



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

September 19, 2008



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 004-08

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: October 7, 2008

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
Lisa M. Phipps, Tillamook County

<paa> ya

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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



Jurisdiction: **Tillamook County**

Local file number: **ZC-08-03**

Date of Adoption: **9/10/2008**

Date Mailed: **9/16/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/9/2008**

- | | |
|--|--|
| ☐ 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".

Scrivenor's error in mapping two lots in the UGB of Nehalem, Manzanita, and within Tillamook County (multiple zoning and jurisdictions on the property). We have received concurrence from both cities that this is an error. As a result of the amendment, both lots are now within the UGB of Manzanita. A copy of the map is attached.

Does the Adoption differ from proposal? Please select one

No, no explanation is necessary

Plan Map Changed from: *T.L. 2400 is R3-nm (Nehalem) 1/2*
R.M. (Till. Co)
 Zone Map Changed from: *T.L. 2500 is R-2m (Manzanita) 1/2*
R.M. (Till. Co)
 Location: **both properties are now located in the UGB of Manza** Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

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 # 004-08 (16980)

DLCD file No. _____

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

Cities of Nehalem and Manzanita, Nehalem Bay Wastewater Treatment

Local Contact: **Lisa M. Phipps**

Phone: (503) 842-3408 Extension: 3328

Address: **201 Laurel Avenue**

Fax Number: **503-842-1819**

City: **Tillamook**

Zip: **97141-**

E-mail Address: **lhipps@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 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**.



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Notice of Approval of OA-08-03

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE
FORWARDED TO THE PURCHASER.**

September 16, 2008

RE: In the Matter of correcting a mapping error on the parcels designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). The southern portion of both properties is zoned Recreation Management (Tillamook County). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary.

Dear Applicant and Property Owner:

This letter is to confirm the action taken by the Tillamook County Board of Commissioners at their September 10, 2008 meeting regarding the above-referenced request. The County requested a Comprehensive Plan Map Amendment and Ordinance Amendment to rectify a scrivener's error on the above referenced parcels. The public hearing for OA-08-03 was held before the Board of Commissioners on August 27, 2008 with the Board signing the Order on September 10, 2008.

The Board of Commissioners **APPROVED** this request. Participants in the process who led to this decision may appeal to the Land Use Board of Appeals (LUBA) as provided by ORS 197.620 and 197.80-197.845. Notice of intent to appeal must be filed with LUBA by no later than 21 days from the day this notice was mailed.

I. GENERAL INFORMATION:

Request: To correct a mapping error on the subject parcels

Location: On the parcels designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon.

Current Zone: Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). The southern portion of both properties is zoned Recreation Management (Tillamook County).

Proposed Zone: To place both properties within the R-2 M in the Manzanita Urban Growth Boundary.

Applicant: Tillamook County

II. REVIEW CRITERIA:

The Ordinance Amendment is processed according to Article IX of the Tillamook County Land Use Ordinance. The Board of Commissioners found that the proposed use satisfies all relevant requirements and review criteria as follows:

Tillamook County Land Use Ordinance Article IX Criteria:

- (a) The proposed new zone is consistent with applicable Comprehensive Plan policies.
- (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.
- (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.
- (d) Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.

If you have any questions about this decision, please call the department any weekday at (503) 842-3408.

Sincerely,
Tillamook County Department of Community Development


Gerald Parker
Director

Enclosed: Board Order OA-08-03
Assessor Maps

**BEFORE THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

In the Matter of Correcting a mapping error on the parcel designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). The southern portion of both properties is zoned Recreation Management (Tillamook County). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary.	Findings of Fact and Decision ZC-08-03
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This matter came before the Tillamook County Board of Commissioners at the request of the County. The Board of Commissioners, being fully apprised of the representations of the above-named persons 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 Tillamook County Department of Community Development under Ordinance Amendment OA-08-03.
2. The Notice of Proposed Action was submitted to the Department of Land Conservation and Development on June 9, 2008.
3. The Tillamook County Planning Commission held a public hearing on this request on August 14, 2008. 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 for OA-08-03, the Planning Commission found the application met the criteria subject to conditions and unanimously passed a recommendation to the Tillamook County Board of Commissioners to adopt Ordinance Amendment Request OA-08-03.
4. The Board opened a de novo public hearing on the Ordinance Amendment Request OA-08-03 on August 27, 2008. The hearing was properly noticed according to the requirements of ORS 197 and 215. The Board closed the hearing to public testimony. After reviewing the Planning Commission's recommendation, the staff report containing findings and conclusions, testimony, and the record and file, the Board found that the four zone change criteria outlined under Tillamook County 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. The map was corrected to place both parcels within the R-2 Zone for the City of Manzanita. The Board adopted the proposed Zoning Map Amendment and approved Ordinance Amendment Request OA-08-03, adopted the Findings attached hereto and concluded that the criteria have been met herein.

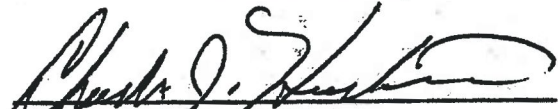
NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

5. The Tillamook County Zoning Map is hereby amended to correct scrivener's error and show both parcels within the Urban Growth Boundary for the City of Manzanita and the zoning designation on the subject properties shall be R-2 Manzanita.
6. The subject property shall be, as set forth in the staff report (Exhibit I), filed with Tillamook County Department of Community Development as OA-08-03 and shown on the attached map labeled Exhibit II, and the Tillamook County Zoning Map is hereby amended as shown in Exhibit II attached hereto and made part of this Order.

DATED THIS 10th DAY OF September, 2008.

**BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

Aye Nay Abstain/Absent


Charles J Hurliman, Chairperson

✓ 1


Tim Josi, Vice-Chairperson

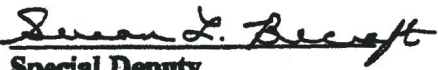
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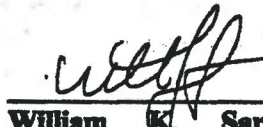

Mark Labhart, Commissioner

✓ 1

ATTEST: Tassi O'Neill,
County Clerk

APPROVED AS TO FORM:

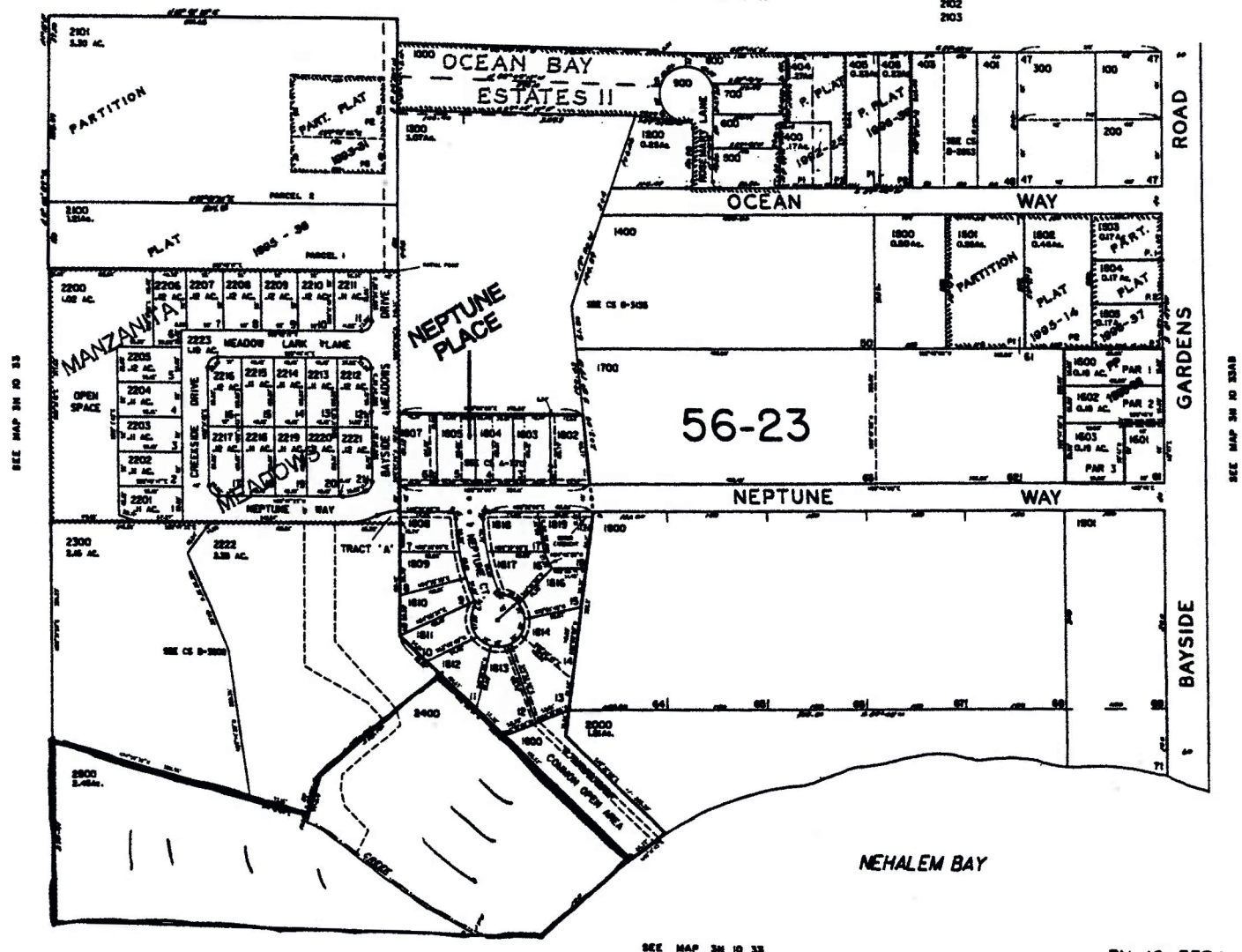

Special Deputy


William K. Sargent, County
Counsel



3N 10 33BA

CANCELLED NO.
402
990
1100
1801
1806
1815
2102
2103



3N 10 33BA
Revised 05/01/08, WS



Land of Cheese, Trees and Ocean Breeze

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
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FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Staff Report to the Tillamook County Board of Commissioners
Ordinance Amendment
OA-08-03

Date of Staff Report: August 7, 2008

Revised on August 20, 2008

Date of Planning Commission Hearing: August 14, 2008

Date of Board of Commissioner's Hearing: August 27, 2008

Planning Commission Recommendation: Approval

Staff Report Prepared by: Lisa M. Phipps, CFM, Long Range Senior Planner

Proposed Amendment: Correcting a mapping error on the parcel designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). The southern portion of both properties is zoned Recreation Management (Tillamook County). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary.

Amends: The Tillamook County Zoning Map

Proposed by: Tillamook County Department of Community Development

Tillamook County Land Use Ordinance, Article IX

TCLUO Section 9.020: Analysis:

- (2) *The Department shall prepare an analysis of the site and the surrounding area in the form of a map and report, considering the following factors:*
- (a) *Size, shape and orientation of the subject parcel.*
 - (b) *Surrounding parcel sizes.*
 - (c) *Topography, drainage, hazards, and other physical site characteristics.*
 - (d) *Parcel ownership and current use.*
 - (e) *Economic and population data for the affected area that may be contained in the Comprehensive Plan.*
 - (f) *Traffic circulation.*
 - (g) *Zoning history of the subject parcel.*

AN EQUAL OPPORTUNITY EMPLOYER

- (h) *Compatibility of the proposed new zone with the surrounding zoning and land uses.*
- (i) *Availability and feasibility for development of nearby properties in the proposed zone.*
- (j) *Aesthetics.*
- (k) *Availability of public facilities and services.*
- (l) *Land use objectives of both the applicable and the proposed zoning.*

Findings: Tax Lot 2400 is 2.5 acres in size and Tax Lot 2500 is 2.43 acres in size. According to the current zoning maps, Tax Lot 2500 lies partially within the City Manzanita Urban Growth Boundary and the County while Tax Lot 2400 lies partially with the City of Nehalem and the County. The portion of the properties lying within the County is zoned Recreation Management. There are wetlands present throughout that portion of the property. Based on the map from the City of Nehalem, Tax Lot 2400 has always been considered part of the City of Manzanita Urban Growth Boundary (Exhibit D). Based upon an email exchange with the City Managers of both cities, there is no disagreement that the two parcels belong within the City of Manzanita Urban Growth Boundary. The zoning that would then apply is Manzanita Medium Density Residential (R-2 M). If Tillamook County amends their zoning maps to reflect their inclusion, the City of Manzanita will then amend their maps.

- (3) *The Commission shall consider an AMENDMENT request at the earliest practicable public hearing after it is proposed. In hearing the request to establish a new zoning designation, the Commission shall consider all of the following criteria. A zone MAP AMENDMENT may be approved only if all four criteria can be met.*
 - (a) *The proposed new zone is consistent with applicable Comprehensive Plan policies.*
 - (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.*
 - (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.*
 - (d) *Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.*

Findings: This matter was brought to Staff's attention in 2007. The property owners then requested in 2007 that Staff consider the matter. After consideration, Staff determined that a scrivener's error had been made. The only reservation that Staff has in amending the maps is that the portion of the lots currently shown as zoned for Recreation Management are predominantly wetlands. Placing the lots wholly within the City of Manzanita's Urban Growth Boundary creates the opportunity for more dense development on the properties. However, Staff recognizes that the current zoning is not correct. Staff contends that the site was erroneously mapped in the first place and that a scrivener's error occurred.

- (4) *The Director shall report the Commission's recommendation to the Board. The Board shall conduct a public hearing on an AMENDMENT to modify or change an existing zone on a zoning map subsequent to receiving the report and recommendation of the Planning Commission. Zone MAP AMENDMENTS shall be adopted by the Board of County Commissioners by Ordinance.*

Findings: This request is scheduled to be heard by the Tillamook County Board of Commissioners on August 27, 2008.

Conclusion: The map should be amended to restore the Manzanita Urban Growth Boundary to include the subject properties (Exhibit D). The amendment to the zoning maps is consistent with the comments received from both the City of Nehalem and the City of Manzanita (Exhibit D). These changes will not affect the land use patterns in the county or productivity of resource lands. The changes will help administration and enforcement of policies and maintain consistency with local agencies and cities.

Staff's Recommendation

Staff recommends approval of the map amendment. Staff further requests that the City of Manzanita consider the value of the wetlands on the lower portions of these sites in future development requests.

Exhibits

- A. Motion from Planning Commission Hearing, August 14, 2008
- B. Draft Planning Commission Minutes for August 14, 2008
- C. Staff Report (dated August 7, 2008) and attachments including zoning maps

MOTION
Planning Commission Hearing
August 14, 2008
OA-08-03

In the matter of OA-08-03, the Planning Commission recommends to the Board of County Commissioners approval of the proposed amendment correcting a mapping error on the parcels designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County. Tax Lot 2400 is currently zoned R-3Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). The southern portion of both lots are zoned Recreation Management (Tillamook County). If the request is approved, both parcels will be zoned R-2M (Manzanita Urban Growth Boundary). In addition, the Planning Commission supports Staff's recommendation to request the City of Manzanita to consider the value of the wetlands on the lower portions of these sites in future development requests.

EXHIBIT A

TILLAMOOK COUNTY PLANNING COMMISSION

August 14, 2008 - Beginning at 7:00 p. m.

**BOARD OF COMMISSIONERS CONFERENCE ROOM,
SECOND FLOOR OF TILLAMOOK COUNTY COURTHOUSE**

I. CALL TO ORDER: August 14, 2008 7:00pm

II. ROLE CALL: Merianne Hoffman, Kurt Mizee, Gale Ousele, Terry Jones (late), and Ray McFarlane.

III. APPROVAL OF MINUTES: October 25, 2005

Correction: Kurt Mizee indicated he is listed as present but he was not present. Kurt Mizee Moved to approve the minutes of October 25, 2005 as amended. Commissioner Hoffman seconded the motion. The motion passed 4:0.

IV. OLD BUSINESS:

CONSIDERATION OF PLANNING COMMISSION ORDER FOR AP-LUV-07-06: An Appeal of the Director's decision in a Land Use Verification on Items #1, #3, #4, #6, and #8 within the request regarding activities and land divisions within the Rural Residential 2-Acre Zone (RR-2). This property is located in the Rural Residential-2 Acre (RR-2) Zone. The property is designated as Tax Lot 300 in Section 27BD of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Appellant and applicant: Tom Bentler/ Lisa Phipps, Lead Staff

Lisa Phipps, Lead Range Senior Planner, Tillamook County. Ms. Phipps said that staff felt they had captured the Planning Commission's conditions and motion accurately and asked for approval and the Chair's signature. The Commission approved the motion for AP-LUV-07-06 and it will be put under Authorization for Chair to Sign Appropriate Orders. Ms. Phipps said that staff would take the Planning Commission's request to the Board of County Commissioners.

V. NEW BUSINESS

OA-08-03: Correcting a mapping error on the parcels designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary. County, applicant.

Chair Ousele announced that a signup list is being circulated for those who wished to testify and those who wished to provide their name and address so they maybe formally

EXHIBIT B

notified of the results of the hearing. Staff handed out copies of the applicable criteria. She read aloud the Quasi-Judicial statement for the public hearing according to ORS 197.763.

There was no challenge to the Tillamook County Planning Commission hearing this matter.

There was no conflict of interest or personal bias declared by any member of the Commission.

There was no exparte or declaratory contact declared by any member of the Commission.

Ms. Phipps, Senior Long Range Planner, Tillamook County, gave the presentation. She said this application was brought forward by Tillamook County to correct a mapping error. She indicated that in speaking with the City of Manzanita and the City of Nehalem it is unclear where the mapping error occurred. There are two lots, lot 2400 is zoned High Density Nehalem Residential and part Tillamook County Recreation Management zoning and tax lot 2500 is zoned Manzanita Medium Density and partially Tillamook County Recreational Management zone. Ms. Phipps said that when this was first brought to staff's attention it was thought tax lot 2400 would be brought into the Urban Growth Boundary of Nehalem and tax lot 2500 would be brought into Manzanita's Urban Growth Boundary. However, as staff did research and talked with the cities of Manzanita and Nehalem it was found that both lots were suppose to be included in the UGB of Manzanita. Ms. Phipps said that the City of Nehalem's map, which has not been modified, is very clear that both tax lots were to be included in the Manzanita UGB. Ms. Phipps said that the break down seems to have happened during the city of Manzanita's process (per the city of Manzanita) and they concurred that these properties should have been considered part of Manzanita's UGB. Ms. Phipps said that this is before the Commission because it is a map change and the Planning Commission will be modifying the boundary lines. She said that if the Planning Commission agrees with staff then the City of Manzanita will make the corrections to their maps as well. She said that tax lot 2400 is about 2.5 acres and tax lot 2500 is about 2.4 acres. The portions zoned as Recreational Management are mostly wetlands and Staff believes that what happened was an interest in maintaining the wetlands and with some control over the density of development that could happen. Ms. Phipps then spoke about the comment letter staff received. The comment letter was from Diane Unruh who owns property that borders tax lot 2400. Ms. Unruh expressed concern about her understanding of the zoning at the time. Ms. Unruh understood the wetland portion of the property would not be developed and that each of the lots were limited by the amount of land taken out of the potential for development because of the wetlands. Ms. Phipps spoke with Ms. Unruh and explained that the lots are actually in the UGB of Manzanita based on all records. In addition, even though the zoning is changing it is really just correcting the maps to reflect what the actual zoning is. Ms. Phipps encouraged the Planning Commission to make a request to the City of Manzanita to consider the wetlands when future development proposals are brought before the city. It seems the mapping error occurred due to someone's wanting to protect the wetlands on the lower portions of the properties.

Commissioner Jones asked who owned tax lot 2400 and who owned tax lot 2500. Ms. Phipps answer was that Leola Stigleman owns tax lot 2400 and that Mr. & Mrs. Welch own tax lot 2500. She also said that there currently is a structure on tax lot 2400.

Commissioner Ousele asked what happens to the Recreational Management overlay if this change is effective. Ms. Phipps said that it is not an overlay but an actual zone and that it will be adjusted to below the Urban Growth Boundaries. The two tax lots will not have the Recreation Management zoning on them.

Public comment

Bill Welch
2705 NW Pettygrove Street
Portland Or 97210

Mr. Welch said that he purchased lot 2500 in 1992 and the south boundary is part of Nehalem State park. He asked that the Planning Commission approve OA-08-03.

Leola Stigleman
PO Box 758
Banks, OR 97106

In 1977, she inherited tax lot 2400 and she asks the Planning commission to approve OA-08-03.

Ms. Phipps said she noticed an error in the staff report and would like it corrected in the proposed amendment. The correction is to the language in the staff report. Staff will add that both lots are also partially zoned Recreation Management under "Proposed Amendment".

Commissioner Ousele closed the hearing to public testimony and opened it for discussion among Planning Commission members 7:26pm

Commissioner Hoffman moved in the matter of OA-08-03 that the Planning Commission recommend to the Board of Tillamook County Commissioners approval of the proposed amendment correcting a mapping error on the parcel designated as tax lots 2400 & 2500 in Section 33BA of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Tax lot 2400 is currently zoned R-3Nm (Nehalem Urban Growth Boundary) and tax lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved both parcels will be zoned R-2M (Manzanita Urban Growth Boundary). In addition, the southern portion of both lots are zoned Recreation Management. Commissioner Hoffman amended the motion to include the Planning Commissions support for staff's recommendation to request the city of Manzanita to consider the value of the wetlands on the lower portions of these sites in future development requests.

Commissioner Mizze seconded the amended motion. Motion passed 5:0.

VI. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY

Commissioner Hoffman moved to authorize the Chair to sign appropriate orders.
Commissioner Jones seconded the motion. The motion passed 5:0.

Administrative Decisions: GH-08-11, GH-08-16, GH-08-20, GH-08-21, GH-08-22, GH-08-23, GH-08-24, GH-08-25, GH-08-29, DP-07-17, DP-08-02, DP-08-07, MP-07-05, AP-LUV-07-06

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT:

Gerald Parker, Director of Community Development, Tillamook County. Mr. Parker said that next Wednesday night, August 20, 2008, there would be an open house for developers, electricians, plumbers, contractors and any interested parties to talk about the new School excise tax and raising building and planning fees. Rich Morse, the current Building Official will be retiring October 1. At that time, the Department will post for a new Building Official. Mr. Parker spoke about the excise tax for the schools and that it will be for capital improvements only, Agricultural buildings, Churches, HUD homes, hospitals and some affordable housing may be exempt from the tax. Mr. Parker also said that there is a measure on the November ballot that would make it \$35,000 limit before you needed a building permit. Ms. Phipps mentioned the Cloverdale CPAC meeting will also be on August 20, 2008. There was discussion on the new way the Planning Commission is receiving Administrative Decisions. It was agreed that staff would continue in the way that they are currently sending the Administrative Decisions to the Planning Commission. Staff will look into posting the Administrative Decisions on the Departments Web Site.

VIII. ADJOURNMENT:

There being no further business meeting was adjourned at 7:41pm.

Gale Ousele-Chair

Kara Graves, Recording Secretary

Date



DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
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Land of Cheese, Trees and Ocean Breeze

Staff Report to the Tillamook County Board of Commissioners
Ordinance Amendment
OA-08-03

Date of Staff Report: August 7, 2008

Date of Planning Commission Hearing: August 14, 2008

Date of Board of Commissioner's Hearing: August 27, 2008

Staff Recommendation: Approval

Staff Report Prepared by: Lisa M. Phipps, CFM, Long Range Senior Planner

Proposed Amendment: Correcting a mapping error on the parcel designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary.

Amends: The Tillamook County Zoning Map

Proposed by: Tillamook County Department of Community Development

Tillamook County Land Use Ordinance, Article IX

TCLUO Section 9.020: Analysis:

- (2) *The Department shall prepare an analysis of the site and the surrounding area in the form of a map and report, considering the following factors:*
- (a) *Size, shape and orientation of the subject parcel.*
 - (b) *Surrounding parcel sizes.*
 - (c) *Topography, drainage, hazards, and other physical site characteristics.*
 - (d) *Parcel ownership and current use.*
 - (e) *Economic and population data for the affected area that may be contained in the Comprehensive Plan.*
 - (f) *Traffic circulation.*
 - (g) *Zoning history of the subject parcel.*
 - (h) *Compatibility of the proposed new zone with the surrounding zoning and land uses.*

- (i) *Availability and feasibility for development of nearby properties in the proposed zone.*
- (j) *Aesthetics.*
- (k) *Availability of public facilities and services.*
- (l) *Land use objectives of both the applicable and the proposed zoning.*

Findings: Tax Lot 2400 is 2.5 acres in size and Tax Lot 2500 is 2.43 acres in size. According to the current zoning maps, Tax Lot 2500 lies partially within the City Manzanita Urban Growth Boundary and the County while Tax Lot 2400 lies partially with the City of Nehalem and the County. The portion of the properties lying within the County is zoned Recreation Management. There are wetlands present throughout that portion of the property. Based on the map from the City of Nehalem, Tax Lot 2400 has always been considered part of the City of Manzanita Urban Growth Boundary (Exhibit D). Based upon an email exchange with the City Managers of both cities, there is no disagreement that the two parcels belong within the City of Manzanita Urban Growth Boundary. The zoning that would then apply is Manzanita Medium Density Residential (R-2 M). If Tillamook County amends their zoning maps to reflect their inclusion, the City of Manzanita will then amend their maps.

- (3) *The Commission shall consider an AMENDMENT request at the earliest practicable public hearing after it is proposed. In hearing the request to establish a new zoning designation, the Commission shall consider all of the following criteria. A zone MAP AMENDMENT may be approved only if all four criteria can be met.*
 - (a) *The proposed new zone is consistent with applicable Comprehensive Plan policies.*
 - (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.*
 - (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.*
 - (d) *Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.*

Findings: This matter was brought to Staff's attention in 2007. The property owners then requested in 2007 that Staff consider the matter. After consideration, Staff determined that a scrivener's error had been made. The only reservation that Staff has in amending the maps is that the portion of the lots currently shown as zoned for Recreation Management are predominantly wetlands. Placing the lots wholly within the City of Manzanita's Urban Growth Boundary creates the opportunity for more dense development on the properties. However, Staff recognizes that the current zoning is not correct. Staff contends that the site was erroneously mapped in the first place and that a scrivener's error occurred.

- (4) *The Director shall report the Commission's recommendation to the Board. The Board shall conduct a public hearing on an AMENDMENT to modify or change an existing zone on a zoning map subsequent to receiving the report and*

recommendation of the Planning Commission. Zone MAP AMENDMENTS shall be adopted by the Board of County Commissioners by Ordinance.

Findings: This request is scheduled to be heard by the Tillamook County Board of Commissioners on August 27, 2008.

Conclusion: The map should be amended to restore the Manzanita Urban Growth Boundary to include the subject properties (Exhibit D). The amendment to the zoning maps is consistent with the comments received from both the City of Nehalem and the City of Manzanita (Exhibit D). These changes will not affect the land use patterns in the county or productivity of resource lands. The changes will help administration and enforcement of policies and maintain consistency with local agencies and cities.

Staff's Recommendation

Staff recommends approval of the map amendment. Staff further requests that the City of Manzanita consider the value of the wetlands on the lower portions of these sites in future development requests.

Exhibits

- A. Assessor's Map
- B. Current Zoning Map
- C. Proposed modification
- D. City Comments
- E. Map from Nehalem

3N 10 33BA

NE1/4 NW1/4 SEC. 33 T.3N. R.10W. W.M.
TILLAMOOK COUNTY
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

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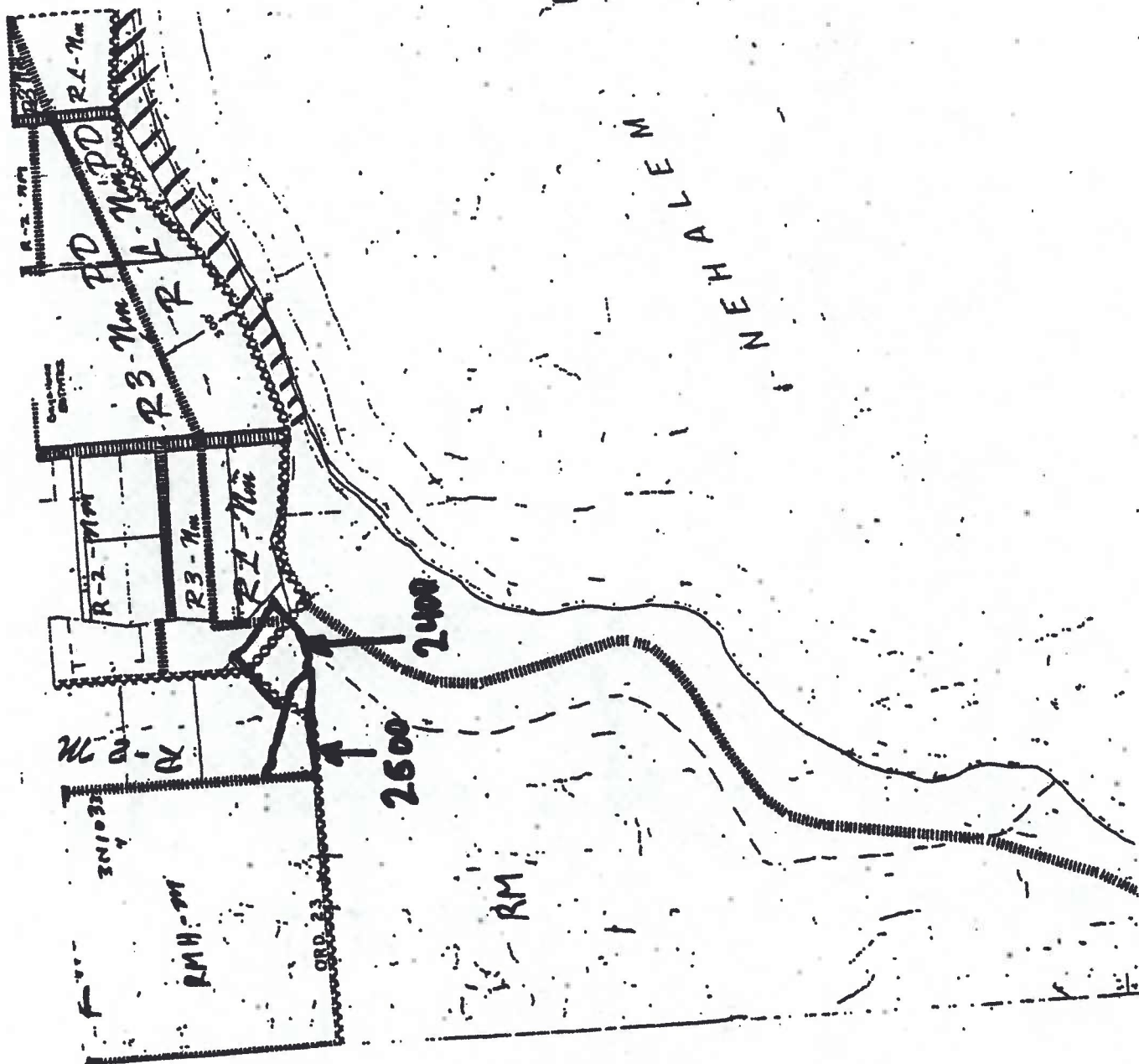
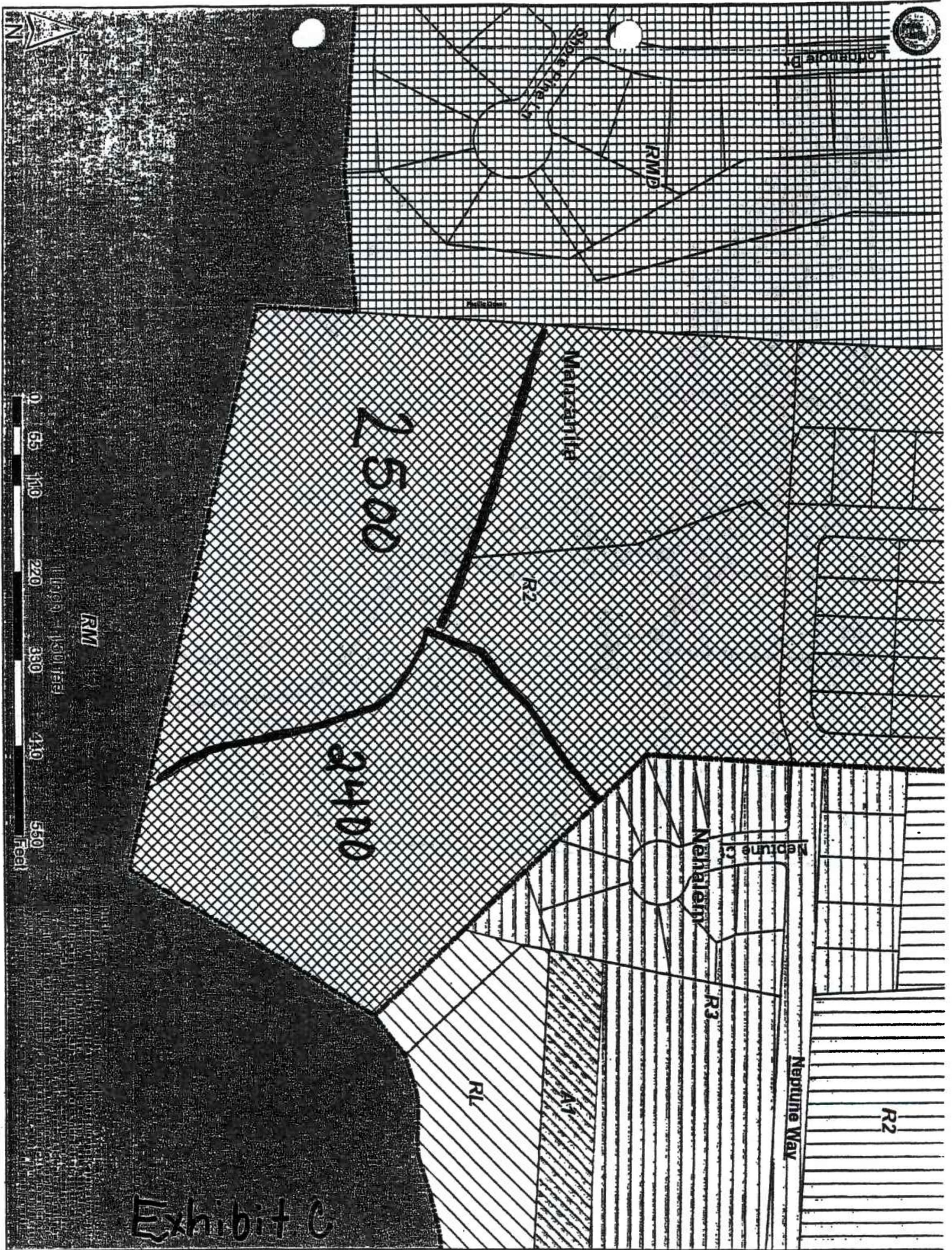


Exhibit B



Lisa Phipps

From: Bill C M Welch [bcmwelch@earthlink.net]
Sent: Friday, March 21, 2008 10:00 PM
To: Lisa Phipps
Subject: RE: Welch and Stigleman property questions

Dear Ms. Phipps, Just a note to ask if you and your Department have had time to review our request for a correction of our properties mapping error.

Ms. Stigleman, Ms. Kaitka, Hilda and I are hoping to be able to make some plans for the future of our property this spring. If your department can facilitate your review of this request we would be very appreciative.

Thank you working on this request. All the best. Bill Welch

-----Original Message-----

>From: Lisa Phipps <lhipps@co.tillamook.or.us>
>Sent: Oct 25, 2007 11:55 AM
>To: Bill C M Welch <bcmwelch@earthlink.net>
>Cc: dave.clay@intervestmortgage.com
>Subject: RE: Welch and Stigleman property questions

>
>Hello, Mr. Welch,
>We just need to get the time to fit it in.
>
>If you would, please, could you send me in writing a formal request for
>a review of the issue and a correction to the map error?
>
>That will facilitate the process.
>
>Thank you, Lisa

>-----Original Message-----

>>From: Bill C M Welch [mailto:bcmwelch@earthlink.net]
>>Sent: Thursday, October 25, 2007 11:50 AM
>>To: Lisa Phipps
>>Subject: RE: Welch and Stigleman property questions

>
>>Dear Ms. Phipps, Last month I responded to your E-mail of Sept. 12 but
>>I have not received any further information as to what measures we need
>>to take regarding obtaining clarification of our properties mistaken
>>zoning. Hilda and I are leaving the area for three months early Dec.
>>and hope to get the process for correcting this error started before we
>>leave. Your help with this matter would be appreciated. All the best.
>>Bill Welch

>-----Original Message-----

>>>From: Bill C M Welch <bcmwelch@earthlink.net>
>>>Sent: Sep 21, 2007 10:32 AM
>>>To: Lisa Phipps <lhipps@co.tillamook.or.us>
>>>Subject: RE: Meeting on zoning questions for Welch and Stigleman
>>property

>>>
>>>Dear Ms. Phipps, Thanks for the update. I do think this was probably
>>some kind of mistake. Just tell me what we have to do to help in this
>>process. All the best. Bill Welch

>>>-----Original Message-----

>>>>From: Lisa Phipps <lhipps@co.tillamook.or.us>
>>>>Sent: Sep 12, 2007 7:03 PM

Exhibit D

>>>To: Bill C M Welch <bcmwelch@earthlink.net>
>>>Subject: RE: Meeting on zoning questions for Welch and Stigleman
>property
>>>
>>>Well, if it makes you feel any better, we took it and ran with it.
>>>It appears that this fix might be very easy and we would ascribe it
>>>to a scrivener's error. There is still a process and you would have
>>>to
>make
>>>the request but I am waiting for final confirmation that this is the
>>>approach that the Cities will feel comfortable with.
>>>
>>>I will let you know!!
>>>Thank you,
>>>Lisa Phipps, CFM
>>>Planning Manager
>>>
>>>-----Original Message-----
>>>From: Bill C M Welch [mailto:bcmwelch@earthlink.net]
>>>Sent: Wednesday, September 12, 2007 3:54 PM
>>>To: Lisa Phipps
>>>Subject: Meeting on zoning questions for Welch and Stigleman property
>>>
>>>Dear Ms. Phipps, Thank you for getting back to me about a possible
>>>meeting with Manzanita and Nehalem officials concerning zone change
>>>or something for two properties 3N10-33BA-2500 and 3N10-33BA-2400.
>>>Please forgive my late response to your phone call. I should have
>>>been more responsive but I got busy. If my delayed response has
>>>caused difficulty or implied my lack of interest I am sorry. As you
>>>can see I am still interested in following up on this meeting. Just
>>>let me know how you have progressed with the meeting idea. Thanks
>>>again. All the best. Bill Welch
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Lisa Phipps

From: Bill Campbell
Sent: Thursday, September 13, 2007 8:43 AM
To: David Barbour; Lisa Phipps
Subject: FW: properties in the UGB's

David – please work the correction of the ugb boundary map to include the lower portion of the tracts in question into the Manzanita Boundary – thanks

From: Jerald P. Taylor [mailto:manzbch@nehalemtnet.net]
Sent: Wednesday, September 12, 2007 10:38 AM
To: Bill Campbell
Cc: City of Nehalem; Lisa Phipps
Subject: Re: properties in the UGB's

Bill, Lisa, and Mike:

I have checked with the Planning Commissioners who developed the City's Comprehensive Plan. They recall no discussion which would have split the lots in question leaving some parts in the UGB and some outside. One former planning commissioner said that had he known the lots would be split by the boundary, he would have raised the issue then. I also mentioned this situation to the City Council and they have no objections to including the properties.

Therefore, I am comfortable in advising you that we should treat this as a "scrivner's error" and include all of Tax Lot 2400 and 2500 within the Manzanita UGB. All concerned on this side saw the logic of including the entire lots when drawing the boundary line. I have no objection to Dave Barbour correcting the GIS map to reflect this adjustment.

Jerry

Bill Campbell wrote:

Thanks Jerry – in your estimation is this a situation that can be legally corrected by amending the map administratively by having Dave Barbour change the boundary to the property lines?

From: Jerald P. Taylor [mailto:manzbch@nehalemtnet.net]
Sent: Friday, August 24, 2007 11:54 AM
To: Bill Campbell
Cc: City of Nehalem; Lisa Phipps
Subject: Re: properties in the UGB's

Bill and Lisa,

I have talked with Michael about this, and it seems that the Manzanita Comp Plan map may be the culprit. The Manzanita Comp Plan map shows the Manzanita UGB being an extension of the east property line of TL 2200 (now 2201-2221) south to the quartersection line. This essentially cuts the questioned lots in two. The Nehalem map shows the lots in question to be in the Manzanita UGB.

I suspect that the decision to set the Manzanita UGB where it was is related to the location of undevelopable wetlands in the area. Do you have any map that might support that?

In any event, please contact me to see if any corrections should be made.

Jerry

Bill Campbell wrote:

Jerry – what is your read, do you concur with Michael – is this a boundary correction missed when we did the

8/7/2008

Initial GIS mapping?

From: City of Nehalem [<mailto:nehalemch@nehalem.tel.net>]
Sent: Thursday, August 23, 2007 4:51 PM
To: Jerald P. Taylor; Lisa Phipps; Bill Campbell
Subject: Re: properties in the UGB's

The answer is quite simple - both lots are within Manzanita's UGB. Looking at the new Zoning Map, but more importantly looking at the original Zoning Map for Nehalem, these lots have always been within Manzanita's UGB. The Neptune Court development is within our UGB, with its western boundary line from the Bay going north is the dividing line between our two UGB's.

The Manzanita Meadow's development on TL 2200 is within Manzanita's UGB. Looking at the map for 3N 10 33BA, Tax Lots 2101, 2100, 2200, 2300, 2400 and 2500 are all in Manzanita's UGB. Everything else on map 3N 10 33BA is within Nehalem's UGB.

Michael

— Original Message —

From: Bill Campbell
To: Lisa Phipps ; manzbch@nehalem.tel.net ; nehalemch@nehalem.tel.net
Sent: Thursday, August 23, 2007 3:17 PM
Subject: RE: properties in the UGB's

Lisa - the UGB boundary map for the cities clearly indicates the problem. The solution may be complex or simple. AT first blush I wonder if there is a way to correct the issue in the BLI process by adjusting the Manzanita UGB to include all of TL 2500, the westerly most parcel, and the Nehalem UGB to incorporate all of 2400. The OA could be a good vehicle to address this kind of issue and corrective action, it is in process with both city hearings and county hearings scheduled - We could add it to the mix - Bill

From: Lisa Phipps
Sent: Thursday, August 23, 2007 2:55 PM
To: manzbch@nehalem.tel.net; 'nehalemch@nehalem.tel.net'
Cc: Bill Campbell
Subject: properties in the UGB's

Hello, Everyone,
A while back, and I do mean awhile back, I sent an email out about the following properties:

3N 10 33BA 2400 and 2500

These lots have boundaries that cross all three jurisdictions creating quite a situation for the property owners. Would it be possible to have a meeting to talk about options for these sites? We could try email but I imagine this could get a bit convoluted.

I am afraid that I got busy and didn't follow up on my email with everyone.

Thanks, Lisa

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Lisa Phipps

From: City of Nehalem [nehalemch@nehalemtnet.net]
Sent: Friday, August 24, 2007 8:31 AM
To: Jerald P. Taylor; Bill Campbell; Lisa Phipps
Subject: Re: properties in the UGB's

Lisa,

The map is a wall sized map, and I only have one (which is why the GIS stuff was very important). I'll see if I can photocopy that specific area - can't guarantee that it'll work (it's a big map), but I'll try. I looked at our County GIS provided zoning map - it is correct and shows that the boundary between Nehalem's and Manzanita's UGB runs down the property line between TL 2400 and the Neptune Development, as I mentioned before. I know for a fact that our UGB does not split any properties - it is all tied to property lines in all directions of our UGB. TL 2400 did/does receive water from Nehalem (no main lines - just one very long service line), but none of the property has ever been within our UGB. I don't know who the property owners talked to, but it wasn't us.

No, the only place on the GIS that at least is wrong on the GIS map I have is concerning Assessor's Map 3N 10 28CD - our UGB includes all of the property south of Seamount (i.e., TL's 5501, 5502, 5503, 5500) to the west property line of TL 5501 - then south, and east of The Promenade clear to Necamey City Road. The Ocean Grove development (west of The Promenade and including The Glade and North Street, and properties north of Seamount) are in Manzanita's UGB - as is TL 2200.

Michael

— Original Message —

From: Lisa Phipps
To: City of Nehalem ; Jerald P. Taylor ; Bill Campbell
Sent: Thursday, August 23, 2007 6:32 PM
Subject: RE: properties in the UGB's

Actually, Michael, from our maps it appears that Tax Lot 2400 is in fact partially within the Nehalem UGB which is also the property owners understanding from previous conversations. So, perhaps I can see your original zoning map - I agree with the property owner that it appears that a strip running from northwest to southeast lies within the Nehalem UGB.

If you have a map that provides clearer definition I would appreciate seeing it.

Thanks!
Lisa

From: City of Nehalem [mailto:nehalemch@nehalemtnet.net]
Sent: Thursday, August 23, 2007 4:51 PM
To: Jerald P. Taylor; Lisa Phipps; Bill Campbell
Subject: Re: properties in the UGB's

The answer is quite simple - both lots are within Manzanita's UGB. Looking at the new Zoning Map, but more importantly looking at the original Zoning Map for Nehalem, these lots have always been within Manzanita's UGB. The Neptune Court development is within our UGB, with its western boundary line from the Bay going north is the dividing line between our two UGB's.

The Manzanita Meadow's development on TL 2200 is within Manzanita's UGB. Looking at the map for 3N 10

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Lisa Phipps

From: Jerald P. Taylor [manzbch@nehalemtnet.net]
Sent: Monday, August 04, 2008 5:27 PM
To: Lisa Phipps
Subject: Re: 3N 10 33BA 2400 and 2500

Lisa,
I have not received any notice on these properties, but I recall talking with Bill Campbell about them. We agreed that we should consider the straight line division of the properties as a drafting error and make a map correction. The properties would be R-2 in the City plan. Manzanita would then correct its maps as well.
Jerry

Lisa Phipps wrote:

Hi,
You should have received the notice about the above referenced properties. Am I correct that when we modify the zone lines, the two properties will now be R-2M? Jerry, once we take this through the process, then Manzanita will go through the process to modify their maps?

Thanks, Lisa

Lisa Phipps

From: City of Nehalem [nehalemch@nehalem.tel.net]
Sent: Tuesday, August 05, 2008 8:48 AM
To: Lisa Phipps; manzbch@nehalem.tel.net
Cc: Laren Woolley
Subject: Re: 3N 10 33BA 2400 and 2500

Lisa,

I haven't received any notices about either property. While we have served (may still serve) TL #2400 with water, both of these properties are within Manzanita's UGB. The original Neptune Place development, and its corresponding western lot line to the Bay is the dividing line between our respective UGBs in this area. I would also note that while I am aware that these lots may be developed sometime in the future, no one has come to us to ask us to allow for a water line extension here. Just as a reminder, if the property owners or developers seek Nehalem water, they need to go to Jerry first to have Manzanita sign off on us providing that water.

Not sure about the "modify the zone lines." What/which lines are we talking about? If it is the UGB lines, no modification is necessary since it is the common adjoining property lines between the Neptune Place development on the east side of the line and TL's 2400, 2300 and Manzanita Meadows (in this area) on the west side. As I said, I haven't received any notices so I'm not sure what is being proposed.

Michael

p.s. Lisa - hope you had a nice vacation!

— Original Message —

From: Lisa Phipps
To: manzbch@nehalem.tel.net ; City of Nehalem
Cc: Laren Woolley
Sent: Monday, August 04, 2008 5:12 PM
Subject: 3N 10 33BA 2400 and 2500

Hi,

You should have received the notice about the above referenced properties. Am I correct that when we modify the zone lines, the two properties will now be R-2M? Jerry, once we take this through the process, then Manzanita will go through the process to modify their maps?

Thanks, Lisa

8/7/2008

Lisa Phipps

From: City of Nehalem [nehalemch@nehalem.tel.net] -
Sent: Tuesday, August 05, 2008 1:17 PM
To: Lisa Phipps; manzbch@nehalem.tel.net
Subject: Re: OA-08-03 Notice;

The County's GIS has it (or at least, had it) as our "newest" zoning map created by Co. GIS shows the proper boundaries. The other map I have is the City's original UGB Boundary Map created in 1980 or '83, that established all of the existing zones. I'll see if I can photocopy that section of the map. Push comes to shove, DLCD should have the map and description in the archives in Salem (I've never come across the actual description of our UGB - I know it exists, but I've never seen it). Anyways, I'll look for the map...

Michael

----- Original Message -----

From: "Lisa Phipps" <lhipps@co.tillamook.or.us>
To: <manzbch@nehalem.tel.net>; "City of Nehalem" <nehalemch@nehalem.tel.net>
Sent: Tuesday, August 05, 2008 9:07 AM
Subject: FW: OA-08-03 Notice;

<<OA-08-03 Notice.pdf>> Hello, Jerry and Michael,
You will also be receiving a hard copy. We are still working on protocols and training.

We are recommending that the maps be amended to reflect the fact that they should have both been included in the Manzanita UGB - with a R2 zoning.

Michael, you alluded to a map that showed this - could you make a copy and provide me with the citation of the map so that I can use this as justification? I don't think I need the whole map- just that area and what the map is called, the date, was it adopted by somebody, blah, blah, blah.

DLCD is ok with this but would like some proof and I said "What?? The fact we all agree isn't enough??" Luckily, Laren has a great sense of humor and laughed!!

Thank you,
Lisa

-----Original Message-----

From: Debbi McClaskey
Sent: Tuesday, August 05, 2008 9:03 AM
To: Lisa Phipps
Subject: OA-08-03 Notice;

OA-08-03 Notice;

Lisa Phipps

From: City of Nehalem [nehalemch@nehalemtnet.net]
Sent: Tuesday, August 05, 2008 2:16 PM
To: Lisa Phipps; manzbch@nehalemtnet.net
Subject: Re: OA-08-03 Notice;

Attachments: Nehalem UGB Map Section.rtf



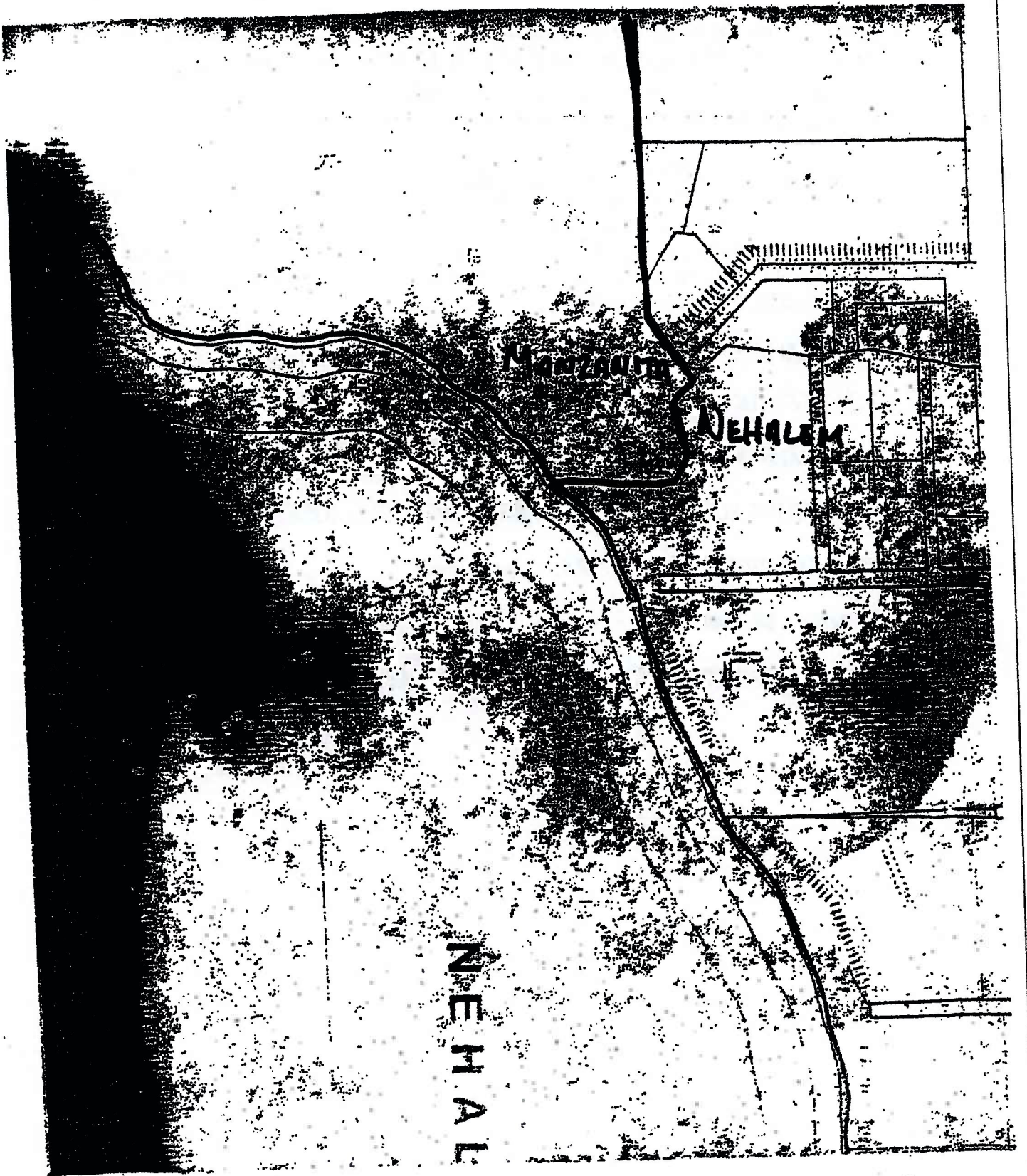
Nehalem UGB Map
Section.rtf (3...

Okay, I was able to photocopy the map and scan it in. It is attached. The map is defined as:

"City of Nehalem Zoning Designations
Base Map Prepared by CTIC June 1980
Amended December 8, 1981
Corrected October 19, 1982
Amended October 4, 1983
Corrected November 21, 1983"

The UGB boundary is defined as the horizontal lines shown on the outside of the property lines where the UGB boundary exists. Thus, as is shown, TL #2400 and 2500 are outside of Nehalem's UGB but within (I'm assuming) Manzanita's, since we know that as shown on this map, the UGB Boundary line between Nehalem and Manzanita at the end of Seamount juts out to the west like it does. Hopefully this helps...

Michael



AGENDA FORM

Agenda items for Monday Staff Meetings must be submitted by the previous Thursday at 12:00 noon, and by Friday at 12:00 noon for Wednesday Board Meetings. If the item needs to be reviewed by County Counsel, it must be submitted two weeks in advance of the desired meeting date.

EXACT TITLE OF AGENDA ITEM: OA-08-03: Correcting a mapping error on the parcel designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary. County, applicant.

DATE YOU WANT THE ITEM ON THE AGENDA: 8-27-08

STAFF MEETING? BOC MEETING? YES

LIST NAMES OF PEOPLE TO BE NOTIFIED: Welch's, Stigelman

WHO IS CONTACT PERSON? Lisa Phipps PHONE #: 3328

WHO WILL PRESENT THE ITEM? Lisa Phipps

PHONE #: 842-3408

ITEM SUBMITTED BY: Lisa Phipps DEPARTMENT: Community Development



Land of Cheese, Trees and Ocean Breeze

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

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FAX (503) 842-1819
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Staff Report to the Tillamook County Board of Commissioners
Ordinance Amendment
OA-08-03

Date of Staff Report: August 7, 2008
Date of Planning Commission Hearing: August 14, 2008
Date of Board of Commissioner's Hearing: August 27, 2008

Staff Recommendation: Approval

Staff Report Prepared by: Lisa M. Phipps, CFM, Long Range Senior Planner

Proposed Amendment: Correcting a mapping error on the parcel designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary.

Amends: The Tillamook County Zoning Map

Proposed by: Tillamook County Department of Community Development

Tillamook County Land Use Ordinance, Article IX

TCLUO Section 9.020: Analysis:

- (2) *The Department shall prepare an analysis of the site and the surrounding area in the form of a map and report, considering the following factors:*
- (a) *Size, shape and orientation of the subject parcel.*
 - (b) *Surrounding parcel sizes.*
 - (c) *Topography, drainage, hazards, and other physical site characteristics.*
 - (d) *Parcel ownership and current use.*
 - (e) *Economic and population data for the affected area that may be contained in the Comprehensive Plan.*
 - (f) *Traffic circulation.*
 - (g) *Zoning history of the subject parcel.*
 - (h) *Compatibility of the proposed new zone with the surrounding zoning and land uses.*

- (i) *Availability and feasibility for development of nearby properties in the proposed zone.*
- (j) *Aesthetics.*
- (k) *Availability of public facilities and services.*
- (l) *Land use objectives of both the applicable and the proposed zoning.*

Findings: Tax Lot 2400 is 2.5 acres in size and Tax Lot 2500 is 2.43 acres in size. According to the current zoning maps, Tax Lot 2500 lies partially within the City Manzanita Urban Growth Boundary and the County while Tax Lot 2400 lies partially with the City of Nehalem and the County. The portion of the properties lying within the County is zoned Recreation Management. There are wetlands present throughout that portion of the property. Based on the map from the City of Nehalem, Tax Lot 2400 has always been considered part of the City of Manzanita Urban Growth Boundary (Exhibit D). Based upon an email exchange with the City Managers of both cities, there is no disagreement that the two parcels belong within the City of Manzanita Urban Growth Boundary. The zoning that would then apply is Manzanita Medium Density Residential (R-2 M). If Tillamook County amends their zoning maps to reflect their inclusion, the City of Manzanita will then amend their maps.

- (3) *The Commission shall consider an AMENDMENT request at the earliest practicable public hearing after it is proposed. In hearing the request to establish a new zoning designation, the Commission shall consider all of the following criteria. A zone MAP AMENDMENT may be approved only if all four criteria can be met.*
 - (a) *The proposed new zone is consistent with applicable Comprehensive Plan policies.*
 - (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.*
 - (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.*
 - (d) *Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.*

Findings: This matter was brought to Staff's attention in 2007. The property owners then requested in 2007 that Staff consider the matter. After consideration, Staff determined that a scrivener's error had been made. The only reservation that Staff has in amending the maps is that the portion of the lots currently shown as zoned for Recreation Management are predominantly wetlands. Placing the lots wholly within the City of Manzanita's Urban Growth Boundary creates the opportunity for more dense development on the properties. However, Staff recognizes that the current zoning is not correct. Staff contends that the site was erroneously mapped in the first place and that a scrivener's error occurred.

- (4) *The Director shall report the Commission's recommendation to the Board. The Board shall conduct a public hearing on an AMENDMENT to modify or change an existing zone on a zoning map subsequent to receiving the report and*

recommendation of the Planning Commission. Zone MAP AMENDMENTS shall be adopted by the Board of County Commissioners by Ordinance.

Findings: This request is scheduled to be heard by the Tillamook County Board of Commissioners on August 27, 2008.

Conclusion: The map should be amended to restore the Manzanita Urban Growth Boundary to include the subject properties (Exhibit D). The amendment to the zoning maps is consistent with the comments received from both the City of Nehalem and the City of Manzanita (Exhibit D). These changes will not affect the land use patterns in the county or productivity of resource lands. The changes will help administration and enforcement of policies and maintain consistency with local agencies and cities.

Staff's Recommendation

Staff recommends approval of the map amendment. Staff further requests that the City of Manzanita consider the value of the wetlands on the lower portions of these sites in future development requests.

Exhibits

- A. Assessor's Map
- B. Current Zoning Map
- C. Proposed modification
- D. City Comments
- E. Map from Nehalem

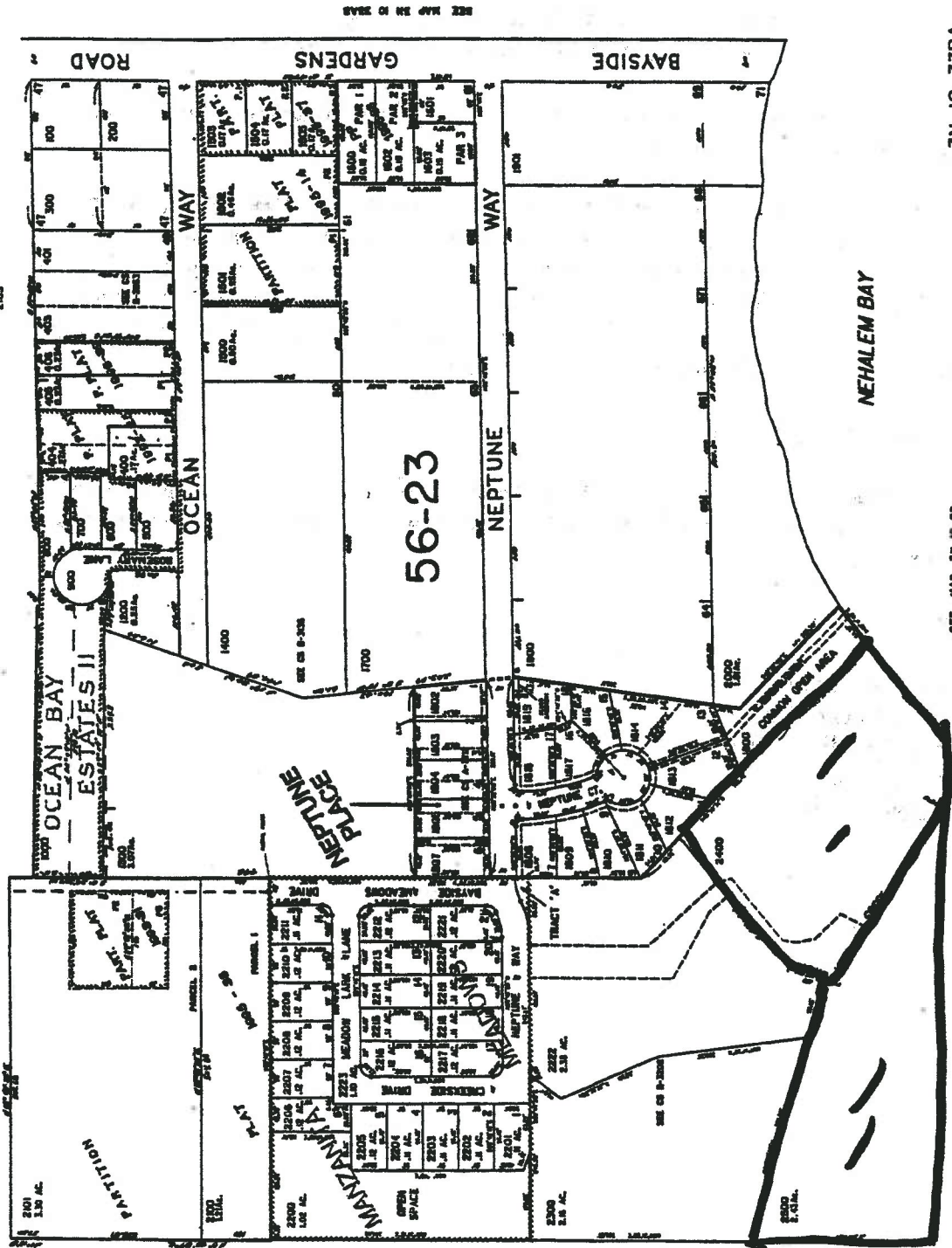
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 NW1/4 SEC. 33 T.3N. R.10W. W.M.
TILLAMOOK COUNTY
1" = 100'

3N 10 33BA

CANCELLED NO.
402
590
1000
1001
1006
1015
2102
2103

SEE MAP 3N 10 33



SEE MAP 3N 10 33

SEE MAP 3N 10 33

3N 10 33BA
Revised 05/01/05, WS

Subject
Properties
Exhibit A

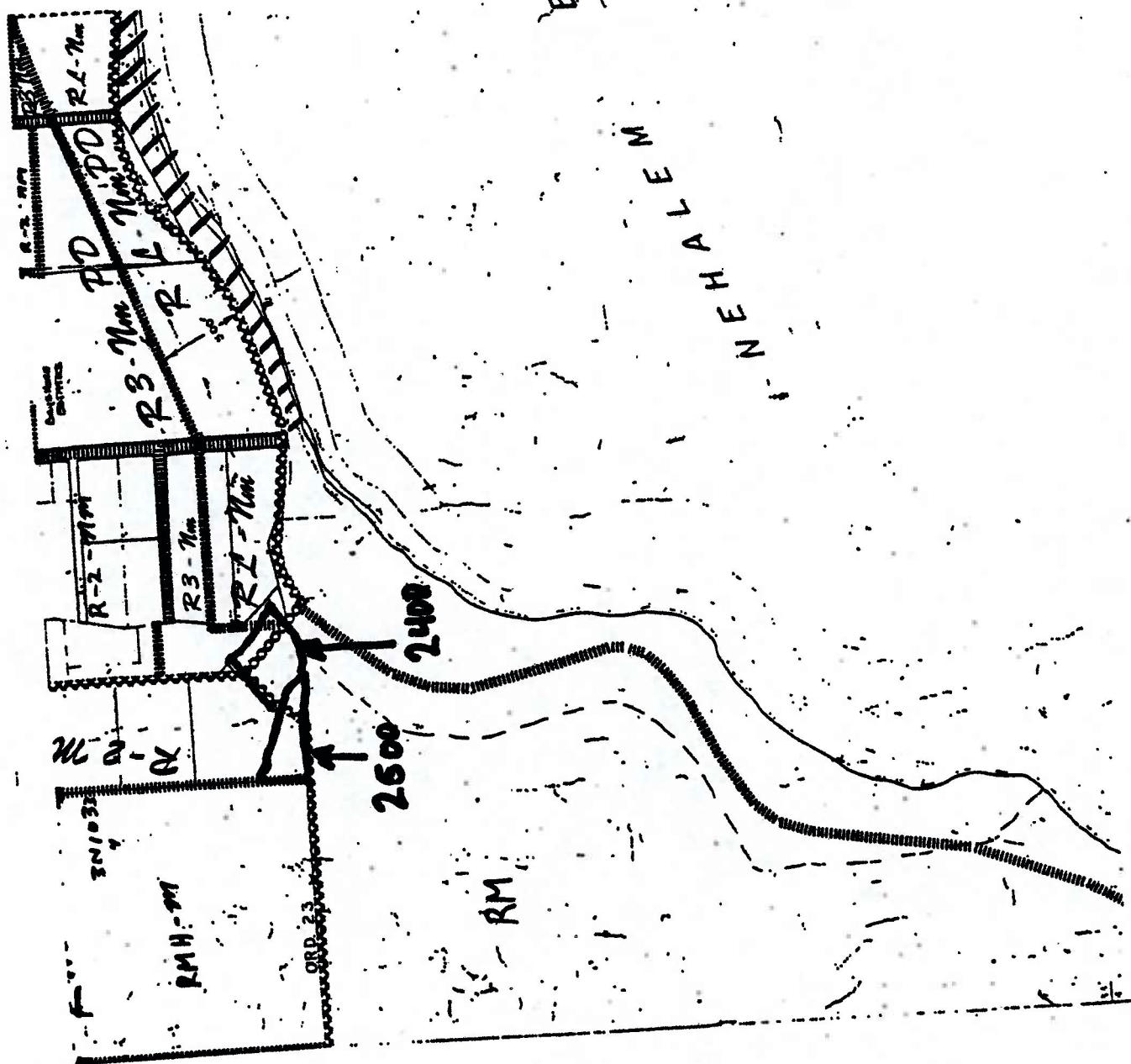
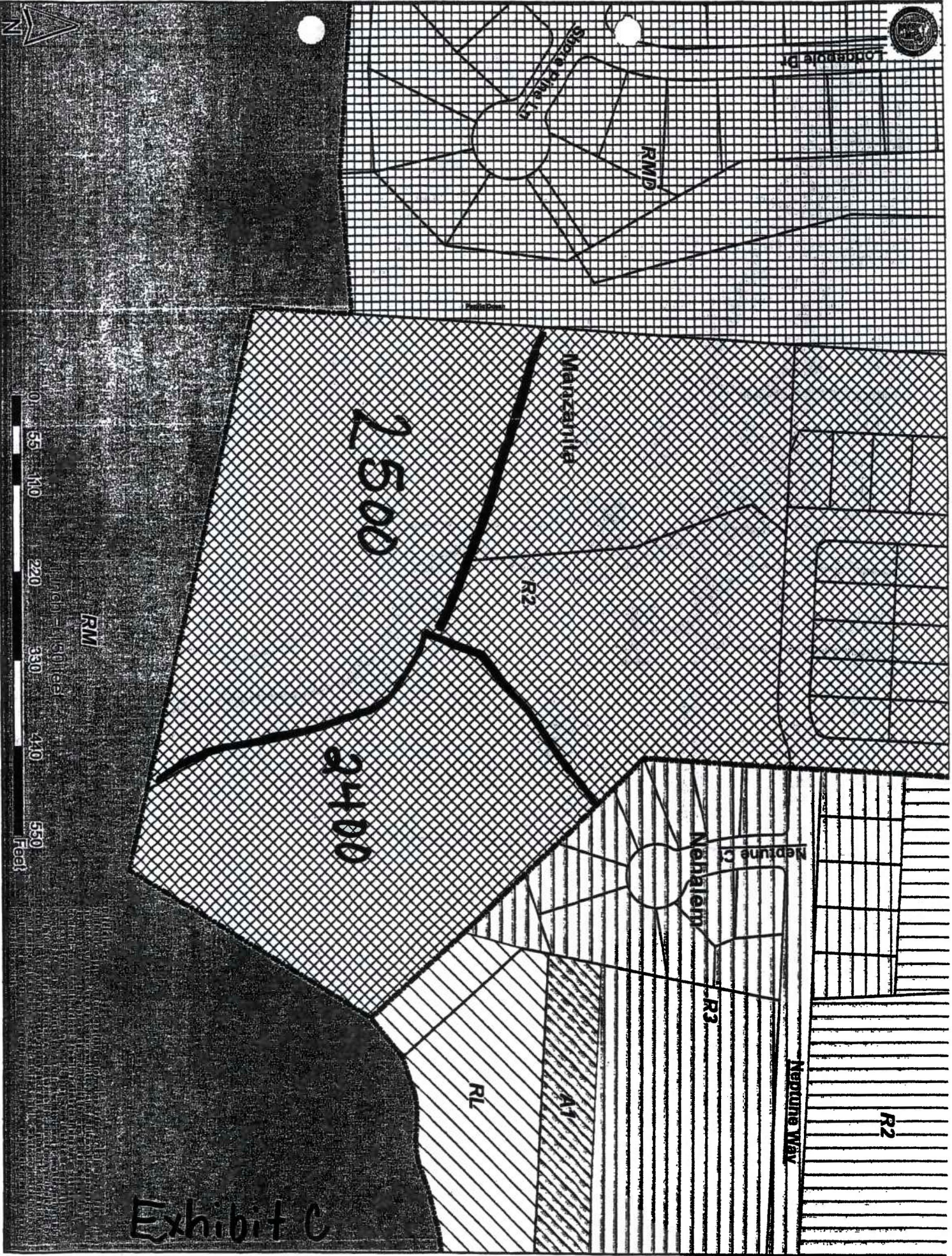


Exhibit B



Lisa Phipps

From: Bill C M Welch [bcmwelch@earthlink.net]
Sent: Friday, March 21, 2008 10:00 PM
To: Lisa Phipps
Subject: RE: Welch and Stigleman property questions

Dear Ms. Phipps, Just a note to ask if you and your Department have had time to review our request for a correction of our properties mapping error.

Ms. Stigleman, Ms. Kaitka, Hilda and I are hoping to be able to make some plans for the future of our property this spring. If your department can facilitate your review of this request we would be very appreciative.

Thank you working on this request. All the best. Bill Welch

-----Original Message-----

>From: Lisa Phipps <lhipps@co.tillamook.or.us>
>Sent: Oct 25, 2007 11:55 AM
>To: Bill C M Welch <bcmwelch@earthlink.net>
>Cc: dave.clay@intervestmortgage.com
>Subject: RE: Welch and Stigleman property questions

>
>Hello, Mr. Welch,
>We just need to get the time to fit it in.
>
>If you would, please, could you send me in writing a formal request for
>a review of the issue and a correction to the map error?
>
>That will facilitate the process.
>
>Thank you, Lisa
>

>-----Original Message-----

>>From: Bill C M Welch [mailto:bcmwelch@earthlink.net]
>>Sent: Thursday, October 25, 2007 11:50 AM
>>To: Lisa Phipps
>>Subject: RE: Welch and Stigleman property questions

>
>>Dear Ms. Phipps, Last month I responded to your E-mail of Sept. 12 but
>>I have not received any further information as to what measures we need
>>to take regarding obtaining clarification of our properties mistaken
>>zoning. Hilda and I are leaving the area for three months early Dec.
>>and hope to get the process for correcting this error started before we
>>leave. Your help with this matter would be appreciated. All the best.
>>Bill Welch
>

>-----Original Message-----

>>>From: Bill C M Welch <bcmwelch@earthlink.net>
>>>Sent: Sep 21, 2007 10:32 AM
>>>To: Lisa Phipps <lhipps@co.tillamook.or.us>
>>>Subject: RE: Meeting on zoning questions for Welch and Stigleman
>>property
>>

>>>Dear Ms. Phipps, Thanks for the update. I do think this was probably
>>>some kind of mistake. Just tell me what we have to do to help in this
>>>process. All the best. Bill Welch
>>

>>-----Original Message-----

>>>>From: Lisa Phipps <lhipps@co.tillamook.or.us>
>>>>Sent: Sep 12, 2007 7:03 PM

Exhibit D

>>>To: Bill C M Welch <bcmwelch@earthlink.net>
>>>Subject: RE: Meeting on zoning questions for Welch and Stigleman
>property
>>>
>>>Well, if it makes you feel any better, we took it and ran with it.
>>>It appears that this fix might be very easy and we would ascribe it
>>>to a scrivener's error. There is still a process and you would have
>>>to
>make
>>>the request but I am waiting for final confirmation that this is the
>>>approach that the Cities will feel comfortable with.
>>>
>>>I will let you know!!
>>>Thank you,
>>>Lisa Phipps, CFM
>>>Planning Manager
>>>
>>>-----Original Message-----
>>>From: Bill C M Welch [mailto:bcmwelch@earthlink.net]
>>>Sent: Wednesday, September 12, 2007 3:54 PM
>>>To: Lisa Phipps
>>>Subject: Meeting on zoning questions for Welch and Stigleman property
>>>
>>>Dear Ms. Phipps, Thank you for getting back to me about a possible
>>>meeting with Manzanita and Nehalem officials concerning zone change
>>>or something for two properties 3N10-33BA-2500 and 3N10-33BA-2400.
>>>Please forgive my late response to your phone call. i should have
>>>been more responsive but I to got busy. If my delayed response has
>>>caused difficulty or implied my lack of interest I am sorry. As you
>>>can see I am still interested in following up on this meeting. Just
>>>let me know how you have progressed with the meeting idea. Thanks
>>>again. All the best. Bill Welch
>>>
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Lisa Phipps

From: Bill Campbell
Sent: Thursday, September 13, 2007 8:43 AM
To: David Barbour; Lisa Phipps
Subject: FW: properties in the UGB's

David – please work the correction of the ugb boundary map to include the lower portion of the tracts in question into the Manzanita Boundary – thanks

From: Jerald P. Taylor [mailto:manzbch@nehalemtnet.net]
Sent: Wednesday, September 12, 2007 10:38 AM
To: Bill Campbell
Cc: City of Nehalem; Lisa Phipps
Subject: Re: properties in the UGB's

Bill, Lisa, and Mike:

I have checked with the Planning Commissioners who developed the City's Comprehensive Plan. They recall no discussion which would have split the lots in question leaving some parts in the UGB and some outside. One former planning commissioner said that had he known the lots would be split by the boundary, he would have raised the issue then. I also mentioned this situation to the City Council and they have no objections to including the properties.

Therefore, I am comfortable in advising you that we should treat this as a "scrivner's error" and include all of Tax Lot 2400 and 2500 within the Manzanita UGB. All concerned on this side saw the logic of including the entire lots when drawing the boundary line. I have no objection to Dave Barbour correcting the GIS map to reflect this adjustment.

Jerry

Bill Campbell wrote:

Thanks Jerry – in your estimation is this a situation that can be legally corrected by amending the map administratively by having Dave Barbour change the boundary to the property lines?

From: Jerald P. Taylor [mailto:manzbch@nehalemtnet.net]
Sent: Friday, August 24, 2007 11:54 AM
To: Bill Campbell
Cc: City of Nehalem; Lisa Phipps
Subject: Re: properties in the UGB's

Bill and Lisa,

I have talked with Michael about this, and it seems that the Manzanita Comp Plan map may be the culprit. The Manzanita Comp Plan map shows the Manzanita UGB being an extension of the east property line of TL 2200 (now 2201-2221) south to the quartersection line. This essentially cuts the questioned lots in two. The Nehalem map shows the lots in question to be in the Manzanita UGB.

I suspect that the decision to set the Manzanita UGB where it was is related to the location of undevelopable wetlands in the area. Do you have any map that might support that?

In any event, please contact me to see if any corrections should be made.

Jerry

Bill Campbell wrote:

Jerry – what is your read, do you concur with Michael – is this a boundary correction missed when we did the

8/7/2008

Initial GIS mapping?

From: City of Nehalem [mailto:nehalemch@nehalem.tel.net]
Sent: Thursday, August 23, 2007 4:51 PM
To: Jerald P. Taylor; Lisa Phipps; Bill Campbell
Subject: Re: properties in the UGB's

The answer is quite simple - both lots are within Manzanita's UGB. Looking at the new Zoning Map, but more importantly looking at the original Zoning Map for Nehalem, these lots have always been within Manzanita's UGB. The Neptune Court development is within our UGB, with its western boundary line from the Bay going north is the dividing line between our two UGB's.

The Manzanita Meadow's development on TL 2200 is within Manzanita's UGB. Looking at the map for 3N 10 33BA, Tax Lots 2101, 2100, 2200, 2300, 2400 and 2500 are all in Manzanita's UGB. Everything else on map 3N 10 33BA is within Nehalem's UGB.

Michael

----- Original Message -----

From: Bill Campbell
To: Lisa Phipps ; manzbch@nehalem.tel.net ; nehalemch@nehalem.tel.net
Sent: Thursday, August 23, 2007 3:17 PM
Subject: RE: properties in the UGB's

Lisa - the UGB boundary map for the cities clearly indicates the problem. The solution may be complex or simple. AT first blush I wonder if there is a way to correct the issue in the BLI process by adjusting the Manzanita UGB to include all of TL 2500, the westerly most parcel, and the Nehalem UGB to incorporate all of 2400. The OA could be a good vehicle to address this kind of issue and corrective action, it is in process with both city hearings and county hearings scheduled - We could add it to the mix - Bill

From: Lisa Phipps
Sent: Thursday, August 23, 2007 2:55 PM
To: manzbch@nehalem.tel.net; 'nehalemch@nehalem.tel.net'
Cc: Bill Campbell
Subject: properties in the UGB's

Hello, Everyone,
A while back, and I do mean awhile back, I sent an email out about the following properties:

3N 10 33BA 2400 and 2500

These lots have boundaries that cross all three jurisdictions creating quite a situation for the property owners. Would it be possible to have a meeting to talk about options for these sites? We could try email but I imagine this could get a bit convoluted.

I am afraid that I got busy and didn't follow up on my email with everyone.

Thanks, Lisa

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Lisa Phipps

From: City of Nehalem [nehalemch@nehalem.tel.net]
Sent: Friday, August 24, 2007 8:31 AM
To: Jerald P. Taylor; Bill Campbell; Lisa Phipps
Subject: Re: properties in the UGB's

Lisa,

The map is a wall sized map, and I only have one (which is why the GIS stuff was very important). I'll see if I can photocopy that specific area - can't guarantee that it'll work (it's a big map), but I'll try. I looked at our County GIS provided zoning map - it is correct and shows that the boundary between Nehalem's and Manzanita's UGB runs down the property line between TL 2400 and the Neptune Development, as I mentioned before. I know for a fact that our UGB does not split any properties - it is all tied to property lines in all directions of our UGB. TL 2400 did/does receive water from Nehalem (no main lines - just one very long service line), but none of the property has ever been within our UGB. I don't know who the property owners talked to, but it wasn't us.

No, the only place on the GIS that at least is wrong on the GIS map I have is concerning Assessor's Map 3N 10 28CD - our UGB includes all of the property south of Seamount (i.e., TL's 5501, 5502, 5503, 5500) to the west property line of TL 5501 - then south, and east of The Promenade clear to Necamey City Road. The Ocean Grove development (west of The Promenade and including The Glade and North Street, and properties north of Seamount) are in Manzanita's UGB - as is TL 2200.

Michael

----- Original Message -----

From: Lisa Phipps
To: City of Nehalem ; Jerald P. Taylor ; Bill Campbell
Sent: Thursday, August 23, 2007 6:32 PM
Subject: RE: properties in the UGB's

Actually, Michael, from our maps it appears that Tax Lot 2400 is in fact partially within the Nehalem UGB which is also the property owners understanding from previous conversations. So, perhaps I can see your original zoning map - I agree with the property owner that it appears that a strip running from northwest to southeast lies within the Nehalem UGB.

If you have a map that provides clearer definition I would appreciate seeing it.

Thanks!
Lisa

From: City of Nehalem [mailto:nehalemch@nehalem.tel.net]
Sent: Thursday, August 23, 2007 4:51 PM
To: Jerald P. Taylor; Lisa Phipps; Bill Campbell
Subject: Re: properties in the UGB's

The answer is quite simple - both lots are within Manzanita's UGB. Looking at the new Zoning Map, but more importantly looking at the original Zoning Map for Nehalem, these lots have always been within Manzanita's UGB. The Neptune Court development is within our UGB, with its western boundary line from the Bay going north is the dividing line between our two UGB's.

The Manzanita Meadow's development on TL 2200 is within Manzanita's UGB. Looking at the map for 3N 10

8/7/2008

Lisa Phipps

From: Jerald P. Taylor [manzbch@nehalem.tel.net]
Sent: Monday, August 04, 2008 5:27 PM
To: Lisa Phipps
Subject: Re: 3N 10 33BA 2400 and 2500

Lisa,

I have not received any notice on these properties, but I recall talking with Bill Campbell about them. We agreed that we should consider the straight line division of the properties as a drafting error and make a map correction. The properties would be R-2 in the City plan. Manzanita would then correct its maps as well.

Jerry

Lisa Phipps wrote:

Hi,

You should have received the notice about the above referenced properties. Am I correct that when we modify the zone lines, the two properties will now be R-2M? Jerry, once we take this through the process, then Manzanita will go through the process to modify their maps?

Thanks, Lisa

8/7/2008

Lisa Phipps

From: City of Nehalem [nehalemch@nehalemtnet.net]
Sent: Tuesday, August 05, 2008 8:48 AM
To: Lisa Phipps; manzbch@nehalemtnet.net
Cc: Laren Woolley
Subject: Re: 3N 10 33BA 2400 and 2500

Lisa,

I haven't received any notices about either property. While we have served (may still serve) TL #2400 with water, both of these properties are within Manzanita's UGB. The original Neptune Place development, and its corresponding western lot line to the Bay is the dividing line between our respective UGBs in this area. I would also note that while I am aware that these lots may be developed sometime in the future, no one has come to us to ask us to allow for a water line extension here. Just as a reminder, if the property owners or developers seek Nehalem water, they need to go to Jerry first to have Manzanita sign off on us providing that water.

Not sure about the "modify the zone lines." What/which lines are we talking about? If it is the UGB lines, no modification is necessary since it is the common adjoining property lines between the Neptune Place development on the east side of the line and TL's 2400, 2300 and Manzanita Meadows (in this area) on the west side. As I said, I haven't received any notices so I'm not sure what is being proposed.

Michael

p.s. Lisa - hope you had a nice vacation!

— Original Message —

From: Lisa Phipps
To: manzbch@nehalemtnet.net ; City of Nehalem
Cc: Laren Woolley
Sent: Monday, August 04, 2008 5:12 PM
Subject: 3N 10 33BA 2400 and 2500

Hi,

You should have received the notice about the above referenced properties. Am I correct that when we modify the zone lines, the two properties will now be R-2M? Jerry, once we take this through the process, then Manzanita will go through the process to modify their maps?

Thanks, Lisa

8/7/2008

Lisa Phipps

From: City of Nehalem [nehalemch@nehalem.tel.net]
Sent: Tuesday, August 05, 2008 1:17 PM
To: Lisa Phipps; manzbch@nehalem.tel.net
Subject: Re: OA-08-03 Notice;

The County's GIS has it (or at least, had it) as our "newest" zoning map created by Co. GIS shows the proper boundaries. The other map I have is the City's original UGB Boundary Map created in 1980 or '83, that established all of the existing zones. I'll see if I can photocopy that section of the map. Push comes to shove, DLCD should have the map and description in the archives in Salem (I've never come across the actual description of our UGB - I know it exists, but I've never seen it). Anyways, I'll look for the map...

Michael

----- Original Message -----

From: "Lisa Phipps" <lhipps@co.tillamook.or.us>
To: <manzbch@nehalem.tel.net>; "City of Nehalem" <nehalemch@nehalem.tel.net>
Sent: Tuesday, August 05, 2008 9:07 AM
Subject: FW: OA-08-03 Notice;

<<OA-08-03 Notice.pdf>> Hello, Jerry and Michael,
You will also be receiving a hard copy. We are still working on protocols and training.

We are recommending that the maps be amended to reflect the fact that they should have both been included in the Manzanita UGB - with a R2 zoning.

Michael, you alluded to a map that showed this - could you make a copy and provide me with the citation of the map so that I can use this as justification? I don't think I need the whole map- just that area and what the map is called, the date, was it adopted by somebody, blah, blah, blah.

DLCD is ok with this but would like some proof and I said "What?? The fact we all agree isn't enough??" Luckily, Laren has a great sense of humor and laughed!!

Thank you,
Lisa

-----Original Message-----

From: Debbi McClaskey
Sent: Tuesday, August 05, 2008 9:03 AM
To: Lisa Phipps
Subject: OA-08-03 Notice;

OA-08-03 Notice;

Lisa Phipps

From: City of Nehalem [nehalemch@nehalem.tel.net]
Sent: Tuesday, August 05, 2008 2:16 PM
To: Lisa Phipps; manzbch@nehalem.tel.net
Subject: Re: OA-08-03 Notice;

Attachments: Nehalem UGB Map Section.rtf



Nehalem UGB Map
Section.rtf (3...

Okay, I was able to photocopy the map and scan it in. It is attached. The map is defined as:

"City of Nehalem Zoning Designations
Base Map Prepared by CTIC June 1980
Amended December 8, 1981
Corrected October 19, 1982
Amended October 4, 1983
Corrected November 21, 1983"

The UGB boundary is defined as the horizontal lines shown on the outside of the property lines where the UGB boundary exists. Thus, as is shown, TL #2400 and 2500 are outside of Nehalem's UGB but within (I'm assuming) Manzanita's, since we know that as shown on this map, the UGB Boundary line between Nehalem and Manzanita at the end of Seamount juts out to the west like it does. Hopefully this helps...

Michael



Tillamook County



Land of Cheese, Trees and Ocean Breeze

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

August 8, 2008

Attached is Comment Letter on OA-08-03

AN EQUAL OPPORTUNITY EMPLOYER

Diane Unruh
34640 Neptune Ct.
Nehalem, OR

Mailing address:
20821 SW 84th ave
Tualatin, OR 97062

RECEIVED
AUG 07 2008
COMMUNITY
DEVELOPMENT

RE: Ordinance Amendment Request OA-08-03

In response to the Ordinance Amendment Request, I for one do not see any reason to make any changes to Lot 2400. All of the homes in Neptune Ct. are in the Nehalem Urban Growth Boundary. Lot 2400 borders lots on Neptune Ct. as well as borders the right of way that Neptune Ct. has to the bay. Lot 2400 access is from the same road that Neptune Ct has, Neptune Way, which is in Nehalem. It has been this way for years and I don't see any reason to change it.

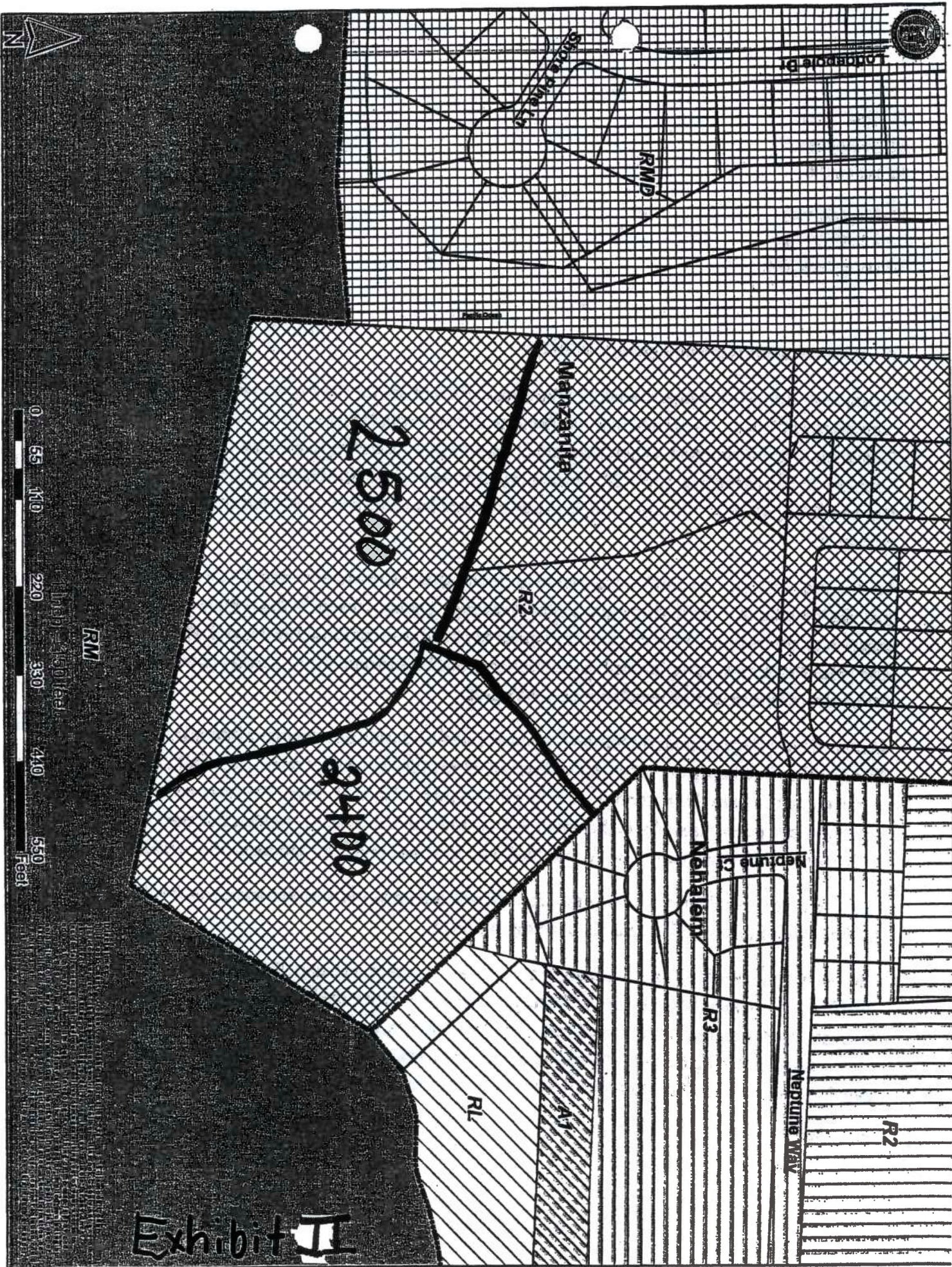
I am concerned that if lot 2400 is changed to Manzanita Urban Growth Boundary it will end up just like lot 2200 that has become Manzanita Meadows. I bought my lot in the Nehalem location to get away from the city and city lights. My lot is on a cul-de-sac at the end of a dead end road (Neptune Way) which had many trees and wildlife surrounding it. I believed that my lot bordered Wetlands that would not be developed.

Manzanita has since opened Neptune Way and allowed a housing development (Manzanita Meadows) to build on land that we have watched fill with water when it rains. They had to install pumps to keep the water from flooding the houses being built there. The trees are gone and they have put in street lights that don't belong and prevent us from enjoying the stars. We no longer have the neighborhood we once had with the dead end road and trees and wildlife.

I believe that if this change is made that Lot 2400 will end up as more of the same which will further diminish the comfort and surroundings we have.

I have concerns with the future development of the Tax Lots in question. (2400, 2500) When deciding if these lots should be zoned for housing and how dense the housing should be please take into consideration that these lots are partially Wetlands and have some Recreation Management zoning attached. These lots border the Nehalem Bay and can be seen from the Bay. Building on these lots will affect the aesthetic view for everyone.

Respectfully,
Diane Unruh



CLATSOP COUNTY DEPARTMENT
COMMUNITY DEVELOPMENT
1 LAUREL AVENUE
SEASIDE, OREGON 97141



02 1M
0004220358
\$ 02.36⁰
SEP 16 2008
MAILED FROM ZIP CODE 97141

DLCD
ATTN: Plan Amendment Spec.
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540