



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 26, 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 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 8, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Lisa Phipps, Tillamook County

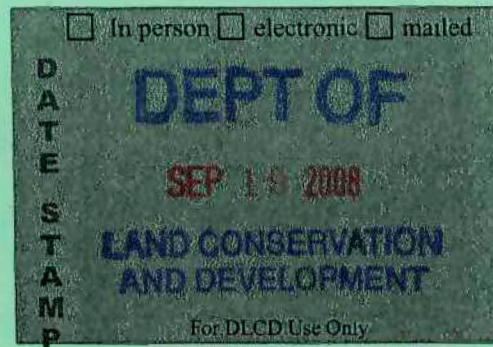
<paa> ya

FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: **Tillamook**

Local file number: **OA-08-01**

Date of Adoption: **4/9/2008**

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

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/15/2008

- 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".

Mapping error. In revising the Community Growth Boundary for Oceanside, a parcel that had previously been zoned residential, was partially zoned residential and forest with no indication in any documentation that this was to occur.

Does the Adoption differ from proposal? Please select one
No, no explanation is necessary.

Plan Map Changed from: **Boundary, relabel F to ROS** to:

Zone Map Changed from: **Boundary, relabel F to ROS** to:

Location: **Oceanside**

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 file No. _____

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

NOSD and DLCD

Local Contact: **Lisa 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.



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

Notice of Approval of OA-08-01

**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 amending the Zoning Map to restore the Community Boundary of Oceanside to include the entire parcel identified as Tax Lot 15100 in Section 30BC of Township 1 South, Range 10 West, W.M., Tillamook County, Oregon (Exhibit A) within the Community Boundary of Oceanside and to zone the entire parcel as Residential Oceanside (ROS) Zone.

Dear Applicant and Property Owner:

This letter is to confirm the action taken by the Tillamook County Board of Commissioners at their April 9, 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-08-01 was held before the Board of Commissioners on March 19, 2008 with the Board signing the Order on April 9, 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 parcel
- Location:** On the parcels designated as Tax Lot 15100 in Section 30BC of Township 1 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon.
- Current Zone:** Tax Lot 15100 was zoned both Residential Oceanside (ROS) and Forest (F). The Oceanside Community Boundary also divided the property.
- Proposed Zone:** To place the property fully within the Residential Oceanside (ROS) Zone and within the Community Boundary of Oceanside.

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-08-01
Assessor Maps

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 NW1/4 SEC.30 T.1S. R.10W. W.M.
TILLAMOOK COUNTY

IS 10 30BC
OCEANSIDE



- CANCELLED NO.
- 100
 - 400
 - 1700
 - 1900
 - 2300
 - 2400
 - 3000
 - 3500
 - 3800
 - 4100
 - 4300
 - 4700
 - 4900
 - 5900
 - 6800
 - 7200
 - 8300
 - 8900
 - 9301
 - 10000
 - 10200
 - 10500
 - 11500
 - 12100
 - 12300
 - 12701
 - 12900
 - 14300
 - 14500
 - 14800
 - 15600

Subject Property

IS 10 30BC
OCEANSIDE
REVISED 07/13/06, W5

BEFORE THE BOARD OF COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

FILED Jo
4:20 pm
APR - 9 2008 ✓
TASSI O'NEIL
COUNTY CLERK

In the matter of a request initiated by Tillamook County }
to correct the Zoning Map to amend the Community }
Boundary of Oceanside to include the entire parcel identified }
as Tax Lot 15100 in Section 30BC of the Township 1 South, } OA-08-01
Range 10 West, W.M., Tillamook County, Oregon and }
to zone the entire parcel in the Residential Oceanside (ROS) }
Zone. }

This matter came before the Tillamook County Board of Commissioners at the request of the Department of Community Development, applicant. The subject property is designated as referenced above.

The Board of Commissioners being fully apprised of the representations of the above-named applicant, 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 Ordinance Amendment OA-08-01.
- (2) Notice of the proposed action was submitted to the Department of Land Conservation and Development on January 15, 2008.
- (3) The Tillamook County Planning Commission held a public hearing for this request on February 28, 2008. The hearing was noticed in a proper manner according to the requirements of ORS 197 and 215. After reviewing the staff report containing findings of fact and conclusions, testimony and the file for OA-08-01, the Planning Commission found the application met the criteria and recommended to the Tillamook County Board of Commissioners to adopt Ordinance Amendment OA-08-01 with the following motion:

The Planning Commission recommends to the Board of County Commissioners that they amend the zoning map correcting the Scrivenor's error and restoring the Community Boundary in Oceanside to include the entire parcel identified as tax lot 15100 in Section 30BC of Township 1 South Range 10 West Willamette Meridian, Tillamook County, Oregon, within the Community Boundary of Oceanside and to zone the entire parcel as Residential Oceanside.

- (4) The Board of County Commissioners opened a de novo public hearing on the Ordinance Amendment on March 19, 2008. The hearing was properly noticed according to the requirements of ORS 197 and 215.
- (5) No public testimony was provided at the hearing.

- (6) After reviewing the Planning Commission's recommendation, the staff report containing findings and conclusions, Staff memos, the record and file pertaining to OA-08-01, the Board made the following motions:
- a) To accept the Planning Commission's recommendation.
- The decision was unanimous.

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

The Tillamook County Zoning Map is hereby amended as shown in Exhibit A. The record shall identify these changes and the maps shall be amended with the Tillamook County Department of Community Development as OA-08-01, Exhibit A.

DATED THIS 9th DAY OF April, 2008.

BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<u><i>Charles Hurliman</i></u> Charles Hurliman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Tim Josi</i></u> Tim Josi, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Mark Labhart</i></u> Mark Labhart, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil,
County Clerk

Duncan J. Beckett
Special Deputy

APPROVED AS TO FORM:

William K. Sargent
William K. Sargent





Oceanside Zoning and Community Boundary, 19 March 2008

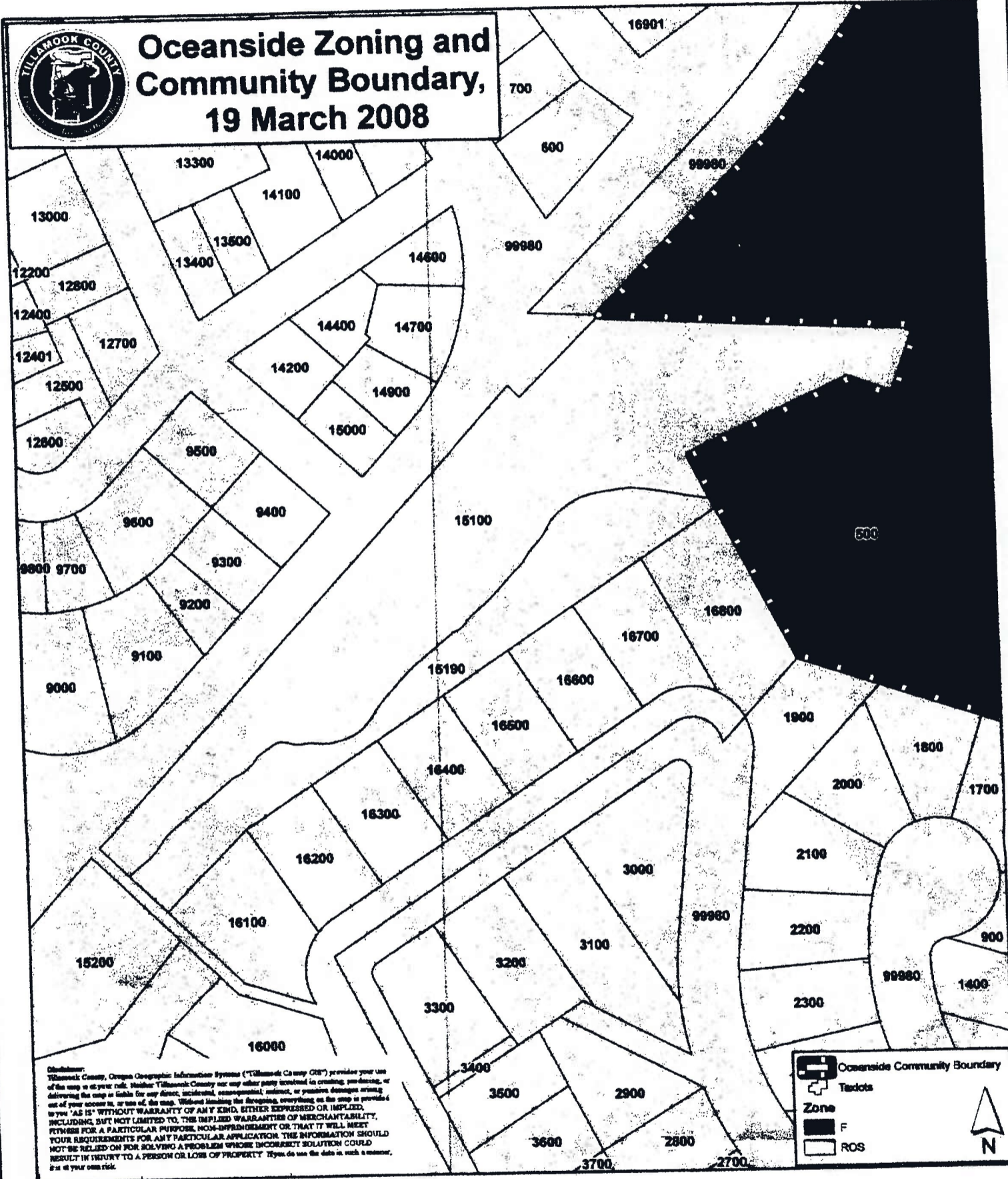
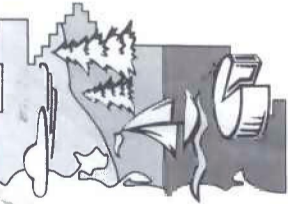


Exhibit A



Tillamook County
Community Development
201 Laurel Avenue
Tillamook, OR 97141



02 1M
0004220358
MAILED FROM ZIP CODE 97141

\$ 00.420
SEP 17 2008

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

97301-2540 0007

