

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of a Vested Rights )  
Decision for the Kuntz property )  
Located in 2N10 24 1000 & 1001 )  
and 2N10 25 200 & 1001 )

ORDER  
#09- 074

**FILED**  
SEP 29 2009  
328  
TASST O'NEIL  
COUNTY CLERK

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 25 200 & 1001, in 1990 and the property 2N10 24 100 & 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 a 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 25 200 & 1001 and 2N10 24 100 & 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 9th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Aye    Nay    Abstain/Absent

\_\_\_\_\_  
Tim Josi, Chair

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Mark Laphart  
\_\_\_\_\_  
Mark Laphart, Vice-Chair

✓    \_\_\_\_    1

Charles J. Hurliman  
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Charles J. Hurliman, Commissioner

✓    \_\_\_\_    1

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: Susan L. DeLupe  
Special Deputy

William K. Sargent  
William K. Sargent, County Counsel

