



1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

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Land of Cheese, Trees and Ocean Breeze

NOTICE OF DECISION & NOTICE OF APPEAL HEARING

***NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.***

**NOTICE OF DECISION FOR SUBDIVISION REQUEST #851-21-000095-PLNG, WITH
GEOLOGIC HAZARD REPORT REVIEW #851-21-000202-PLNG, FOR PRELIMINARY
SUBDIVISION PLAT APPROVAL OF A 58-LOT SUBDIVISION IDENTIFIED AS “SECOND
ADDITION TO AVALON HEIGHTS”**

AND

**NOTICE OF PUBLIC HEARING FOR SUBDIVISION REQUEST #851-21-000095-PLNG, WITH
GEOLOGIC HAZARD REPORT REVIEW #851-21-000202-PLNG, FOR PRELIMINARY
SUBDIVISION PLAT APPROVAL OF A 58-LOT SUBDIVISION IDENTIFIED AS “SECOND
ADDITION TO AVALON HEIGHTS”**

July 14, 2021

RE: #851-21-000095-PLNG: A request for preliminary subdivision plat approval of a 58-lot subdivision identified as “Second Addition to Avalon Heights” on a property located within the Unincorporated Community of Oceanside, together with Geologic Hazard Report review request #851-21-000202-PLNG. The subject property is located within the Oceanside Unincorporated Community Boundary and accessed via Highland Drive and Grand Avenue, County local access roads, and is designated as Tax Lot 200 of Section 30DC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Dear Interested Parties:

This letter is to confirm the action taken by the Tillamook County Planning Commission on July 8, 2021, regarding the above-referenced requests. Public hearings on the above-entitled matter were held before the Tillamook County Planning Commission on June 10, 2021, and July 8, 2021, where a decision was made on this date.

The Tillamook County Planning Commission considered this request on the basis of their authority to review a Geologic Hazard Report under Section 4.130 of the Tillamook County Land Use Ordinance and the Preliminary Plat criteria listed in Section 070 of the Tillamook County Land Division Ordinance, all other applicable standards contained the Tillamook

County Land Use Ordinance and Land Division Ordinance, Findings of Fact contained in the Staff Report dated June 3, 2021 and all testimony presented and received.

The Planning Commission voted 6 in favor and 0 opposed to deny Subdivision request #851-21-000095-PLNG together with the Geologic Hazard Report #851-21-000202-PLNG.

Due to their large size, the Planning Commission Order and other documents associated with this review are available for review on the Tillamook County Department of Community Development website at: <https://www.co.tillamook.or.us/commdev/landuseapps> and are also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Any party with standing to appeal as described in TCLUO 10.110 may appeal this decision to the Board of County Commissioners, by filing an application for an appeal, submitting written justification supporting the appeal, and submitting the required filing fee of \$250 with the Tillamook County Board of Commissioners within twelve (12) days of the date of this Notice.

Should the Department receive notice of intent to appeal this decision to the Tillamook County Board of Commissioners, Notice of Appeal Hearing to the Tillamook County Board of Commissioners is as follows:

Notice is hereby given that a virtual public hearing will be held by the Tillamook County Board of County Commissioners at **9:00a.m. on Monday, August 30, 2021, in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, to consider the following:**

RE: #851-21-000095-PLNG: An appeal of the Planning Commission's decision to deny a request for preliminary subdivision plat approval of a 58-lot subdivision identified as "Second Addition to Avalon Heights" on a property located within the Unincorporated Community of Oceanside, together with Geologic Hazard Report review request #851-21-000202-PLNG. The subject property is located within the Oceanside Unincorporated Community boundary and accessed via Highland Drive and Grand Avenue, County local access roads, and is designated as Tax Lot 200 of Section 30DC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

The Board of County Commissioners hearing will take place virtually and will be livestreamed to ensure the public is able to participate. The hearings can be accessed via teleconference, attended via Microsoft Teams meetings and by live video through tctvonline.com.

Board of County Commissioner Hearings: Please visit <https://www.co.tillamook.or.us/bocc/page/board-commissioners-meeting-schedule> for access information for Board of County Commissioner meetings. Call-In Information: Dial 971-254-3149, Conference ID: 736-023-979.

Oral testimony can be heard at the hearing on August 30, 2021, at the Tillamook County Board of County Commissioners hearing. For instructions on how to provide oral testimony at the August 30, 2021 hearing, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Allison Hinderer, DCD Office Specialist, at ahindere@co.tillamook.or.us.

Notice of public hearing, a map of the request area, and applicable specific request review criteria are being mailed to all property owners within 250 feet of the exterior boundary of the subject property for which application has been made at least 28 days prior to the date of the hearing in accordance with Article 10 of the TCLUO.

A copy of the application, Assessor's map of the area, a general explanation of the requirements for submission of testimony and procedures for conduct of hearing and the applicable review criteria are available on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

The #851-21-000095-PLNG Staff Report for appeal of preliminary subdivision plat request and Geologic Hazard Report #851-21-000202-PLNG will be available for inspection at least 7 days prior to the August 30, 2021, hearing on the

Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and will also be available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. The application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page.

For additional information concerning this Preliminary Subdivision Plat and Geologic Hazard Report request, please contact Melissa Jenck, Land Use Planner II, Department of Community Development at 503-842-3408x3301 or by email mjenck@co.tillamook.or.us.

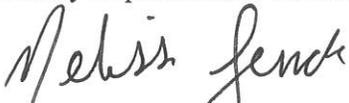
Oral testimony will be heard at the hearing. Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon 97141 prior to 8:00am on August 30, 2021, or at the hearing (if submitted by 4:00 p.m., August 23, 2021, the testimony will be included in the packet provided to the Board of County Commissioners the week prior to the hearing). Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

The criteria applicable to review of this Preliminary Subdivision Plat request is Tillamook County Land Division Ordinance Section 070: Preliminary Plat Approval Criteria and the process is outlined in Article 10: Administrative Provisions of the Tillamook County Land Use Ordinance (TCLUO). The subject property lies within an area of geologic hazard and site development requirements outlined in TCLUO Section 4.130 apply. Applicable criteria are included with this letter and these documents are available for review at the Department of Community Development and online at: <https://www.co.tillamook.or.us/commdev>.

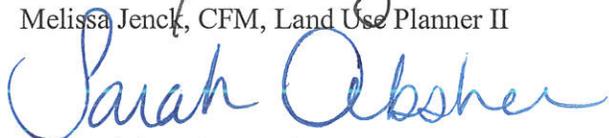
The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearing, please contact 1-800-488-8280 ext. 3303, at least 24 hours prior to the hearing in order that appropriate communications assistance can be arranged.

If you have any questions about this notice, you may contact this office at (503) 842-3408x3301.

Sincerely,
Tillamook County Department of Community Development



Melissa Jenck, CFM, Land Use Planner II



Sarah Absher, CFM, Director

Enclosures:

- Tillamook County Assessor Map, Vicinity Map & Zoning Map
- TCLDO Section 070: Preliminary Plat Approval Criteria
- TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas
- Copy of the record can be found on the Tillamook County Community Development page at: <https://www.co.tillamook.or.us/commdev/landuseapps>

TILLAMOOK COUNTY LAND DIVISION ORDINANCE
SECTION 070 PRELIMINARY PLAT APPROVAL CRITERIA

(1) Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:

- (a) The land division application shall conform to the requirements of this ordinance;
- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;
- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County’s adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;
- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
 - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

(2) Conditions of Approval. The Approval Authority may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

TILLAMOOK COUNTY LAND USE ORDINANCE
SECTION 4.130 DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

(5) The GEOLOGIC HAZARD report shall be prepared, stamped and signed by both an Oregon Registered Geologist and a qualified Oregon Registered Engineer or by an Oregon Certified Engineering Geologist. Structural recommendations shall be prepared, stamped and signed by an Oregon Registered Engineer trained and proficient in preparing structural calculations and diagrams. The Planning Director or his designee shall determine the boundary limits of the study area. The GEOLOGIC HAZARD report shall be prepared and submitted on forms deemed acceptable by the County and shall include plan and sectional diagrams of the area showing property boundaries and the geographic information required by (6) below.

- (6) The GEOLOGIC HAZARD analysis shall include the following:
- (a) In landslide areas [(1) (a) and (1) (b)];
 - i. Soils and bedrock types,
 - ii. Slope,

- iii. Orientation of bedding planes in relation to the dip of the surface slope,
- iv. Soil depth,
- v. Other relevant soils engineering data,
- vi. Water drainage patterns, and vii. Identification of visible landslide activity in the immediate area.

- (b) In areas prone to mudflow [(1) (c)];
 - i. History of mud or debris flow, and
 - ii. Areas likely to be affected by future mudflow.
- (c) In Brallier peat soils [(1) (d)];
 - i. Boring log,
 - ii. Bearing capacity, and
 - iii. Drainage patterns.
- (d) Ocean front bluffs subject to coastal erosion and sliding [(1) (e)];
 - i. Information required by (6) (a) above, and
 - ii. History of coastal erosion in the area.

(7) The GEOLOGIC HAZARDS report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:

- (a) Development density (when more than one use is possible),
- (b) Locations for structures and roads,
- (c) Land grading practices, including standards for cuts and fills,
- (d) Vegetation removal and re-vegetation practices,
- (e) Foundation design (if special design is necessary),
- (f) Road design (if applicable), and
- (g) Management of storm water runoff during and after construction.

(8) The GEOLOGIC HAZARD report shall include the following summary findings and conclusions:

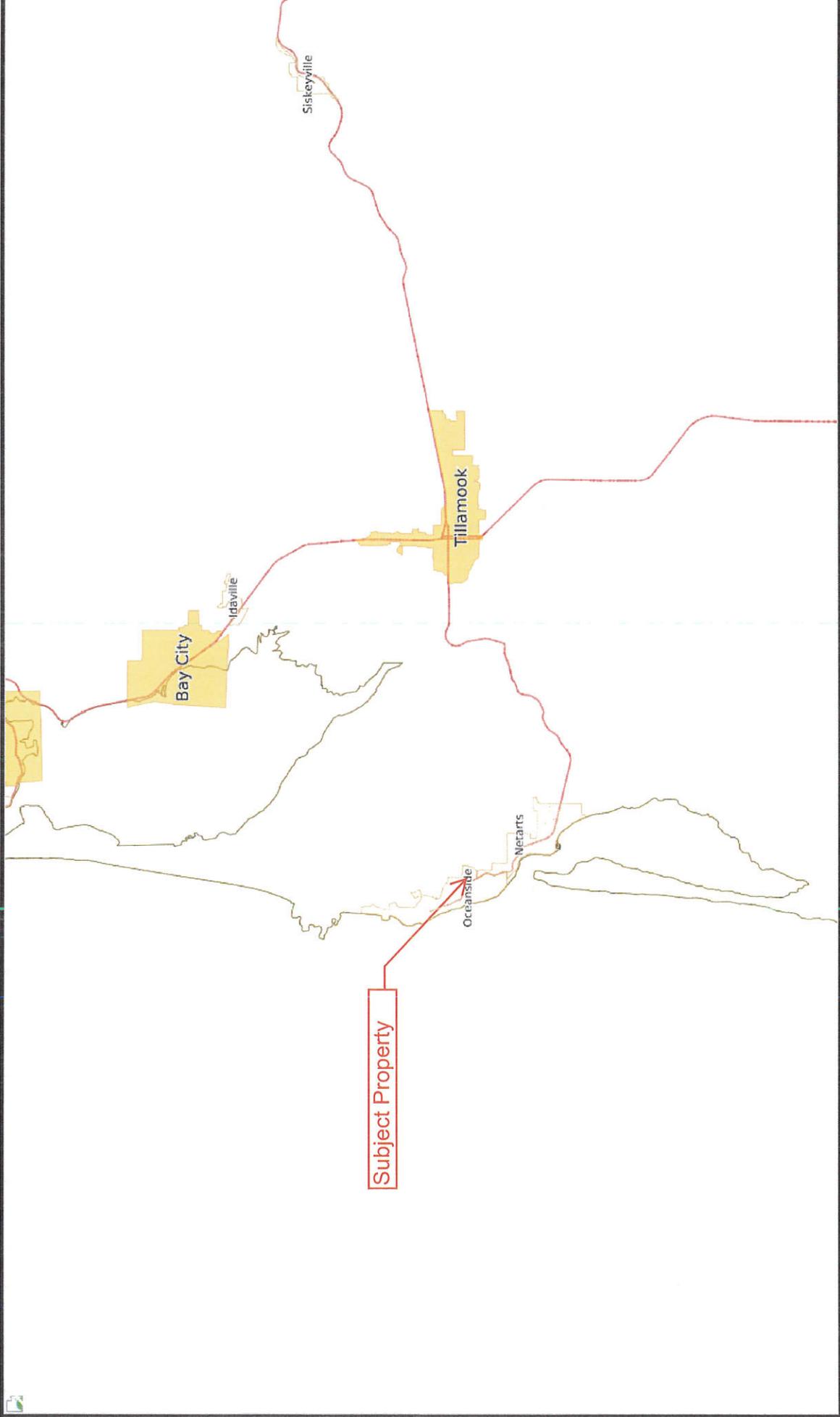
- (a) The type of use proposed and the adverse effects it might have on adjacent areas;
- (b) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use;
- (c) Methods for protecting the surrounding area from any adverse effects of the development;
- (d) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- (e) The proposed development is adequately protected from any reasonably foreseeable hazards including but not limited to GEOLOGIC HAZARDS, wind erosion, undercutting, ocean flooding and storm waves; and
- (f) The proposed development is designed to minimize adverse environmental effects

EXHIBIT A



Tillamook County GIS

Vicinity Map: 851-21-000095 - PLNG Subdivision Second Addition
to Avalon Heights





Tillamook County GIS

Zoning Map: 851-21-000095 - PLNG Subdivision Second Addition to Avalon Heights

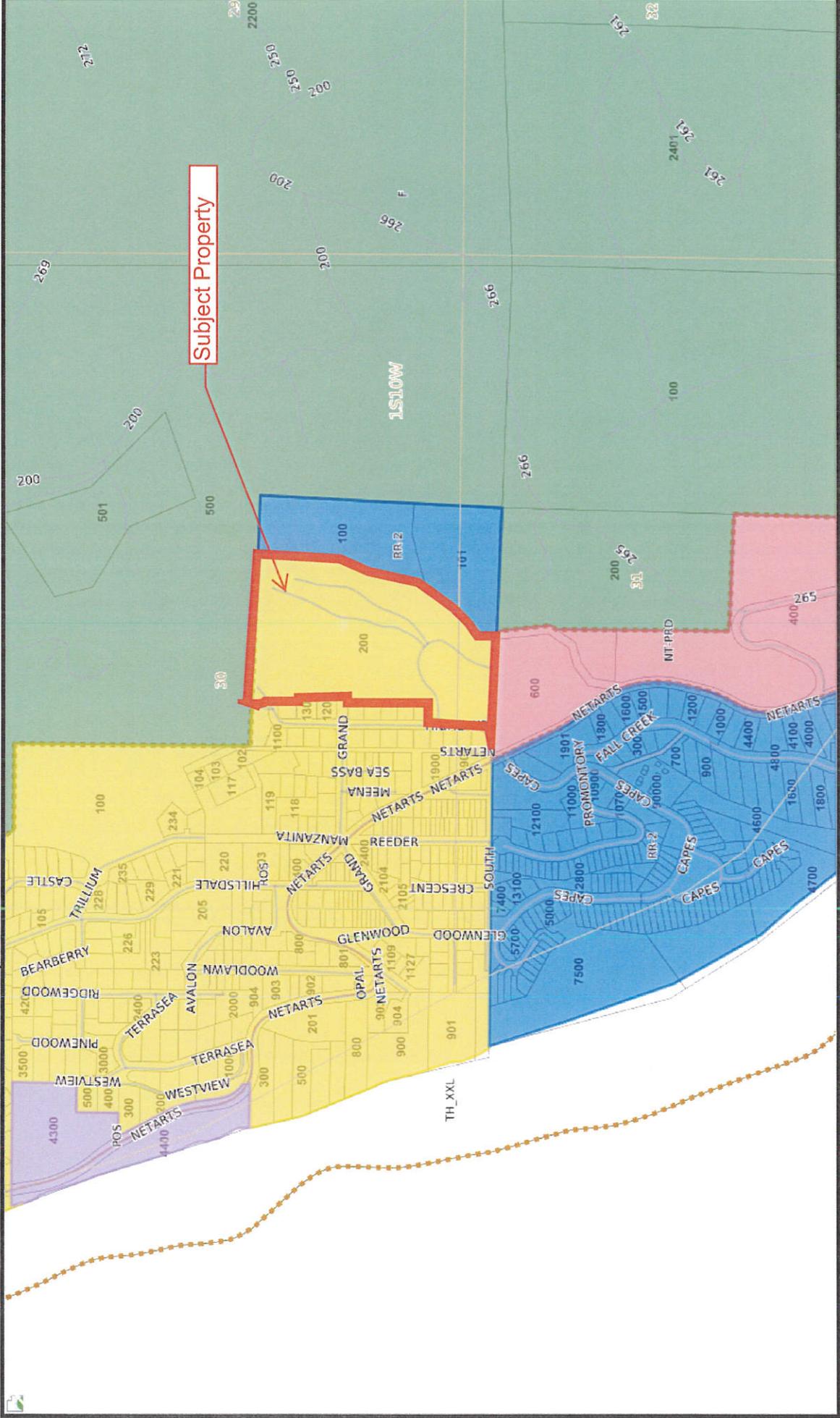


EXHIBIT B

