

BEFORE THE BOARD OF COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

IN THE MATTER OF AMENDING THE CONDITIONS OF) APPROVAL FOR "COUGAR RIDGE" SUBDIVISION,) FORMERLY KNOWN AS "SECOND ADDITION TO) AVALON HEIGHTS", A 58-LOT SUBDIVISION ON A) PROPERTY LOCATED WITHIN THE UNINCORPORATED) COMMUNITY OF OCEANSIDE, 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. (TENTATIVE) SUBDIVISION PLAT APPROVAL INCLUDES APPROVAL) OF GEOLOGIC HAZARD REPORT #851-21-000202-PLNG)))	FINDINGS OF FACT, CONCLUSIONS AND ORDER #851-21-000309-PLNG
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APPLICANT: Bill Hughes, 41091 Old Highway 30, Astoria, Oregon 97103

PROPERTY OWNER: Avalon Heights LLC, 41901 Old Hwy 30, Astoria, OR 97103

This matter came before the Tillamook County Board of Commissioners at the request of the Tillamook County Department of Community Development and the Applicant.

The Board of Commissioners, being fully apprised of the representations of the above-named persons and the record in the file in this matter, finds as follows:

1. The files of this proceeding can be found in the office of the Tillamook County Department of Community Development under #851-21-000309-PLNG. (Includes Land Use Decisions for #851-21-000095-PLNG and #851-21-000202-PLNG.)
2. On behalf of the Applicant, the Department of Community Development requested that the Conditions of Approval for "Cougar Ridge" Subdivision, formerly known as "Second Addition to Avalon Heights" be amended to include a phasing schedule for final plat approval of Phases 1-3 of the tentatively approved subdivision in accordance with the criteria outlined in Section 04(4): Phased Subdivisions, of the Tillamook County Land Division Ordinance.
3. The Tillamook County Board of Commissioners opened a de novo public hearing on May 31, 2023. The hearing was properly noticed according to the requirements of Tillamook County Land Use Ordinance Article 10, ORS 197 and 215. The Board then deliberated and voted unanimously (3-0) to amend the adopted Conditions of Approval to incorporate a phasing schedule for final plat approval of Phases 1-3 of the tentatively approved subdivision based upon evidence in the record and testimony received at the hearing demonstrating applicable criteria had been met.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

Section 1. The Conditions of Approval for #851-21-000309-PLNG are amended to include the following phased schedule for final plat approval of "Cougar Ridge" Subdivision:

- Phase 1 completion with final plat approval by October 21, 2023
- Phase 2 completion with final plat approval by October 21, 2025
- Phase 3 completion with final plat approval by October 21, 2027

Section 2. The Conditions of Approval as amended attached as "Exhibit A" are hereby incorporated by reference and adopted in support of this order.

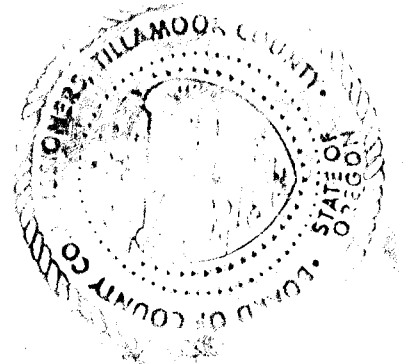
DATED this 7th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
<u>Erin D. Skaar</u> Erin D. Skaar, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Mary Faith Bell</u> Mary Faith Bell, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Absent</u> David Yamamoto, Commissioner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ATTEST: Tassi O'Neil,
County Clerk
Dora Garland
Special Deputy

APPROVED AS TO FORM:
William K. Sargent
William K. Sargent, County Counsel



“EXHIBIT A”

CONDITIONS OF APPROVAL FOR “COUGAR RIDGE” SUBDIVISION (FORMERLY KNOWN AS “SECOND ADDITION TO AVALON HEIGHTS”)

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. Phases 1-3 are tentatively approved with the following phased schedule for final plat approval of each phase:
 - Phase 1 completion with final plat approval by October 21, 2023
 - Phase 2 completion with final plat approval by October 21, 2025
 - Phase 3 completion with final plat approval by October 21, 2027
4. 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.
5. Development of each lot shall conform to the development standards outlined in TCLUO Section 3.310 Residential Oceanside (ROS) zone as applicable.
6. 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.
7. 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.
8. 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.

9. The applicant/property owner shall meet the requirements set forth by the Netarts-Oceanside Fire District.
10. Any modifications made to the preliminary plat, prior to final plat approval, shall require approval from the Tillamook County Planning Commission for those adjustments.
11. 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.
12. 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.
13. 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.
14. With these conditions Tillamook County in no way authorizes the use or development of land in contradiction to any Federal, State or local law.
15. 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.
16. 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-feet 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.
17. Road "A" will need to be named.
18. 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.