NOTICE OF ADOPTED AMENDMENT

12/18/2008

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 002-08

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: Wednesday, December 31, 2008

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa> YA
Notice of Adoption

Jurisdiction: Tillamook County
Date of Adoption: 11/12/2008
Local file number: ZC-07-03
Date Mailed: 12/10/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes

Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation

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

An Exception to Goal 3 was taken to allow the applicant to apply for a Conditional Use to place a church and parsonage on 15 acres of a 66-acre parcel zoned Farm (F-1). The Goal Exception is specific to the 15-acre portion of the property and to the uses that will be allowed. A zone change did not occur. The Order was approved on 11/12/08 and staff received the recorded order on 12/3/08.

Does the Adoption differ from proposal? Yes, Please explain below:
The applicant originally was going to go through the Zone Change process in addition to the Goal Exception but in scaling back their request, determined that a Goal Exception in and of itself would address their needs.

Plan Map Changed from: N/A to: N/A
Zone Map Changed from: N/A to: N/A
Location: South of the CB of Cloverdale
Specify Density: Previous: New:

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?
If no, do the statewide planning goals apply?
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:

Local Contact:  Lisa M. Phipps  
Address:  201 Laurel Avenue  
City:  Tillamook  
Phone: (503) 842-3408  
Extension:  3328  
Fax Number: 503-842-1819  
E-mail Address: lphipps@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 maraulloa@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 maraulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.
December 10, 2008

RE: In the Matter of a Request for a Goal Exception to Statewide Planning Goal 3 to allow for a church and parsonage on a 15 acre portion of the subject property designated as Tax Lot 2400 in Section 27 of Township 4 South, Range 10 West, Willamette Meridian, Tillamook County. The subject property is currently zoned Farm (F-1).

Dear Property Owner:

This letter is to confirm the action taken by the Tillamook County Board of Commissioners at their November 12, 2008 meeting regarding the above-referenced request. The Applicant requested a Goal Exception to Statewide Planning Goal 3 on the above referenced parcel. The public hearing for ZC-07-03 was held before the Board of Commissioners on October 15, 2008 with the Board signing the Order on November 12, 2008.

The Board of Commissioners APPROVED this request with conditions. Participants in the process which 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: Exception to Statewide Planning Goal 3 for a church and parsonage, and related uses, on 15 acres of the 66 total acres adjacent to the Nestucca Valley Elementary School.

Location: On the parcel designated as Tax Lot 2400 in Section 27 of Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon.

Current Zone: Tax Lot 2400 is currently zoned Farm (F-1). The zoning will not change with this request.

Applicant: Randy Winesburgh, P.O. Box, 206, Cloverdale, Oregon 97112

II. REVIEW CRITERIA:
The request was processed against the Oregon Administrative Rule OAR 660-004 exception process. The Board of Commissioners found that the proposed use satisfies all relevant requirements and review criteria subject to the following conditions:

A) This Exception is limited to the uses proposed in the request of a 15,000 square foot church, phased as necessary, a parsonage, the use of which shall be limited to residential uses only, and adequate parking for these use as determined in Section 4.030 of the Tillamook County Land Use Ordinance.

B) Any changes to the types or intensities of these uses shall require a new Reasons Exception.

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 ZC-07-03
Assessor Maps
BEFORE THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of a Request for a Goal Exception to Statewide Planning Goal 3 to allow for a church and parsonage on a 15 acre portion of the subject property designated as Tax Lot 2400 in Section 27 of Township 4 South, Range 10 West, Willamette Meridian, Tillamook County. The subject property is currently zoned Farm (F-1).

Findings of Fact and Decision
ZC-07-03

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 ZC-07-03.

2. The Notice of Proposed Action was submitted to the Department of Land Conservation and Development on June 9, 2008.

3. A public hearing was scheduled in front of the Tillamook County Planning Commission on July 24, 2008. At the applicant’s request, the hearing was continued. The hearing was re-scheduled in front of the Planning Commission on September 25, 2008. The hearings were noticed in a proper manner according to the requirements of ORS 197 and 215. After reviewing the staff report, testimony, and the record for ZC-07-03, 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 Zone Change Request ZC-07-03.

4. The Board opened a de novo public hearing on the Zone Change Request ZC-07-03 on October 15, 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 proposed Goal Exception was consistent with the Oregon Administrative Rules (OAR) 660-004 and the policies of the Tillamook County Comprehensive Plan. The Board approved Zone Change Request ZC-07-03, 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. Zone Change Request ZC-07-03 is hereby approved as amended in the request and subject to the following conditions:
   A. This Exception is limited to the uses proposed in the request of a 15,000 square foot church, phased as necessary, a parsonage, the use of which shall be limited to residential uses only, and adequate parking for these use as determined in Section 4.030 of the Tillamook County Land Use Ordinance.
   B. Any changes to the types or intensities of these uses shall require a new Reasons Exception.

6. The subject property shall be, as set forth in the staff report (Exhibit I), filed with Tillamook County Department of Community Development as ZC-07-03 and made a part of the Tax Lot file for this property.

DATED THIS 12th DAY OF November, 2008.

BOARD OF COUNTY COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON

Charles J. Hurldman, Chairperson

Tim Josi, Vice-Chairperson

Mark Labhart, Commissioner

ATTEST: Tassi O’Neil, County Clerk

Special Deputy

APPROVED AS TO FORM:

William S. Sargent, County Counsel
15-acre portion that Goal Exception applies to.