



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

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Planning (503) 842-3408  
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*Land of Cheese, Trees and Ocean Breeze*

## **NOTICE OF DECISION**

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

**APPEAL OF THE PLANNING COMMISSIONS DECISION TO DENY 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”  
(APPEAL #851-21-000309-PLNG: HUGHES/AVALON HEIGHTS LLC)**

November 29, 2021

**RE: #851-21-000309-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.

Dear Interested Parties:

This letter is to confirm the action taken by the Tillamook County Board of County Commissioners on October 22, 2021, regarding the above-referenced requests. Public hearings on the above-entitled matter were held before the Tillamook County Board of County Commissioners on August 30, 2021, and October 22, 2021, where a decision was made on this date. The enclosed Board Order was approved and signed at the Board of County Commissioners meeting on November 24, 2021.

The Tillamook County Board of County Commissioners 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, all testimony and evidence presented and received.

The Board of County Commissioners voted 3 in favor and 0 opposed to overturn the Planning Commission’s decision and grant the appeal for Subdivision request #851-21-000095-PLNG together with the Geologic Hazard Report #851-21-000202-PLNG. Subdivision request #851-21-000095-PLNG a request for preliminary subdivision plat approval of a 58-lot

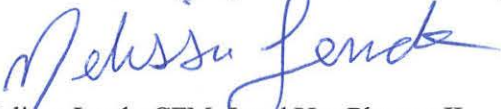
subdivision identified as "Second Addition to Avalon Heights" together with Geologic Hazard Report review #851-21-000202-PLNG is approved, subject to the Conditions of Approval.

Due to their large size, the Board 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 Land Use Board of Appeals pursuant with Oregon Revised Statutes 197.805 – 197.860 within twelve (12) days of the date of this Notice.

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
- Copy of the record can be found on the Tillamook County Community Development page at: <https://www.co.tillamook.or.us/commdev/landuseapps>

**CONDITIONS OF APPROVAL FOR “SECOND ADDITION TO AVALON HEIGHTS” PRELIMINARY PLAT & GEOLOGIC HAZARD REQUEST**

Tillamook County Land Division Ordinance Section 090 requires the applicant to file a Final Plat within 24 months of approval of the Preliminary Plat, unless an extension is granted as provided by Section 040. A request for an extension must be submitted prior to the expiration of 24 months.

1. The applicant/owner shall conform to all Federal, State and local regulations, and shall obtain all required permits prior to construction and/or development.
2. All taxes owed shall be paid in full prior to recording of the final plat.
3. A letter of final approval is required from the Netarts Water District and the Netarts-Oceanside Sanitary District, confirming all facility improvements have been satisfactorily constructed prior to Final Plat approval. Letters of water and sewer availability are required for the development of individual lots and shall be submitted to Community Development at the time of zoning permit submittal.
4. Development of each lot shall conform to the development standards outlined in TCLUO Section 3.310 Residential Oceanside (ROS) zone as applicable.
5. The applicant/property owner shall measure the height of all structures from the existing grade prior to development. A topographic survey of the pre-existing conditions prior to subdivision development construction of the site shall be required at time of building permit submittal. Building permit applications shall include elevations of the site,

defining existing grade (pre-development), and confirm that the overall height of the structure is in accordance with the development standards outlined in TCLUO Section 3.310: Residential Oceanside (ROS) zone.

6. Site specific Geologic Hazard Reports are required for the development of each lot in accordance with TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
7. In accepting this approval, the property owner understands intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owner hereby acknowledges that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owner acknowledges the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owner understands preference will be given to farm and forest practices.

A covenant to the deed shall be required for Proposed Lots 22-24 & 47-50, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. A copy of the recorded covenant included as 'Exhibit D' shall be provided at the time of Final Plat approval for all lots adjacent to resource zoned land.

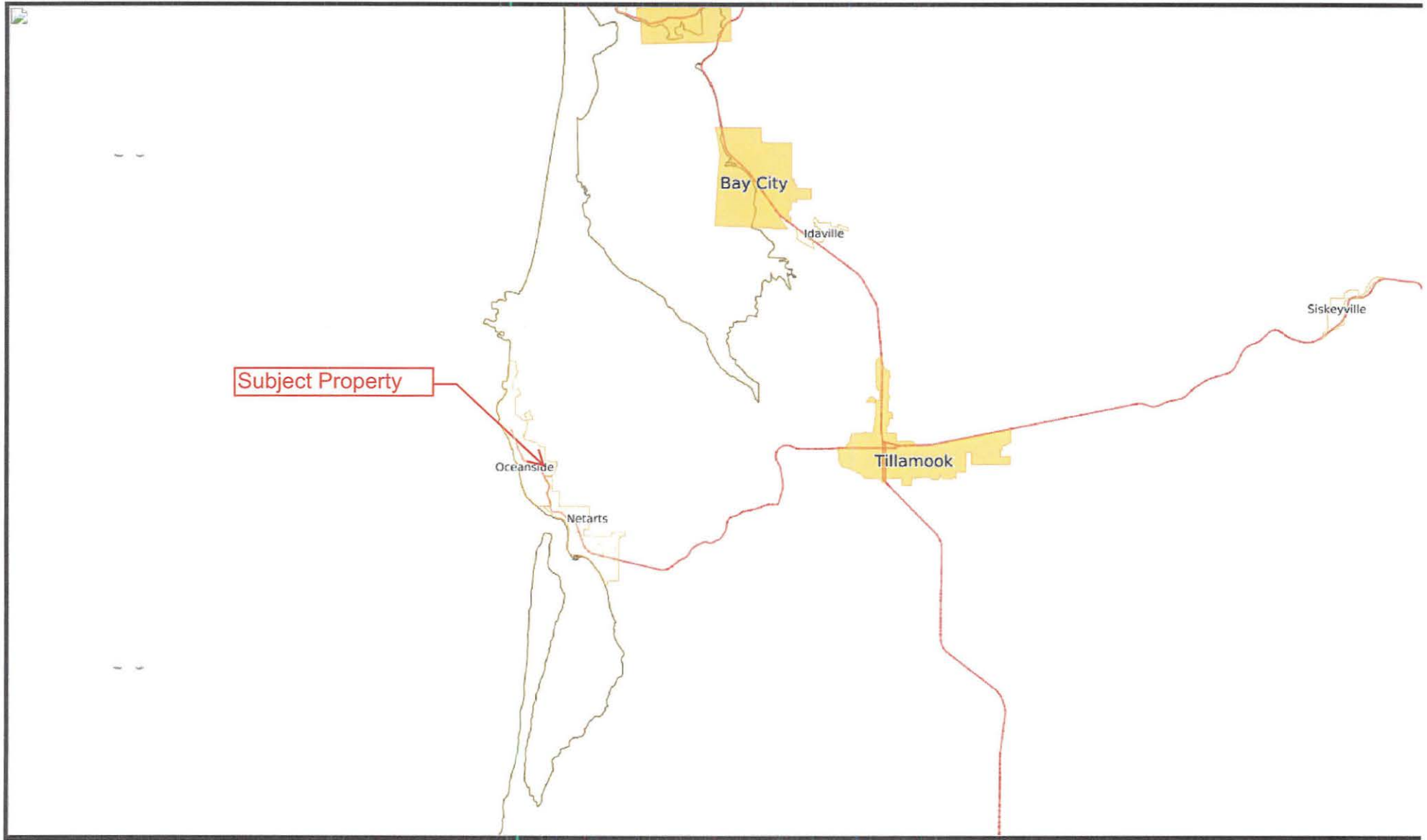
8. The applicant/property owner shall meet the requirements set forth by the Netarts-Oceanside Fire District.
9. Any modifications made to the preliminary plat, prior to final plat approval, shall require approval from the Tillamook County Planning Commission for those adjustments.
10. Final approval of this Land Division Application shall require that all proposed roadways and storm draining systems shall remain in private ownership and the responsibility for the landowners or recorded Home-Owners Association.
11. The applicant complies with Tillamook County Public Works requirements for Final Construction Plans. Tillamook County reserves the right to provide additional requirements for construction after reviewing the construction plans when they become available. Construction activities are not permitted until the Final Construction Plans have been approved by Tillamook County Public Works and the water & sewer districts.
12. It is the sole responsibility of the applicant to ensure that they establish and maintain appropriate land use and environmental permits as may be required from all other Federal, State and Local jurisdictions.
13. With these conditions Tillamook County in no way authorizes the use or development of land in contradiction to any Federal, State or local law.
14. Tillamook County Public Works reserves the right to review any future changes in parcel boundary or roadway location as may be required to complete any development or building permit applications.
15. Off-site improvements:
  - a. Highland Drive is classified as a Local Access Road and has not been accepted into the County system. Subsequently, it is not maintained by the Tillamook County Public Works.
  - b. Public Works requires Highland Drive to be paved as part of this project, including drainage improvements as needed. Improvements to Highland Drive may be completed in phases to coincide with the subdivision phasing.
    - i. Phase 1: Highland Drive Improvements consisting of paving and drainage improvements from the intersection with Highway 131 to the intersection with the proposed Roaring Tides Loop will be completed by the developer prior to the County approval of the Final Plat of Phase 1.
      1. The developer shall provide construction plans prepared by a licensed engineer. The plans shall be reviewed and approved by the County prior to construction.

2. Prior to construction, the developer shall provide the county a bond or similar instrument for the construction costs agreed to by the county and the developer so ensure that the county has the financial resources to construct the improvements should the developer default on his improvements.
  - i. Phase 2: Highland Drive improvements consisting of paving and storm drainage improvements for the remainder of Highland Drive, between the north and south ends of the Roaring Tides Loop will be complete by the developer prior to County approval of the Final Plat for Phase 2.
    1. The developer shall provide construction plans prepared by a licensed engineer. The plans shall be reviewed and approved by the County prior to construction.
    2. Prior to construction, the developer shall provide the county a bond or similar instrument for the construction costs agreed to by the county and the developer so ensure that the county has the financial resources to construct the improvements should the developer default on his improvements.
  - c. It is required that the developer remove roadside vegetation to improve sight distance as identified in the Transportation Impact Study:
    - i. From the intersection of Hwy 131 to the proposed intersection off Highland Drive and Roaring Tides Loop.
    - ii. At the intersection of Highland Drive and Grand Avenue.
    - iii. Where Roaring Tides Loop connects to Highland Drive at the north end of the proposed development.
    - iv. It is also required that the developer provide unobstructed vertical clearance of not less than 13-foot 6 inches along Highland Drive and Grand Avenue to comply with Tillamook County Fire Defense Board Single, Multi-Family and Residential Development Road Access Guidelines updated in 2020.
  - d. Grand Avenue
    - i. Improvements to Grand Avenue from Highland Drive to Hwy 131 are required to be completed by the developer. The following are to be completed prior to County approval of Phase 2:
      1. The developer shall provide construction plans for the proposed work prepared by a licensed engineer. The plans shall be reviewed and approved by the County prior to construction. The work shall consist of road surface grading, a three-inch overlay and minor storm drainage improvements limited to ditching and culverts. Work may include costs associated with the diverting storm water away from Grand Avenue. A cost estimate will be prepared for an engineer to design the work and an independent contractor to perform the work. All costs are to be determined based on the conditions documented in StreetPix Viewer with photos dated September 29, 2020. <http://tillamook.streetpixweb.com/>
      2. The developer shall provide the county a bond or similar instrument for a minimum of 47% of the construction costs described above and agreed to by the county and the developer to ensure that the county has the financial resources to construct the improvements should the developer default on these improvements. The bonding can be reduced based on work done in advance of the Final Plat for Phase 2.
      3. All work done on Grand Avenue requires a permit from Public Works in advance of construction.
16. Road "A" will need to be named.
17. Other comments/questions listed in the July 1, 2021 Staff Report from Tillamook County Public Works are addressed and accepted by Tillamook County Public Works.



# Tillamook County GIS

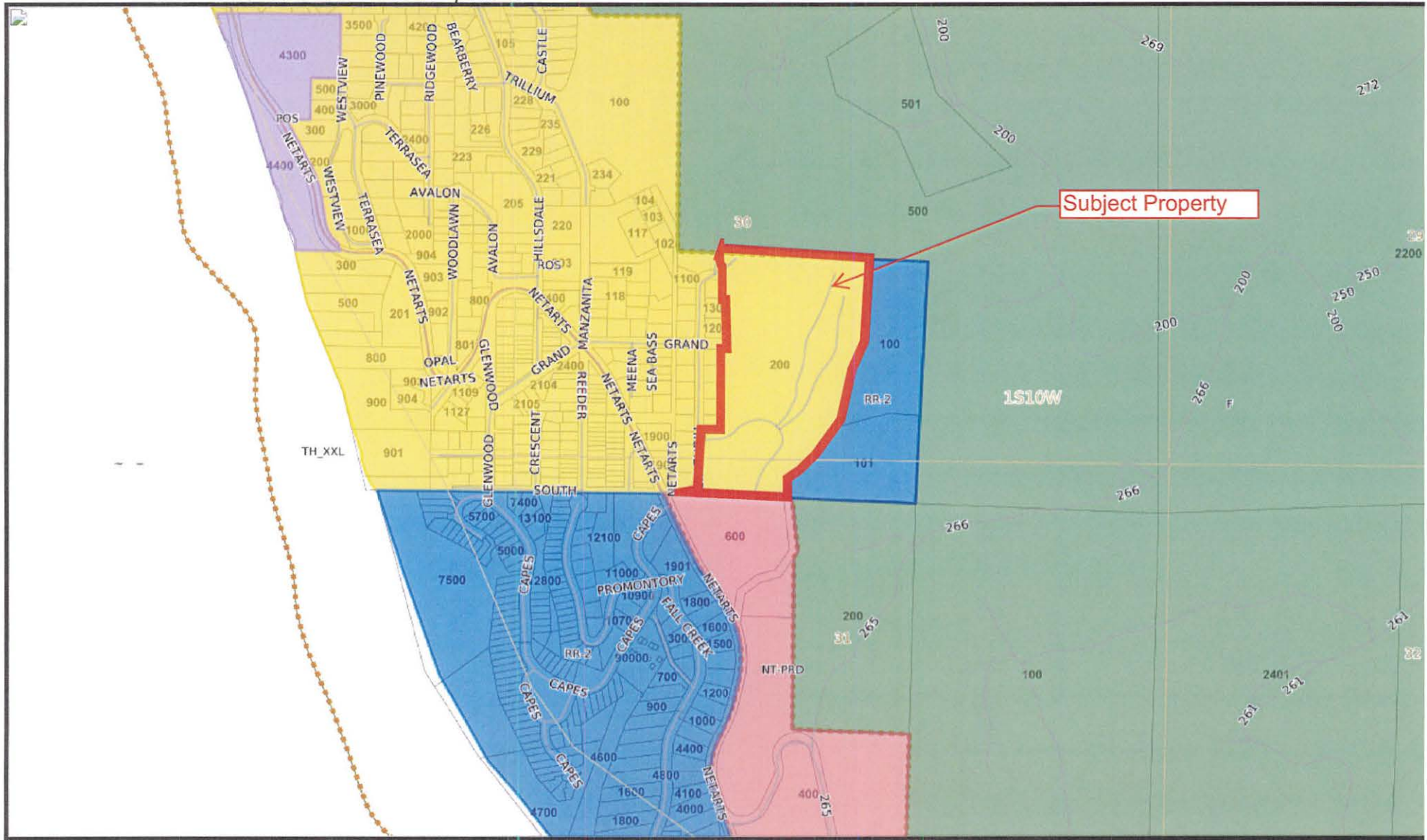
Vicinity Map: 851-21-000095-PLNG Subdivision Second Addition to Avalon Heights





# Tillamook County GIS

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



Created: Mon May 17 2021-12:25:19

Active Layers:County\_Boundary, Fed\_state\_highways, citylimit, community\_polygon, TaxlotOwner, highlight, Tillamook\_County\_Zoning, Township\_Range\_Section, Road\_Centerline

Extent:-13800512.608554, 5691734.3390818, -13796654.927284, 5693704.981217

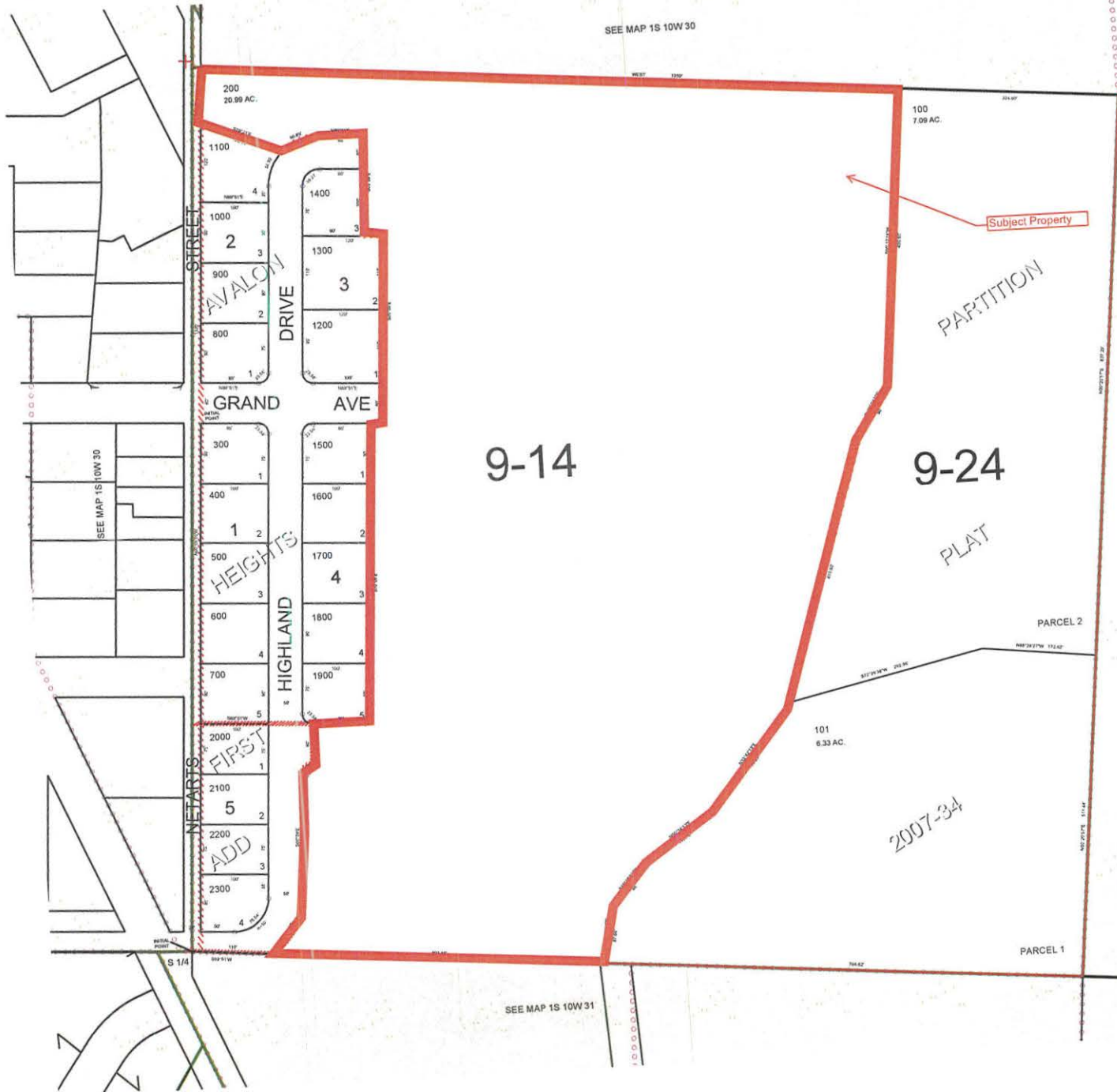
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W.1/4 S.E.1/4 SEC.30 T.1S. R.10W. W.M.  
TILLAMOOK COUNTY  
1" = 100'

01S10W30DC  
AVALON HEIGHTS

SEE MAP 1S 10W 30



Subject Property

PARTITION

9-14

9-24

PLAT

SEE MAP 1S 10W 30

PARCEL 2

101  
6.33 AC.

2007-34

PARCEL 1

SEE MAP 1S 10W 31

01S10W30DC  
AVALON HEIGHTS  
Revised 4/11/19, WS