



TOMMY A. BROOKS
LICENSED IN OREGON AND WASHINGTON

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September 6, 2019

VIA ELECTRONIC FILING

Oregon Public Utility Commission
Attention: Filing Center
P.O. Box 1088
Salem, OR 97308-1088

Re: PCN-2 – Tillamook People’s Utility District’s Land Use Status Update

Dear Judge Moser and Judge Allwein:

During the prehearing conference held in this docket on April 4, 2018, Administrative Law Judge Patrick Power requested that Petitioner Tillamook People’s Utility District (Tillamook PUD) provide an update on the status of Tillamook County’s land use proceedings relating to the Oceanside Transmission Line. Tillamook PUD has understood this to be a standing request and has filed updates in this docket from time to time as the various land use phases have concluded.

In our last update, we informed you that the Court of Appeals had affirmed the decision by the Land Use Board of Appeals (“LUBA”), which upheld all of the County’s permitting decisions for the Oceanside Transmission Line. Following its affirmation of the County’s land use approvals, and after the time for appealing the Court’s decision to the Supreme Court lapsed, the Court issued its appellate judgment on August 5, 2019. LUBA then issued a Notice of Appellate Judgment on September 4, 2019. In that notice, LUBA confirmed that the Court’s decision required no change to LUBA’s approval of the County permits. A copy of that notice is attached.

Based on the foregoing, the County’s land use proceedings have become final for all purposes and are no longer subject to any appeals processes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Brooks', is written over a light blue circular stamp.

Tommy A. Brooks

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SEP 6 - 2019

CABLE HUSTON

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

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4 TILLA-BAY FARMS, INC., and KURT MIZEE,
5 *Petitioners,*

6
7 and

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9 OREGON COAST ALLIANCE,
10 *Intervenor-Petitioner,*

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12 vs.

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14 TILLAMOOK COUNTY,
15 *Respondent,*

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17 and

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19 TILLAMOOK PEOPLE'S UTILITY DISTRICT,
20 *Intervenor-Respondent.*

21
22 LUBA No. 2018-115

23 NOTICE OF APPELLATE JUDGMENT

24 The Court of Appeals issued an opinion in *Tilla-Bay Farms, Inc et al v.*
25 *Tillamook County et al*, CA A170642, on June 19, 2019. The appellate judgment
26 was issued on August 5, 2019.

27 The appellate court decision in this case requires no change in our final
28 opinion and order dated March 14, 2019.

29 Dated this 4th day of September 2019.

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31 
32 _____
33 H. M. Zamudio
Board Chair

Certificate of Mailing

I hereby certify that I served the foregoing Notice of Appellate Judgment for LUBA No. 2018-115 on September 4, 2019, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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Hathaway Larson LLP
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William Sargent
Tillamook County Courthouse
PO Box 652
Tillamook, OR 97141

Dated this 4th day of September, 2019.

Sara L. Urch
Staff Attorney


Denise Seaman
Executive Support Specialist