



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

08/05/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rockaway Beach Plan Amendment
DLCD File Number 003-01

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: Tuesday, August 20, 2013

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dick Pearson, City of Rockaway Beach
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA/I



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

AUG 01 2013

LAND CONSERVATION (By City) AND DEVELOPMENT

Jurisdiction: CITY OF ROCKAWAY BEACH

Local file number: #01-06

Date of Adoption: FEBRUARY 20, 2002

Date Mailed: JULY 30, 2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: NOV. 20, 2001

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".

AMEND THE URBAN GROWTH PROPERTY TO INCLUDE 40 ACRES FORMERLY ZONED FORESTRY (F) BY TILLAMOOK COUNTY, AND ZONE R-2 (RESIDENTIAL).

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: FOREST (COUNTY) to: URBAN GROWTH BOUNDARY (CITY)

Zone Map Changed from: FORESTRY (F) to: RESIDENTIAL (R-2)

Location: SE 1/4 OF SE 1/4 T2N 10W

Acres Involved: 40

Specify Density: Previous: NONE

New: 5,000 SQUARE FEET (DWELLING UNIT)

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 003-01 (11596) [17572]

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

Local Contact: JAY SENNEWALD

Phone: (503) 355-2291 Extension:

Address: P.O. BOX 5

Fax Number: 503-355 3388

City: ROCKAWAY BEACH Zip: 97136

E-mail Address: jay@oliviabeach.com

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



City of Rockaway Beach

Office 503-355-2291 Fax 503-355-8221

276 Hwy 101 S

PO BOX 5

Rockaway Beach, OR 97136

July 30, 2013

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Subject: Notice of Adoption

During a recent review of the City of Rockaway Beach Comprehensive Plan and Zone Map, staff recently discovered that an action of the City Council taken in 2002 had not been reported by sending the required Notice of Adoption.

After discussion with DLCD Field Representative Patrick Wingard regarding the status of this action, the City is now sending the required notice, over 11 years after the amendment was approved. Please accept the current City staff's apologies for the lengthy delay in providing this notice.

Because the City is currently working to draft and adopt a new, modernized Comprehensive Plan and Zone map using G.I.S. Technology, we wish to reflect the previously adopted amendment on the new draft map. When the draft map is completed, the City will send a Notice of Proposed Amendment as required.

Please feel free to contact me at Rockaway Beach City Hall if there is a need for the City to take further action on this matter. I can best be reached on Tuesdays, when I provide contractual planning services to the City. Thank you in advance for your consideration,

Jay C. Sennewald
Rockaway Beach City Planner

BEFORE THE CITY OF ROCKAWAY BEACH CITY COUNCIL
REQUEST FOR COMPREHENSIVE PLAN AMENDMENT #01-06
FEBRUARY 13, 2002



IN THE MATTER OF A COMPREHENSIVE
PLAN AMENDMENT FOR THE
FOLLOWING PROPERTY:
CONCLUSIONS AND ORDER NO. 01-06

FINDINGS OF FACT

Map 2N10 Portion of Tax Lot 6100

ZONING: Forestry (F)

APPLICANTS: Neah-Kah-Nie School District No. 56


The above named applicant requested a Comprehensive Plan amendment to add a proposed middle school site into the Rockaway Beach Urban Growth Boundary.

The Rockaway Beach City Council held a public hearing on February 13, 2002, and a decision was made at the February 13, 2002, City Council meeting.

The Rockaway Beach City Council orders that the request for the Comprehensive Plan amendment to add a proposed middle school site into the Rockaway Beach Urban Growth Boundary #01-06, be approved and adopts the finding of fact, conclusions and conditions contained in Exhibit "A".

The effective date of this order will be March 13, 2002. This decision may be appealed to the Land Use Board of Appeals (LUBA) by an affected party by filing a written appeal within twenty-one (21) days of the date of this notice.

CITY OF ROCKAWAY BEACH
CITY COUNCIL


Terry Watts, Mayor

February 20, 2002
Date



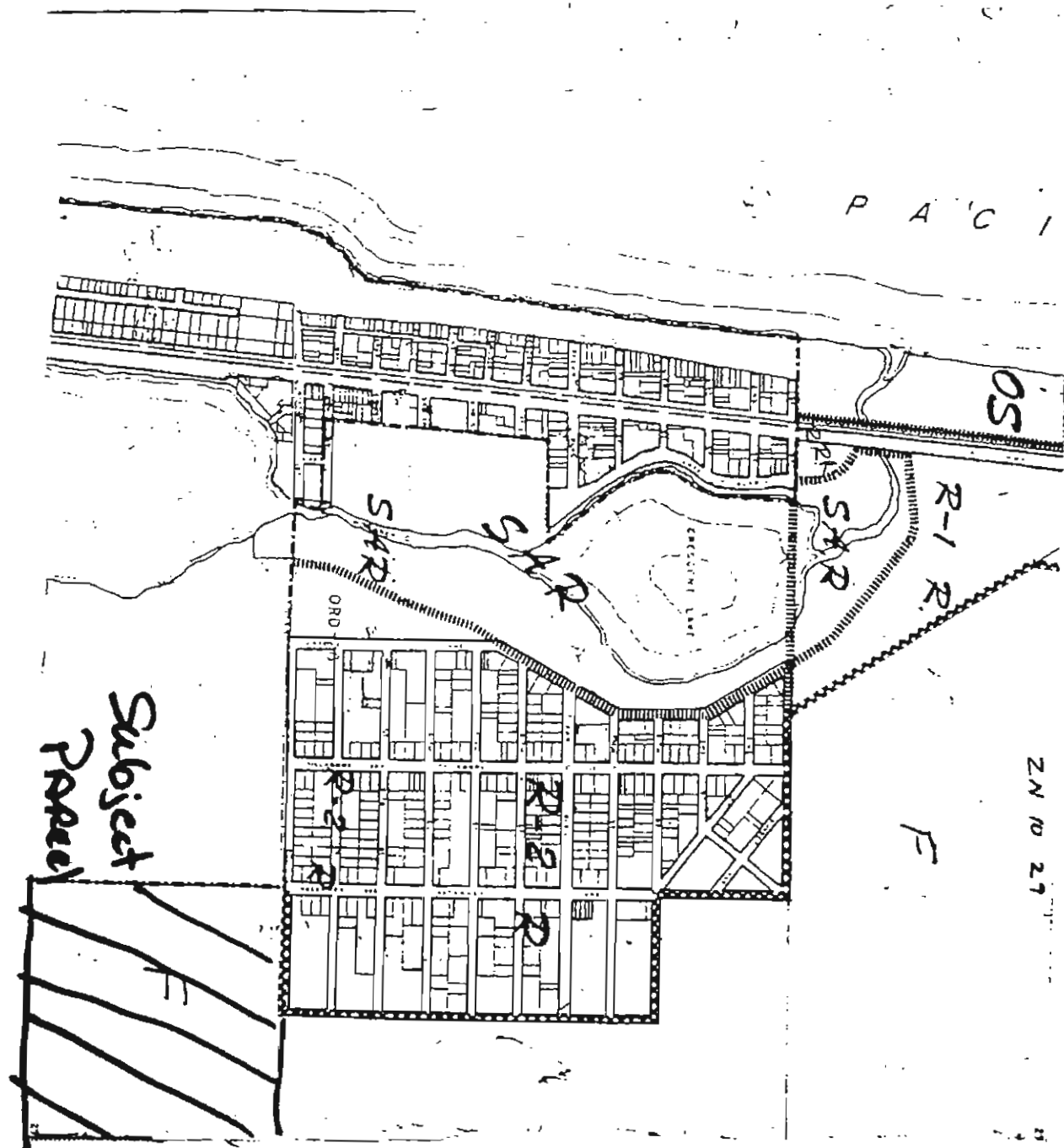
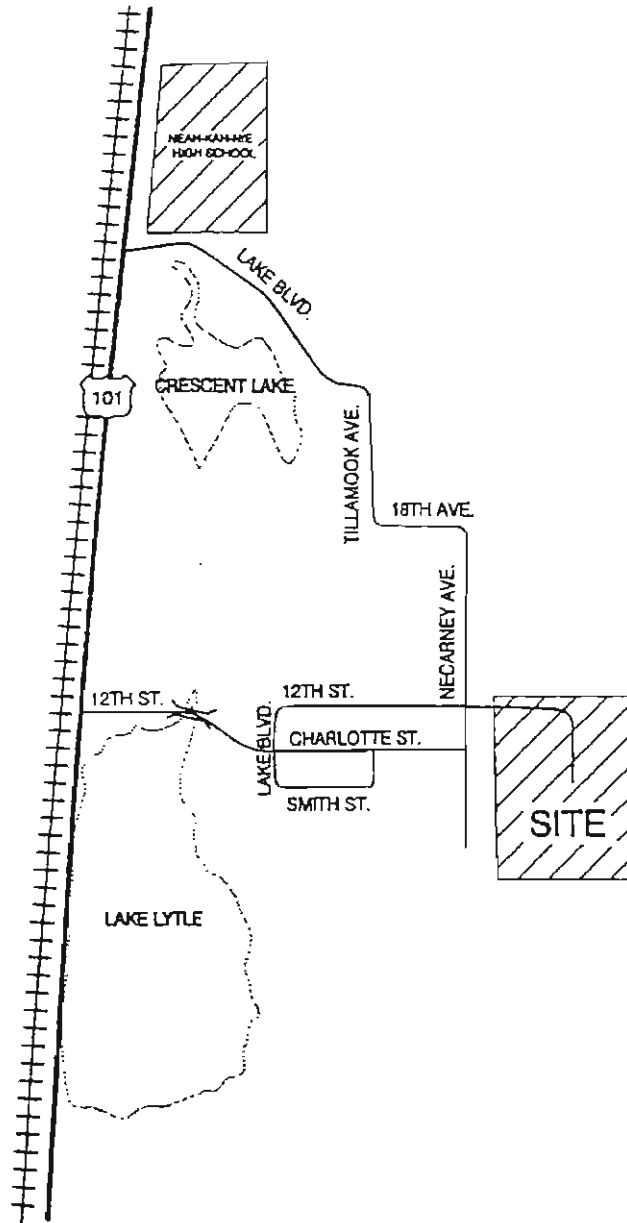


Exhibit I



SITE VICINITY MAP

NEAH-KAH-NIE MIDDLE SCHOOL
ROCKAWAY BEACH, OR
FEBRUARY 2001

FIGURE
1



EXHIBIT "A"

October 29, 2001
Revised December 4, 2001

STAFF REPORT

TO: ROCKAWAY BEACH PLANNING COMMISSION
ROCKAWAY BEACH CITY COUNCIL

FROM: DICK PEARSON, CITY PLANNER

SUBJ: REQUEST OF NEAH-KAH-NIE SCHOOL DISTRICT NO. 56 FOR A
ZONE CHANGE FROM TILLAMOOK COUNTY FORESTRY (F) TO
ROCKAWAY BEACH RESIDENTIAL (R-2).

BACKGROUND:

The Neah-Kah-Nie School District is in the process of annexing a 40 acre parcel into the Rockaway Beach Urban Growth Boundary for the purpose of building a middle school. The School District is requesting that at the time the property is removed from Tillamook County jurisdiction into Rockaway Beach jurisdiction, that a zone classification of R-2, Residential be placed upon the property.

FINDINGS:

The property is located east of the present Rockaway Beach City Limits and Urban Growth Boundary at the east terminus of NE 12th.

It is described as a portion of Tax lot 6100, Tax map 2N 10, being the SE 1/4 SE 1/4 of Section 29, T2N, R10W, W.M.

The parcel is 40 acres in size. The School District proposes to develop the site as a middle school and related facilities, such as parking and athletic fields.

The current zoning is Forestry (F) in Tillamook County. The applicant requests a zoning designation of R-2 Residential. A public school is a Conditional Use in this zone.

The criteria for zone map amendments (zone changes) are found in Section 9.015 - Burden of Proof.

1. The proposed amendment fully accords with the applicable Comprehensive Plan goals and policies; and
2. The proposed amendment is required to meet a land use need.

The applicant's responses are found in their application presentation Neah-Kah-Nie School District No. 56, Urban Growth Boundary Amendment and Land Use Applications, May 4, 2001.

Criteria 1: The applicant names two Comprehensive plan policies related to schools (Public Facilities and Services, Schools, policy 1 and policy 4.

Policy 1: The City and School District should jointly develop sports and recreation facilities that could benefit each other.

page 2

Policy 4: The school district should consult the city planning commission prior to development or disposition of any land or buildings in the city or on its fringe.

The applicant makes a finding that the proposed amendment to the plan and zoning map for the proposed middle school site is consistent with applicable City comprehensive plan's goals and policies.

In addressing the seven factors for annexation into an Urban Growth Boundary, the applicant also makes findings that apply to comprehensive plan compliance. These are:

Criteria D, page 30. The District, in the interest of public health and safety is interested in locating a new school in an area to which City services can be extended. Public facilities, including water and sanitary sewer, are adjacent to the northwest corner of the site, and can be extended to the property once it has been incorporated with the UGB and city limits. Police and fire protection can adequately be provided by the City.

Also stated (Factor 4, pg. 21 is: The District will be able to use the existing road network for access to the school, and tie into the existing water and sanitary sewer system at the northwest corner of the parcel. The school facilities and natural areas will provide social, educational, and recreational opportunities for nearby residents. The proposed natural buffers on the east and south sides of the site will provide for an efficient transition between urban and adjacent resource land uses.

In Criteria C page 30, applicant finds that the site is physically suitable for the development of a middle school. Elevations range from approximately 100 feet to 300 feet. The soils present on the site are suitable for development. The parcel is not located within a flood hazard area. It is further stated that a geologic feature is present in the eastern portion of the parcel. As site development plans become more refined, a geologic study may be recommended to determine presence of hazardous conditions. However, the site is large enough to avoid development in the area of the geologic feature, if necessary.

Criteria 2. The amendment is necessary to meet a land use need.

The applicant finds that the District's need for developing and locating a middle school in the Rockaway Beach area is fully addressed in Sections I and II of this reports. (Neah-Kah-Nie School District No. 56, Urban Growth Boundary Amendment and Land Use Applications) Applicant concludes that the amendment to the Comprehensive Plan and Zoning map is required to meet a land use need.

page 3

STAFF COMMENTS AND RECOMMENDATION:

As with the amendment to include this property into the Urban Growth Boundary, Oregon Department of Land Conservation and Development responded to this proposal in its letter of September 6, 2001.

They state: Because this project includes a zone change, it is subject to the requirements of the Transportation Planning Rule (TPR) OAR 660 Division 12, which implements Goal 12 of the State Planning Goals and Guidelines. The specific requirements for Plan and Land Use Amendments follow.

The applicant did respond to the DLCD concerns, but very shortly before the September 27, meeting.

PLANNING COMMISSION ACTION:

The Planning Commission continued this application and request to their special meeting of October 3, 2001. At that meeting, the Planning Commission approved the request to amend the Zoning Map from Forest Land (F) to Medium Density Residential R-2 zone.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that the City Council amend the Zoning Map to R-2 for the School District Site that is being annexed into the Rockaway Beach Urban Growth Boundary, based upon the following findings:

1. This staff report.
2. Neah-Kah-Nie School District No. 56, Urban Growth Boundary Amendment and Land Use Applications, May 4, 2001, and
3. The Planning Commission finding that a school is a conditional use in the R-2 Zone. A school is not a use permitted outright or a conditional use permitted in the R-3 Zone which is the other zone that adjoins the proposed school property.

REHEARING:

It was determined that the School District provided an incorrect legal description in its application. A re-hearing will occur to correct the legal description.

The re-hearing before the Planning Commission will be on January 22, 2002.

The re-hearing before the City Council will be on February 13, 2002.

EXHIBIT "A"

October 29, 2001
Revised December 4, 2001

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EMPOWERED
Filed
4-5, 2002
Tassi O'Neil
County Clerk

10:41 AM
20

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR
TILLAMOOK COUNTY, OREGON

In the Matter of an Amendment to)	
Comprehensive Plan, Ordinance)	OA 01-12
No. 32, the Tillamook County Maps)	
To amend the Urban Growth Boundary)	FINDINGS AND DECISION
Of the City of Rockaway Beach to include)	AMENDING THE TILLAMOOK
40 acre parcel identified as Township 2 North,)	COUNTY COMPREHENSIVE
Section (29) Index, Tax Lot 6100)	PLAN, ORDINANCE NO.32 AND
)	MAPS

Applicant: Neah-Kah-Nie School District Number 56, 504 N Third Avenue, Rockaway Beach, 97136

Owner: Simpson Timber Company, 1301 5th Avenue, Seattle, WA 98101

This matter came before the Tillamook County Board of Commissioners on the request of the Neah-Kah-Nie School District and the City of Rockaway Beach.


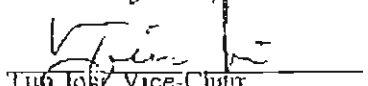
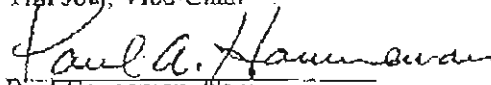
The Board of Commissioners being fully apprised of the representations of the above-mentioned person(s), all the records and files herein finds as follows:

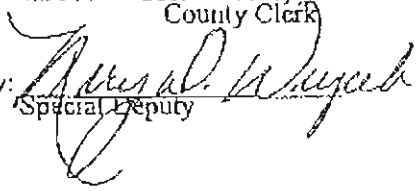
1. These changes will not affect land use patterns in the county or productivity of resource lands. The changes will help administration and enforcement of policies and maintain consistency with local agencies and citizens.
2. There would be no additional costs to the Department resources as a result of this amendment. It is not anticipated that there would be significant changes as a result of this amendment.
3. There are no resource issues associated with this request.
4. Administration and enforcement within the Department would not be altered as a result of this amendment.

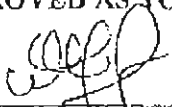
NOW THEREFORE, IT IS HEREBY ORDERED that Tillamook County Ordinance Number 32 be amended to reflect the expansion of the City of Rockaway Beach Urban Growth Boundary.

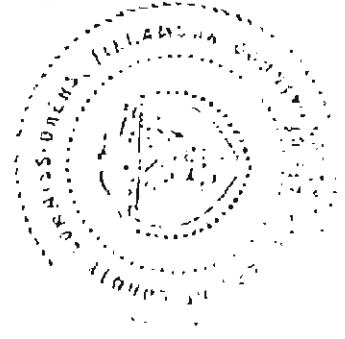
DATED THIS 1st DAY OF April, 2002.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/absent
 Charles Hyattman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tim Job, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Paul Hanneman, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil,
County Clerk
By: 
Special Deputy

APPROVED AS TO FORM:

William K. Sargent,
County Counsel



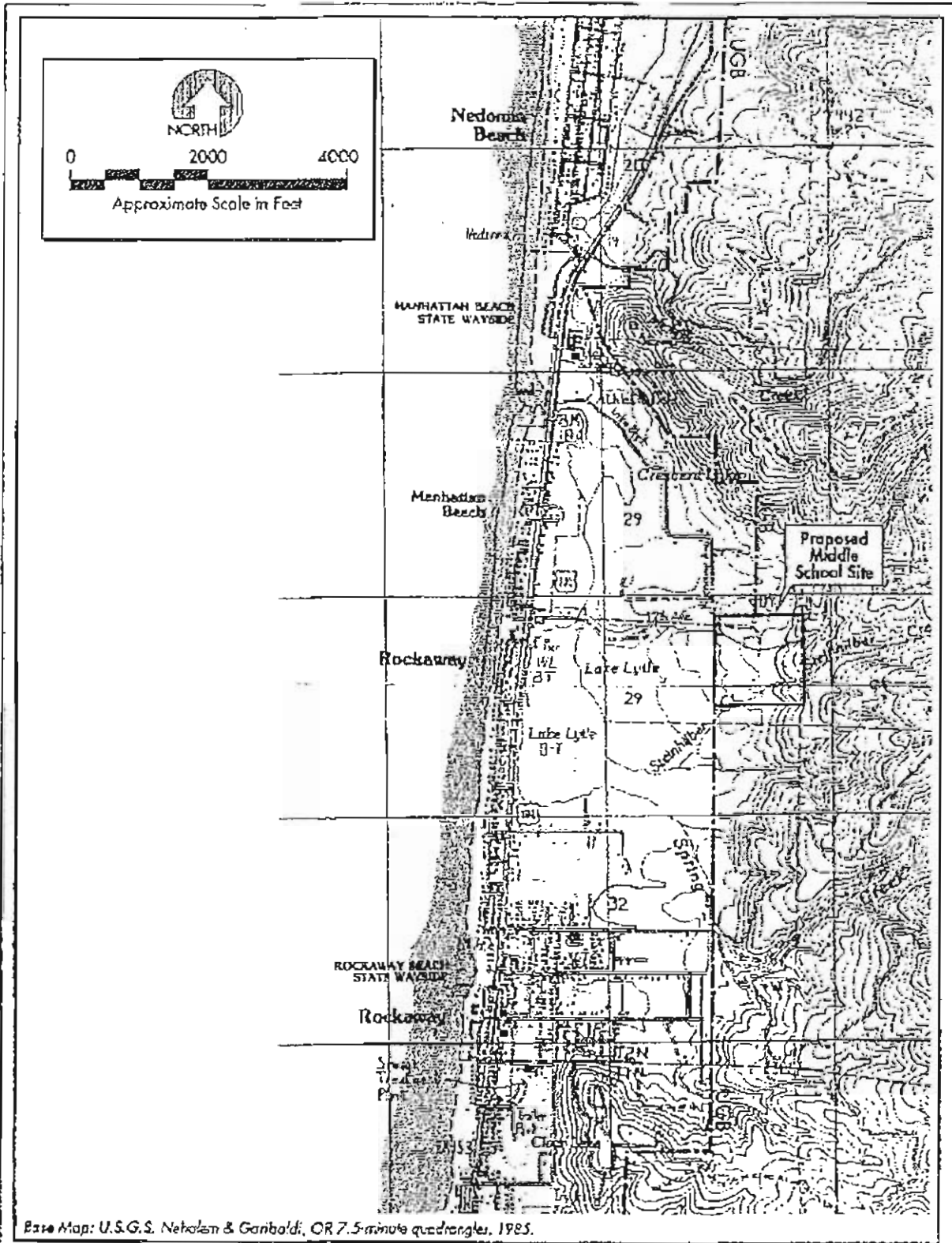


FIGURE 1

Site Location

City of Rockaway Beach
P.O. Box 5
Rockaway Beach, OR 97136



Plan Amendment Specialist
Department of Land Conservation
and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF
AUG 01 2013
LAND CONSERVATION
AND DEVELOPMENT

