of Proposed Action was submitted to the Department of Land Conservation and Development on May 2, 2006.
- (3) The Tillamook County Planning Commission held a public hearing on this request on July 27, 2006. The hearing was noticed in a proper manner according to the requirements of ORS 197 and 215. After reviewing the staff report, testimony, and the record and file for ZC-06-02, the Planning Commission found the application met the criteria and passed a recommendation to the Tillamook County Board of Commissioners to adopt Zone Change ZC-06-02.
- (4) The Board opened a de novo public hearing on the Zone Change on September 27, 2006. The hearing was properly noticed according to the requirements of ORS 197 and 215. After reviewing the Planning Commission's recommendations, the staff report containing the findings and conclusions, testimony, the record and file pertaining to ZC-06-02, the Board found that the four Zone Change Criteria outlined under the Land Use Ordinance, Article IX had been met. The Board found that the proposed zone change was consistent with the policies of the Tillamook County Comprehensive Plan.
- (6) The property will be rezoned from Pacific City/Woods Low Density Urban Residential (PCW-R1) to Pacific City/Woods Medium Density Urban Residential with a Planned Development Overlay (PCW-R2/PD).
- (7) The Board approved the zone change.
- (8) The Board hereby adopts the proposed Zoning Map Amendment and approves Zone Change ZC-06-02 and hereby adopts staff's findings and concludes that the criteria have been met.

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

The Tillamook County Comprehensive Plan and Zone Map is hereby amended to change the Zoning Designation from Pacific City/Woods Low Density Urban Residential (PCW-R1) to Pacific City/Woods Medium Density Urban Residential with a Planned Development Overlay (PCW-R2/PD). The subject property shall be as set forth in the staff report filed with Tillamook County Department of Community Development as ZC-06-02, Exhibit A.

DATED THIS 18<sup>th</sup> DAY OF October, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<u>Tim Josi</u> Tim Josi, Chair	✓		/
<u>Mark Labhart</u> Mark Labhart, Vice-Chair	✓		/
<u>Charles J Hurliman</u> Charles J Hurliman, Commissioner			/ Absent

ATTEST: Tassi O'Neil,  
County Clerk

Susan L. Beckett  
Special Deputy

APPROVED AS TO FORM:

William K. Sargent  
William K. Sargent



# EXHIBIT A

**ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT  
for  
Zone Change Request ZC-06-02**

**Planning Commission Recommendation: Approval**

**Staff Report Date: September 15, 2006  
Board of County Commissioners Hearing Date: September 27, 2006**

**REPORT PREPARED BY: William A. Holmstrom, AICP, Associate Planner**

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**I. GENERAL INFORMATION:**

- Request: To change the zoning and comprehensive plan designation on the subject property from Pacific City/Woods Low Density Urban Residential (PCW-R1) to Pacific City/Woods Medium Density Urban Residential with a Planned Development Overlay (PCW-R2/PD).
- Location: The subject property is located within the Unincorporated Community of Pacific City/Woods between Cape Kiwanda Drive, Nestucca Boulevard and Ella Street. The lot is designated as Tax Lot 2100 in Section 19CC of Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon. (Exhibit A).
- Current Zone: Pacific City/Woods Low Density Urban Residential (PCW R1)
- Proposed Zone: Pacific City/Woods Medium Density Urban Residential with a Planned Development Overlay (PCW-R2/PD)
- Applicant: Howard Goodman, PO Box 880, Pacific City, OR 97135
- Property Owner: Goodman Group, LLC, 642 Webster Street, Palo Alto, CA 94301

**II. APPLICABLE LAND USE ORDINANCE PROVISIONS:**

- A. Section 9.020: Map Amendment Procedure and Criteria  
B. Section 3.080: Planned Development Overlay Zone (PD)

III. **ANALYSIS:**

A. **Section 9.020: Map Amendment Procedure and Criteria**

1. Section 9.020(1): Map Amendment Notice Procedure:

**Findings:** Notice of the proposed amendment was mailed to 49 property owners and agencies on July 5, 2006. Notice of the proposal was also placed in the Headlight-Herald. Only one response, from Tillamook County Public Works, has been received to date (Exhibit D).

**Conclusion:** Staff concludes this requirement is met.

2. Section 9.020(2): Map Amendment Analysis:

- (a) *Size shape and orientation of the subject parcel:* The parcel is approximately 0.36 acres in size, and triangular in shape. The site is generally oriented north/south. The parcel boundaries are defined by the three surrounding streets of Cape Kiwanda Drive, Nestucca Boulevard and Ella Street.
- (b) *Surrounding Parcel Sizes:* Parcelization in the vicinity is urban in nature, with lot sizes generally near 5,000 square feet (Exhibit C).
- (c) *Topography, Drainage, Hazards and Other Physical Site Characteristics:* The site is generally flat. It is located within the regulatory floodplain in flood zone A6, FIRM panel 410196 0315A.
- (d) *Parcel Ownership and Current Use:* The parcel is vacant.
- (e) *Economic and Population Data for the affected area that may be contained in the Comprehensive Plan:* The Pacific/City Woods Community Plan does not contain detailed Economic or Population data. In general, the economy and population of the Pacific City/Woods area specifically, and the county in general, has been growing.
- (f) *Traffic Circulation:* The property is surrounded by three public streets: Cape Kiwanda Drive, Nestucca Boulevard and Ella Street. The proposed development is to be accessed from Nestucca Boulevard.
- (g) *Zoning History of the subject parcel:* The property has been zoned PCW-R1 since the Pacific City/Woods Community Plan of 1999. Prior to 1999, it was zoned Low Density Residential (R-1).
- (h) *Compatibility of proposed new zone with the surrounding zoning and land uses:* The existing and proposed zones are both residential. The site is surrounded on the north and south by the PCW-R1 zone and to the east and west by the PCW-R2 zone. Both zones are present in the area. The existing development in the area is residential at urban densities.
- (i) *Availability and feasibility for development of nearby properties in the proposed zone:* Nearby properties in both PCW-R1 and PCW-R2 zones have been developed with residential uses at urban densities.

- (j) *Aesthetics:* The proposed zone change should not adversely impact the aesthetics of the area. The property will still be residentially zoned. The height limit of 35 feet will remain unchanged.
- (k) *Availability of public facilities and services:* The site is well served by public facilities. Cape Kiwanda Drive, Nestucca Boulevard and Ella Street surround the property. The Pacific City Joint Water/Sewer Authority provides public water and sewer service. The Tillamook People's Utility District provides electrical service.
- (l) *Land use objectives of both the applicable and proposed zoning:* The objectives of each zone are to provide for residential uses. The proposed PCW-R2 zone allows for a greater range of residential building types with higher allowed density.

3. Section 9.020(3): Map Amendment Criteria:

- (a) *The proposed new zone is consistent with applicable Comprehensive Plan policies.*

**Findings:** The Pacific City/Woods Community Plan contains several relevant policies:

- Policy 2.2 prohibits growth of the Unincorporated Community Boundary due to the availability of land within the boundary. This proposal allows several more housing units to be placed on the subject parcel. This leaves other parcels open longer, delaying the need to reopen the community boundary.
- Policy 5.1 encourages diversity in housing. The proposed development of townhomes will add diversity to the housing stock in the immediate vicinity.

**Conclusion:** Staff concludes this criterion is met.

- (b) *The proposed new zone shall not result in the conversion of resource lands to non-resource use without an approved exception to applicable state resource protection goals.*

**Findings:** Both the existing and proposed zones are residential. The site is located within the Urban Unincorporated Community of Pacific City/Woods. The site is surrounded by urbanized, developed areas. Denser development within the existing boundary delays the need to extend the community boundary into resource lands.

**Conclusion:** Staff concludes this criterion is met.

- (c) *The site under consideration is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone.*

**Findings:** The site is approximately 0.37 acres in size, larger in size than many neighboring parcels (Exhibit C). It also is surrounded by three streets. The existing zone would not permit the development of the proposed Master Plan. The existing neighborhood has a variety of housing stock. The PCW-R2 zone currently exists directly to the west of the property.

**Conclusion:** Staff concludes this criterion is met.



(d) *Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.*

**Findings:** The proposed development is residential in nature (Exhibit C). Surrounding zones and development are also residential.

**Conclusion:** Staff concludes that this proposed zone change will not impair the actual or legally designated uses of adjacent properties. This criterion is met.

**B. Section 3.080: Planned Development Overlay Zone (PD)**

1. Section 3.080(4) Establishing a New Planned Development Overlay Zone

**Findings:** This section requires the applicant to submit a conceptual development plan including a scale drawing of the entire site showing proposed land uses, road ways, pedestrian ways, drainage patterns, common areas, recreation facilities, natural features, residential lots and the approximate location of structures other than single family residences. The applicant has submitted a plan meeting these requirements (Exhibits B & C). This plan has been approved by the Tillamook County Planning Commission pending a successful Zone Change.

**Conclusion:** Staff concludes this requirement is met, or can be met through the application of a Master Plan.

**IV. CONCLUSIONS AND RECOMMENDATION:**

Staff concludes that all the zone change criteria have been met for this request and based on the findings of fact and other relevant information contained within this report.

On July 27, 2006, the Tillamook County Planning Commission held a public hearing on this matter. The Planning Commission chose to recommend **approval** of Zone Change and Comprehensive Plan Amendment ZC-06-02 to the Board of County Commissioners.

**V. EXHIBITS:**

- A. Assessor, Zoning and Location Maps
- B. Preliminary Development Site Plan
- C. Applicant's Submittal
- D. Public Works Comment Received