

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

FILED
SEP 16 2009
3:40 PM
TASSI O'NEIL
COUNTY CLERK

In the Matter of a Vested Rights) ORDER
Decision for the Kuntz property)
Located in 2N10 24 1000 & 1001) #09-074
and 2N10 25 300 & 1001) Nunc Pro Tunc

This matter came before the Tillamook County Board of Commissioners on the request of Leo and Karen Kuntz.

The Board of Commissioners conducted a vested rights public hearing on August 26, 2009. After receiving public testimony and reviewing written materials, the Board finds as follows:

1. The Kuntzs purchased the property known as 2N10 25 300 & 1001, in 1990 and the property 2N10 24 1000 & 1001 in 1992. At that time the minimum lot size in the Farm zone was forty (40) acres.
2. The State Wide Planning Goal 3 (Farm) was revised in 1993 to require a minimum lot size of eighty (80) acres and an Eighty Thousand (\$80,000) Dollar income to be able to build a dwelling. This change took away the Kuntz's ability to build on their land.
3. The Kuntzs filed a State Measure 37 Claim (M131486) and a Measure 37 Claim with Tillamook County (M-06-24) which were both approved.
4. The Kuntzs filed a Measure 49 Review that was approved by the State Department of Land Conservation and Development on May 27, 2009.
5. The Kuntzs expended substantial time, effort and money, in good faith in developing their property after their Measure 37 Claims were approved and before Measure 49 became effective.

NOW THEREFORE, IT IS HEREBY ORDERED that:

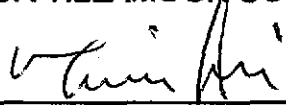
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Leo and Karen Kuntz have a vested right to develop their properties known as 2N10 25 300 & 1001 and 2N10 24 1000 & 1001 as per the Department of Land Conservation and Development's Measure 49 final order. Leo and Karen Kuntz have the right to build two (2) additional dwellings on two (2) existing tax lots on their Measure 37 Claim property.

DATED this 16th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



Tim Josi, Chair

 _____ _____


Mark Labhart, Vice-Chair


Charles J. Hurliman, Commissioner

_____ _____
 _____ _____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: 

Susan L. Beckett
Special Deputy



William K. Sargent, County Counsel

