



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Riverview Meadows Dev Phone: 503-805-8741
 Address: 23765 SE Highway 212
 City: Damascus State: OR Zip: 97089
 Email: careysheldon17@yahoo.com (Tracy Brown, consultant -#)

Property Owner

Name: Phone:
 Address:
 City: State: Zip:
 Email:

Location:

Site Address: Riverview Meadows Phase 2
 Map Number: 3 North 10 West 23B 3600
Township Range Section Tax Lot(s)

Land Division Type: Partition (Two or Three Lots, Type II) Subdivision (Four or More Lots, Type III)
 Preliminary Plat (Pages 1-2) Final Plat (Page 3)

PRELIMINARY PLAT (LDO 060(1)(B))

- For subdivisions, the proposed name.
- Date, north arrow, scale of drawing.
- Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site.

- Existing streets with names, right-of-way, pavement widths, access points.
- Width, location and purpose of existing easements
- The location and present use of all structures, and indication of any that will remain after platting.
- Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
- Location of all existing subsurface sewerage systems, including drainfields and associated easements

General Information

- Parcel zoning and overlays
- Title Block
- Clear identification of the drawing as "Preliminary Plat" and date of preparation
- Name and addresses of owner(s), developer, and engineer or surveyor

Existing Conditions

- Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor
- The location and elevation of the closest benchmark(s) within or adjacent to the site
- Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats
- For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

- Fifteen (15) legible "to scale" hard copies
- One digital copy

Other information:

OFFICE USE ONLY
Date Stamp <div style="border: 1px solid blue; padding: 5px; text-align: center;"> RECEIVED FEB 04 2026 BY: County-APT-SS </div>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: SS
Receipt #: 90836
Fees: 19,005.00
Permit No: 851-26 00055-PLNG

Proposed Development

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts
- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

Additional Information Required for Subdivisions

- Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- Description of the plat perimeter
- The names and signatures of all interest holders in the land being platted, and the surveyor
- Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- Provisions for access to and maintenance of off-right-of-way drainage
- Block and lot boundary lines, their bearings and lengths
- Block numbers
- Lot numbers
- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

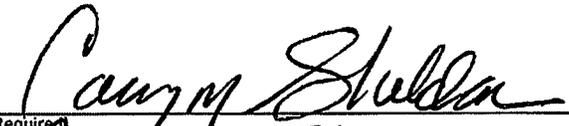
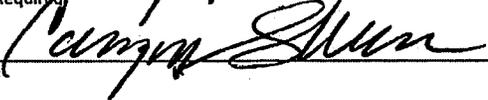
Certificates:

- Title interest & consent Water
- Dedication for public use Public Works
- Engineering/Survey

Additional Information:

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

 _____ Property Owner (*Required)	NOV 17 th 2025 _____ Date
 _____ Applicant Signature	NOV 17 th 2025 _____ Date

Business Registry Business Name Search

[New Search](#)

Business Entity Data

02-04-2026
13:20

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
202163-88	DBC	ACT	OREGON	05-11-1990	05-11-2026	
Entity Name		SHELDON DEVELOPMENT INC.				
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			Country
Addr 1	23765 SE HWY 212				
Addr 2					
CSZ	DAMASCUS	OR	97089		UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	Resign Date
Name	CAREY	M	SHELDON	08-02-2010	
Addr 1	23765 SE HWY 212				
Addr 2					
CSZ	DAMASCUS	OR	97089		UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS			Country
Addr 1	PO BOX 883				
Addr 2					
CSZ	FAIRVIEW	OR	97024		UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date
Name	CAREY	M	SHELDON	
Addr 1	23765 SE HWY 212			
Addr 2				
CSZ	DAMASCUS	OR	97089	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date
Name	BLAKE		SHELDON	
Addr 1	278 SW LILLYBEN AVE			
Addr 2				
CSZ	GRESHAM	OR	97080	UNITED STATES OF AMERICA

[New Search](#)

Name History



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: Carey Sheldon,
Riverview Meadows, LLC

From: Michael Ard, PE

Date: December 29, 2025

Re: Riverview Meadows – Analysis Update Memorandum



The prior approval of the Riverview Meadows residential development has expired, and a new application is being prepared. This analysis update memorandum is written to provide a summary of the elements included in the original Traffic Impact Study dated October 7, 2022, describing which conclusions remain valid and providing updates for any portions which may require updates.

The prior traffic study examined the combined impact of constructing 74 additional single-family homes on the subject property. The unit counts and associated trip generation projections remain valid for the current application.

Operational Analysis

Traffic count data was collected for the project in August 2022. Although more than three years have passed since the data was collected, examination of the prior operational analysis reveals that all study intersections were projected to operate far from capacity. Rather than collecting new count data, a sensitivity analysis was conducted assuming that the delay in development could have allowed traffic volumes on the surrounding street system to increase over time. The expected margin of increase for a three-year delay would be about 6 percent, but to demonstrate that even an extremely high assumed growth rate would not meaningfully impact the analysis results, the background traffic volumes were assumed to have doubled in the three intervening years. The table below shows the results of this extremely conservative analysis.

Operational Analysis Update Summary: Future Conditions

Intersection	AM Peak Hour			PM Peak Hour		
	Delay	LOS	v/c	Delay	LOS	v/c
Northfork Rd at South Site Access						
2025 Background plus Site (prior analysis)	9.2	A	0.02	8.9	A	0.02
2028 Background plus Site (doubled)	10.0	B	0.03	9.5	A	0.02
Northfork Rd at McDonald Dike Rd						
2025 Background plus Site (prior analysis)	9.4	A	0.04	9.5	A	0.05
2028 Background plus Site (doubled)	10.7	B	0.09	11.1	B	0.12
Northfork Rd at Riverview Meadows Ln						
2025 Background plus Site (prior analysis)	8.9	A	0.03	8.8	A	0.04
2028 Background plus Site (doubled)	9.2	A	0.05	9.2	A	0.06



The updated analysis shows that even if traffic volumes had doubled in the three years that have passed, the study intersections would still be projected to operate well within capacity (12 percent of capacity or less) and at level of service B or better. Since actual traffic volumes in the site vicinity have not doubled in the last three years, we can confidently conclude that the study intersections will operate acceptably upon completion of the proposed residential development in 2028. The original conclusion that the study intersections will operate acceptably through 2025 remains valid through (and beyond) year 2028.

Warrant Analysis

Traffic signal warrants require a minimum volume of traffic on the side-street approaches which was not met in the prior analysis. Since the side-street approach volumes are not projected to increase based on the passage of time absent additional development that takes access via Riverview Meadows Lane and the South Site Access roadway, traffic signal warrants are also not projected to be met under the current proposal.

Similarly, turn lane warrants were not projected to be met for the study intersections due to the low traffic volumes at the study intersections. These conclusions also remain valid now.

Based on the review of the warrant analysis, the conclusions of the October 2022 traffic impact study also remain valid.

Crash History

Analysis of crash history is typically undertaken using the most recent five years of data available for the study intersections. Since more than three years have passed since the prior crash analysis, it is appropriate to examine the more recent crash history for the study intersection rather than relying on outdated crash data. Accordingly, an update to the prior crash analysis was undertaken in preparation of this memorandum.

The prior analysis included crash history over the most recent five years for which data was available, from January 2016 through December 2020. Complete crash data is now available for the period from January 2019 through December 2023. During this period, there were six reported crashes along the length of Northfork Road, including three that were also part of the prior data set and three new crashes. Although none of the reported crashes were related to operation of study area intersections, one of the crashes occurred mid-way between the north site access at River View Meadows Lane and McDonald Dike Road. This crash was a fixed object, run-off-road collision in which a driver traveling along Northfork Road swerved to miss a deer or elk and struck a tree. The crash resulted in property damage only (i.e., no injuries).

Based on the updated crash data, no significant existing safety hazards were identified in the site vicinity.



Intersection Sight Distance

The data and conclusions used in the intersection sight distance analysis prepared for the October 2022 traffic impact study remain valid. The available sight distances are adequate for safe operation, and no sight distance improvements are recommended in conjunction with the proposed development.

Site Access Geometry

The prior analysis of roadway geometry provided in the October 2022 analysis also remains valid. Projected future traffic volumes on the site access roadways are within their respective capacities; however, large trucks may have difficulty navigating the turn from Northfork Road onto River Meadows Lane. The south site access roadway has been improved, and it is still recommended that large trucks be directed to use the south site access roadway.

Conclusions

Based on the detailed examination of the data, analysis and conclusions provided in the October 2022 traffic impact study, most of the analysis remains valid for the current residential development proposal. However, some additional analysis was undertaken to verify that study area intersections will operate acceptably through year 2028 and that recent crash history is not indicative of safety problems that were not evident in the prior analysis.

The updated operational analysis demonstrated that the study area intersections will continue to operate acceptably beyond year 2028, and the updated crash analysis showed no new safety hazards requiring mitigation. The roadways and intersections in the study area are still projected to be capable of safely supporting the proposed development.

Based on the analysis, the conclusions of the original 2022 River Meadows Traffic Impact Study remain valid, and no additional mitigations are recommended in conjunction with the anticipated completion of the current development proposal in year 2028.

If you have any further questions regarding this update memorandum or the prior October 2022 traffic impact study which this memorandum refreshes, please contact Michael Ard, PE at (503)537-8511.

Appendix

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y			4	1	
Traffic Vol, veh/h	3	15	5	46	85	1
Future Vol, veh/h	3	15	5	46	85	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	33	33	13	13	9	9
Mvmt Flow	3	17	6	106	195	1

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	314	196	196	0	-	0
Stage 1	196	-	-	-	-	-
Stage 2	118	-	-	-	-	-
Critical Hdwy	6.73	6.53	4.23	-	-	-
Critical Hdwy Stg 1	5.73	-	-	-	-	-
Critical Hdwy Stg 2	5.73	-	-	-	-	-
Follow-up Hdwy	3.797	3.597	2.317	-	-	-
Pot Cap-1 Maneuver	619	772	1314	-	-	-
Stage 1	768	-	-	-	-	-
Stage 2	836	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	616	772	1314	-	-	-
Mov Cap-2 Maneuver	616	-	-	-	-	-
Stage 1	764	-	-	-	-	-
Stage 2	836	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	10	0.4	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1314	-	741	-	-
HCM Lane V/C Ratio	0.004	-	0.028	-	-
HCM Ctrl Dly (s/v)	7.8	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q (veh)	0	-	0.1	-	-

Intersection						
Int Delay, s/veh	2.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	23	4	38	13	11	60
Future Vol, veh/h	23	4	38	13	11	60
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	14	14	8	8	7	7
Mvmt Flow	53	9	87	30	25	138

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	290	102	0	0	117
Stage 1	102	-	-	-	-
Stage 2	188	-	-	-	-
Critical Hdwy	6.54	6.34	-	-	4.17
Critical Hdwy Stg 1	5.54	-	-	-	-
Critical Hdwy Stg 2	5.54	-	-	-	-
Follow-up Hdwy	3.626	3.426	-	-	2.263
Pot Cap-1 Maneuver	676	921	-	-	1441
Stage 1	893	-	-	-	-
Stage 2	816	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	663	921	-	-	1441
Mov Cap-2 Maneuver	663	-	-	-	-
Stage 1	893	-	-	-	-
Stage 2	800	-	-	-	-

Approach	WB	NB	SB
HCM Ctrl Dly, s/v	10.7	0	1.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	692	1441
HCM Lane V/C Ratio	-	-	0.09	0.018
HCM Ctrl Dly (s/v)	-	-	10.7	7.5
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q (veh)	-	-	0.3	0.1

Intersection						
Int Delay, s/veh	2.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	TT			TT	TT	
Traffic Vol, veh/h	3	35	17	28	29	1
Future Vol, veh/h	3	35	17	28	29	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	82	82	82	82	82	82
Heavy Vehicles, %	25	25	13	13	7	7
Mvmt Flow	4	43	21	68	71	1

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	182	72	72	0	-	0
Stage 1	72	-	-	-	-	-
Stage 2	110	-	-	-	-	-
Critical Hdwy	6.65	6.45	4.23	-	-	-
Critical Hdwy Stg 1	5.65	-	-	-	-	-
Critical Hdwy Stg 2	5.65	-	-	-	-	-
Follow-up Hdwy	3.725	3.525	2.317	-	-	-
Pot Cap-1 Maneuver	758	930	1461	-	-	-
Stage 1	896	-	-	-	-	-
Stage 2	860	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	747	930	1461	-	-	-
Mov Cap-2 Maneuver	747	-	-	-	-	-
Stage 1	883	-	-	-	-	-
Stage 2	860	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	9.2	1.7	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1461	-	912	-	-
HCM Lane V/C Ratio	0.014	-	0.051	-	-
HCM Ctrl Dly (s/v)	7.5	0	9.2	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q (veh)	0	-	0.2	-	-

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		↑		↓	
Traffic Vol, veh/h	2	11	14	111	67	3
Future Vol, veh/h	2	11	14	111	67	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	4	4	3	3
Mvmt Flow	2	12	16	249	151	3

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	433	152	154	0	-
Stage 1	152	-	-	-	-
Stage 2	281	-	-	-	-
Critical Hdwy	6.42	6.22	4.14	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.236	-	-
Pot Cap-1 Maneuver	580	894	1414	-	-
Stage 1	876	-	-	-	-
Stage 2	767	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	572	894	1414	-	-
Mov Cap-2 Maneuver	572	-	-	-	-
Stage 1	864	-	-	-	-
Stage 2	767	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	9.45	0.45	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	107	-	823	-	-
HCM Lane V/C Ratio	0.011	-	0.018	-	-
HCM Ctrl Dly (s/v)	7.6	0	9.5	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection						
Int Delay, s/veh	2.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	25	12	86	19	13	46
Future Vol, veh/h	25	12	86	19	13	46
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	4	4	3	3	6	6
Mvmt Flow	54	26	187	41	28	100

Major/Minor	Minor1	Major1	Major2	Major3	Major4	Major5
Conflicting Flow All	364	208	0	0	228	0
Stage 1	208	-	-	-	-	-
Stage 2	157	-	-	-	-	-
Critical Hdwy	6.44	6.24	-	-	4.16	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	3.536	3.336	-	-	2.254	-
Pot Cap-1 Maneuver	631	828	-	-	1317	-
Stage 1	822	-	-	-	-	-
Stage 2	867	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	617	828	-	-	1317	-
Mov Cap-2 Maneuver	617	-	-	-	-	-
Stage 1	822	-	-	-	-	-
Stage 2	847	-	-	-	-	-

Approach	WB	NB	SB
HCM Ctrl Dly, s/v	11.08	0	1.72
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	673	397
HCM Lane V/C Ratio	-	-	0.12	0.021
HCM Ctrl Dly (s/v)	-	-	11.1	7.8
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.4	0.1

Intersection						
Int Delay, s/veh	2.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		↑		↓	
Traffic Vol, veh/h	5	35	52	51	37	4
Future Vol, veh/h	5	35	52	51	37	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	81	81	81	81	81	81
Heavy Vehicles, %	2	2	3	3	7	7
Mvmt Flow	6	43	64	126	91	5

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	348	94	96	0	-	0
Stage 1	94	-	-	-	-	-
Stage 2	254	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.13	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.227	-	-	-
Pot Cap-1 Maneuver	649	963	1491	-	-	-
Stage 1	930	-	-	-	-	-
Stage 2	788	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	619	963	1491	-	-	-
Mov Cap-2 Maneuver	619	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	788	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	9.23	2.54	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	608	-	900	-	-
HCM Lane V/C Ratio	0.043	-	0.055	-	-
HCM Ctrl Dly (s/v)	7.5	0	9.2	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-

TILLAMOOK COUNTY

NORTH FORK RD, MP -999.99 to 999.99, ALL Crashes Severity, ALL Crashes Circumstance, 01/01/2019 to 12/31/2023

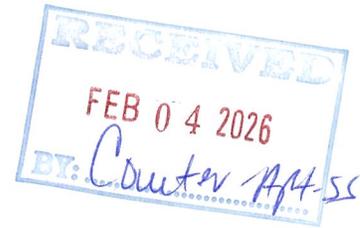
1 - 1 of 1 Crash records shown.

SER#	P R J S W DATE	MILEPNT	COUNTY ROADS	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	TRLR QTY	MOVE	FROM	TO	P# TYPE	SVRTY	E X RES	LOC	ACT EVENT	CAUSE
INVEST	E A I C O DAY	DIST FROM	FIRST STREET	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR QTY	OWNER	FROM	TO	P# TYPE	SVRTY	E X RES	LOC	ACT EVENT	CAUSE	
RD DPT	E L G N H R TIME	INTERSECT	SECOND STREET	LEGS	TRAF-	RNDCT	SURE	COLL	OWNER	FROM	TO	P# TYPE	SVRTY	E X RES	LOC	ACT EVENT	CAUSE		
UNLOC3	D C S V L K LAT	LONG	IBS	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	# TYPE	U-TURN	DRVR	INJB	26 M	DR-Y	OR>25	ACT EVENT	CAUSE		
000176	N N N N N 06/04/2021	0.83	NORTH FORK RD	N	NONE	N	CLR	S-OTHER	01 NONE	0	U-TURN							02	
	FR		UN	(NONE)	NONE	N	DRY	TURN	PRVTE	N -N								000	00
	8P		03	(02)		N	DAY	INJ	PSNGR CAR									000	02
	45 43 42.89	-123 53																000	00
		4.14																000	00
																		000	00

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submitted crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can we guarantee that all details pertaining to a single crash are accurate. Note: Legislative changes to ORS 811.720, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

AFTER RECORDING RETURN TO:

Kevin D. Preston
PRESTON MADDOUX LLC
12901 SE 97th Ave., Suite 330
Clackamas, Oregon 97015



**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR
RVM PHASE 2 HOME OWNERS ASSOCIATION**

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**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR
RVM PHASE 2 HOME OWNERS ASSOCIATION**

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RVM PHASE 2 HOME OWNERS ASSOCIATION (“Declaration”) is made by Riverview Meadows Development LLC, an Oregon corporation (“Declarant”).

RECITALS

Declarant is the owner of all the real property and improvements thereon located in Tillamook County, Oregon, legally described as follows:

Lots, inclusive, and Tracts as shown on the plat map filed for record on _____, book _____, pages _____, in the plat records of Tillamook County, Oregon.

(the “Property”).

Declarant intends to develop Riverview Meadows Phase 2 (“RVM Phase 2”) as a Class II planned community. To establish RVM Phase 2 as a planned community, Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments, and liens on the Property, under a comprehensive general plan of improvement and development for the benefit of all Lots and Common Area in RVM Phase 2.

Declarant has deemed it desirable for the efficient preservation of the values and amenities in RVM Phase 2 to create a nonprofit corporation, to which will be delegated and assigned the powers and authority to own, maintain, and administer the Common Area and facilities; to maintain, repair, and replace the roads, drainage ditches and drainage ponds; to administer and enforce the covenants, conditions, and restrictions of this Declaration; and to collect and disburse the assessments and charges hereinafter created.

The Declarant will convey Tracts ‘D’, ‘E’, and ‘F’ to the RVM Phase 2 Home Owners Association (“Association”). Upon conveyance of Tracts ‘D’, ‘E’, and ‘F’, to the Association, the Association will assume the maintenance obligation of Tracts ‘D’, ‘E’, and ‘F’, respectively, for the benefit of the Owners and assess the Owners of Lots 21-94 equally for the expenses.

NOW THEREFORE, Declarant declares that the Property will be held, transferred, sold, conveyed, and occupied subject to the Oregon Planned Community Act as may be amended from time to time (ORS 94.550–94.783, except ORS 94.595 and ORS 94.604) and subject to the following covenants, conditions, restrictions, easements, charges, and liens, which will run with the land, which will be binding on all parties having or acquiring any right, title, or interest in the Property or any part thereof, and which will inure to the benefit of the Association and of each Owner.

Article 1

DEFINITIONS

1.1 *Articles* means the Articles of Incorporation for the nonprofit corporation, RVM Phase 2 Home Owners Association, as filed with the Oregon Secretary of State.

1.2 *Association* means and refers to RVM Phase 2 Home Owners Association, an Oregon nonprofit corporation, and its successors and assigns.

1.3 *Lots of RVM Phase 2* means Lots 21-94 of the Property and Tract as designated on the Subdivision Plat of Riverview Meadows Phase 2.

1.4 *Board* means the Board of Directors of the Association.

1.5 *Bylaws* means and refers to the Bylaws of the Association, which will be recorded in the real property records of Tillamook County, Oregon.

1.6 *Common Area* means and refers to Tracts 'D', 'E', and 'F' shown on the recorded Subdivision Plat of the Property, including any improvements located thereon, which areas and improvements are intended to be devoted to the common use and enjoyment of the members and which land has been conveyed to the Association. Tract 'D' is the community water tower and is subject to easements of record referenced in the Plat. Tract 'F' consists of all of the private roadways within the subdivision and is subject to easements of record referenced in the Plat. Tract "E" is an Open Space owned by the Association. The Association must maintain the landscaping in and surrounding Tracts 'D', 'E' and 'F', maintain, repair and/or replace the roadways, drainage ditches and drainage ponds of Tracts 'E' and 'F' with the cost of such maintenance, repairs and/or replacements assessed equally to Lots 21-94 and the Owners of such Lots.

1.7 *Declaration* means the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.8 *Declarant* means and refers to Riverview Meadows Development LLC, an Oregon limited liability company and its successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.

1.9 *General Plan of Development* means Declarant's general plan of development of the Property, as approved by appropriate governmental agencies, as may be amended from time to time.

1.10 *Home* means and refers to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence.

1.11 *Lot* means and refers to each and any of Lots 21-94 (or collectively, the "Lots"); provided, however, that Lot does not include Tracts 'D', 'E' or 'F.'

1.12 *Members* means and refers to the Owners of Lots in Riverview Meadows Phase 2.

1.13 *Occupant* means and refers to the occupant of a Home, whether such person is an Owner, a lessee, or any other person authorized by the Owner to occupy the Home.

1.14 *Owner* means and refers to the record owner, whether one or more persons or entities, of the fee-simple title to any Lot, or a purchaser in possession of a Lot under a land sale contract. The foregoing does not include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation.

1.15 *Plat* means and refers to the Subdivision Plat of Riverview Meadows Phase 2 recorded in the plat records of Tillamook County, Oregon, at book _____, pages _____, on _____.

1.16 [Reserved for Expansion]

1.17 *Property* has the meaning attributed to the term in the recitals of this Declaration.

1.18 *Reserve Account(s)* means and refers to an account set up by the Board to hold funds for construction, improvements, or maintenance of the Common Area.

1.19 *Rules and Regulations* means and refers to the documents containing rules, regulations, and policies adopted by the Board or the Architectural Review Committee, as may be amended from time to time.

1.20 *Tracts* means Tract 'D', 'E' and 'F' and refers to Tracts as shown on the Plat.

Article 2

PROPERTY SUBJECT TO THIS DECLARATION

2.1 **Development.** The development of RVM Phase 2 consists of the Property, which will be held, transferred, sold, conveyed, and occupied subject to this Declaration. Declarant does not intend to build any Common Area improvements in RVM Phase 2 other than on Tracts 'D', 'E', and 'F.'

2.2 **Right to Annex Additional Property or to Withdraw Property.** Declarant reserves the right to annex additional property to or to withdraw property from the Association.

Article 3

OWNERSHIP AND EASEMENTS

3.1 **Nonseverability.** The interest of each Owner in the use and benefit of the Common Area is appurtenant to the Lot owned by the Owner. No Lot may be conveyed by the Owner separately from the interest in the Common Area. Any conveyance of any Lot automatically transfers the right to use the Common Area without the necessity of express reference in the instrument of conveyance. There may be no judicial partition of the Common Area. Each Owner, whether by deed, gift, devise, or operation of law, for the Owner's benefit and for the benefit of all other Owners, specifically waives and abandons all rights, interests, and causes of action for judicial partition of any interest in the Common Area and agrees that no action for judicial partition may be instituted, prosecuted, or reduced to judgment. Ownership interests in the Common Area and Lots are subject to the easements granted and reserved in this Declaration. Each of the easements granted or reserved herein will be deemed to be established upon the recordation of this Declaration, will thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots, and will be superior to all other encumbrances applied against or in favor of any portion of RVM Phase 2.

3.2 **Ownership of Lots.** Title to each Lot in RVM Phase 2 will be conveyed in fee to an Owner. If more than one person or entity owns an undivided interest in the same Lot, such persons or entities will constitute one Owner.

3.3 **Ownership of Common Area.** Title to any Common Area will be conveyed to the Association not later than the date of the Turnover Meeting (defined in Article 8).

3.4 **Easements.** Individual deeds to Lots may, but are not required to, set forth the easements specified in this Article.

3.4.1 **Easements on Plat.** The Common Area and Lots are subject to the easements and rights-of-way shown on the Plat.

3.4.2 **Easements for Common Area.** Every Owner has a nonexclusive right and easement of use and enjoyment in and to the Common Area, which is appurtenant to and passes

with the title to every Lot. The easement is subject to ORS 94.665, as may be amended from time to time.

3.4.3 Easements Reserved by Declarant. As long as Declarant owns any Lot, Declarant reserves an easement over, under, and across the Common Area in order to carry out sales activities necessary or convenient for the sale of Lots. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress to, from, over, in, upon, under, and across the Common Area, and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property in such a way as not to interfere unreasonably with the occupancy, use, enjoyment, or access to an Owner's Lot by the Owner or the Owner's family, tenants, employees, guests, or invitees.

3.4.4 Additional Utility and Storm Water Easements; Public Walkway Easements. Notwithstanding anything expressed or implied to the contrary, this Declaration is subject to all easements granted by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of RVM Phase 2. All Lots are subject to a 6.00-foot wide general utility easement. No structure, planting, or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas may be placed or permitted to remain within any easement area.

3.4.5 Declarant's and Association's Easements. Declarant grants to the Association and its duly authorized agents and representatives such easements over the Lots and Common Area as are necessary to perform the duties and obligations of the Association, as set forth in this Declaration, the Bylaws, and the Articles, as the same may be amended. Association shall further grant to Declarant, its successors and assigns, such easement over the Common Areas as are requested by Declarant from time to time, which right to Declarant shall survive the Declarant turnover as set forth in Article 8.

3.4.6 Perimeter Easement Benefiting Association. Declarant grants to the Association and its duly authorized agents and representatives an easement over that perimeter portion of each Lot that is included within the building setbacks set by applicable ordinances for the purposes of installation, maintenance, repair, and replacement of utilities, communication lines, and drainage. The Board may grant or convey the easements reserved herein to any governmental body or agency, any public or private utility company or provider, or any combination of the foregoing, on a two-thirds vote of the Board members at a duly called and held Board meeting.

3.5 Declarant's Right to Dedicate Common Area and Grant Easements; Board's Authority after Title Transferred to Association. Declarant reserves the right and power to dedicate, convey, or dedicate and convey any portion or all of Tracts 'D', 'E', and 'F' to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts 'D', 'E', and 'F' to any governmental body or agency or any public or private utility company or provider. Declarant's rights and power under this section 3.5 will expire when Tracts 'D', 'E', and 'F' are conveyed to the Association. Thereafter, subject to the rights of Declarant pursuant to section 3.4.5, the Board will have the same powers reserved to Declarant and may exercise such powers upon a two-thirds vote of the Board members at any duly called and held Board meeting. None of the rights under this section 3.5 will deprive the

Owners of the Lots from using Tract 'F' for ingress and egress to their respective lot, or the Owners of the Lots from using Tract 'E' for pedestrian ingress and egress to their respective lot.

Article 4 LOTS AND HOMES

4.1 Residential Use. Lots may be used only for residential purposes. Except with the Board's consent, no trade, craft, business, profession, commercial activity, or similar activity of any kind may be conducted on any Lot, and no goods, equipment, vehicles, materials, or supplies used in connection with any trade, service, or business may be kept or stored on any Lot. Nothing in this section 4.1 will be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in RVM Phase 2, or (c) the right of the Owner of a Lot to maintain the Owner's personal business or professional library, keep the Owner's personal business or professional records or accounts, handle the Owner's personal business or professional telephone calls, or confer with business or professional associates, clients, or customers in the Owner's residence. The Board will not approve commercial activities otherwise prohibited by this section 4.1 unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of applicable local government ordinances.

4.2 Landscaping. Landscaping for the Lot must commence within 120 days after final building inspection by the local government jurisdiction and must be completed within 365 days after the inspection. This section 4.2 applies to Lots with finished Homes being held for sale as well as to other Lots. Owners must irrigate their entire yards to keep lawns green and other landscaping fresh. The Association may irrigate from hose bibs connected to individual Homes of Owners who fail to properly irrigate their yards. If plantings on any Lot have died or are dying because the Owner of the Lot neglected to properly care for and irrigate the plants, or because of other harm to the plants caused by the Owner, the Association will replace the plantings and may assess the Owner for the cost as a Reimbursement Assessment (defined in section 10.5.5), which may be collected and enforced as any other assessments imposed under the Declaration and Bylaws.

4.3 Maintenance of Lots and Homes. Each Owner must maintain the Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair, and in such fashion as not to create a fire hazard. To the extent not the responsibility of the Association for Commonly Maintained Property, such maintenance includes, without limitation, maintenance of windows, doors, garage doors, walks, patios, chimneys, and other exterior improvements and glass surfaces. Each Owner must repair damage caused to the Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other causes within a reasonable period.

4.4 Rental of Homes. An Owner may rent or lease the Owner's Home or a portion thereof, provided that the following conditions are met:

4.4.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (a) the tenant is subject to all provisions of the Declaration, Bylaws, and Rules and Regulations, and (b) a failure to comply with any provision

of the Declaration, Bylaws, and Rules and Regulations constitutes a default under the rental or lease agreement;

4.4.2 Minimum Rental Period. The period of the rental or lease is not less than 30 days;

4.4.3 Tenant Must Be Given Documents. The Owner gives each tenant a copy of the Declaration, Bylaws, and Rules and Regulations.

4.5 Animals. No animals, livestock, or poultry of any kind, other than a reasonable number of household pets that are not kept, bred, or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, may be raised, bred, kept, or permitted within any Lot. Owners whose pets cause any inconvenience or unpleasantness to other Owners must take all steps reasonably necessary to prevent recurrence thereof, and Owners whose pets damage other Owners' Lots or personal property must reimburse the other Owners for reasonable costs actually incurred by the other Owners in repairing the damage. An Owner must ensure that the Owner's dog is leashed when on the Property and outside of the Owner's Lot. An Owner may be required to remove a pet upon the receipt of the third notice in writing from the Board of a violation of any rule, regulation, or restriction governing pets within the Property.

4.6 Nuisance. No noxious, harmful, or offensive activities may be carried out on any Lot or Common Area. Nor may anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants.

4.7 Swimming Pool. No Owner may erect, construct, or permit any above-ground pool to be established on a Lot or on the Common Area at any time.

4.8 Parking and Vehicles in Disrepair. (1) No Owner may permit any recreational vehicle (RV), off-road vehicle, trailer, fifth wheel, boat, or commercial vehicle to remain parked on the Common Area or on any street on or adjacent to the Property at any time; and (2) No Owner may permit any vehicle that is in a state of disrepair or that is not currently licensed to be abandoned or to remain parked on the Common Area or on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of 48 hours. A vehicle will be deemed in a "state of disrepair" when the Board reasonably determines that its presence offends the occupants of the neighborhood. If an Owner fails to remove such a vehicle within five days following the date on which the Association mails or delivers to the Owner a notice directing the removal, the Association may have the vehicle removed from the Property and charge the expense of the removal to the Owner as a Reimbursement Assessment, which may be collected and enforced as any other assessments imposed under the Declaration and Bylaws.

4.9 Signs. No signs may be erected or maintained on any Lot, except that not more than one "For Sale" or "For Rent" sign placed by the Owner or by a licensed real estate agent, not exceeding 24 inches high and 36 inches long, may be temporarily displayed on any Lot. The restrictions contained in this section 4.9 do not prohibit the temporary placement of "political" signs on any Lot by the Owner or Occupant. However, political signs must be removed within three days after the election day pertaining to the subject of the sign. Real estate signs must be removed within three days after the sale closing date.

4.10 Rubbish and Trash. No Lot or part of the Common Area may be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste must be kept in appropriate containers for proper disposal and must be kept out of public view. Yard rakings, dirt, and other material resulting from landscaping work may not be dumped onto streets, the

Common Area, or any other Lots. If an Owner fails to remove any trash, rubbish, garbage, yard rakings, or any similar materials from any Lot, any streets, or the Common Area where deposited by the Owner or the Occupants of the Owner's Lot after notice has been given by the Board to the Owner, the Association may have the materials removed and charge the expense of the removal to the Owner. Such a charge will constitute a Reimbursement Assessment, which may be collected and enforced as any other assessments imposed under the Declaration and Bylaws.

4.11 [Intentionally omitted.]

4.12 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) must be screened so that the facilities are not visible at any time from the street or a neighboring property. All telephone, electrical, cable television, and other utility installations must be placed underground in conformance with applicable law.

4.13 Antennas and Satellite Dishes. Except as otherwise provided by law or this section, exterior satellite dishes or antennas with a surface diameter of one meter or less and antennas designed to receive television broadcast signals only may be placed on any Lot if they are not visible from the street and are screened from neighboring Lots. The Board may adopt reasonable rules and regulations governing the installation, safety, placement, and screening of such antennas, satellite dishes, and other transmission devices. Such rules may not unreasonably delay or increase the cost of installation, maintenance, or use or preclude reception of a signal of acceptable quality.

4.14 [Intentionally omitted.]

4.15 [Intentionally omitted.]

4.16 Grades, Slopes, and Drainage. There may be no interference with the established drainage patterns or systems over or through any Lot that affects any other Lot or Common Area or any real property outside the Property unless adequate alternative provision is made for proper drainage and is approved by the Board before any such work. The term *established drainage* means the drainage swales, conduits, inlets, and outlets designed and constructed for Declarant.

4.17 [Intentionally omitted.]

4.18 Damage or Destruction to Home or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner must either (a) restore the damaged improvements or (b) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (a) in this section 4.18 must be performed so that the improvements are in substantially the same condition that they were in before the damage, unless the Owner complies with the provisions of Article 6. The Owner must commence such work within 60 days after the damage occurs and must complete the work within six months thereafter. The Association and Owners whose Homes are in the same building must cooperate in respect to repair, reconstruction, and application of available insurance proceeds.

4.19 Right of Maintenance and Entry by Association. If an Owner fails to perform maintenance, repair, or both that the Owner is obligated to perform under this Declaration, and if the Board determines, after notice, that the maintenance, repair, or both is necessary to preserve the attractiveness, quality, nature, value, or any combination thereof of the Property, the Board may cause the maintenance, repair, or both to be performed and may enter any Lot whenever entry is necessary in connection with the performance thereof. An Owner may request, and the Board will conduct, a hearing on the matter. The Owner's request must be in writing delivered within five days after receipt of the notice, and the hearing must be conducted within not less

than five days nor more than 20 days after the request for a hearing is received. Entry must be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than 48 hours, except in emergency situations. The costs of such maintenance, repair, or both are chargeable to the Owner of the Lot as a Reimbursement Assessment, which may be collected and enforced as any other assessments authorized hereunder.

4.20 Association Rules and Regulations. The Board from time to time may adopt, modify, or revoke the Rules and Regulations governing the conduct of persons and the operation and use of Lots and the Common Area as it may deem necessary or appropriate to ensure the peaceful and orderly use and enjoyment of the Property and the administration and operation of the Association. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification, or revocation thereof, will be delivered promptly by the Board to each Owner and will be binding on all Owners and occupants of all Lots on the date of delivery or actual notice thereof. The method of adoption of the Rules and Regulations will be provided in the Bylaws of the Association.

4.21 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 are the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, the local governmental ordinances and regulations will prevail.

4.22 Temporary Structures. Except as provided herein, no structure of a temporary character or any trailer, basement, tent, shack, garage, barn, or other outbuilding may be used on any Lot as a residence, either temporarily or permanently.

4.23 Declarant Exemptions. Declarant is exempt from the application of section 4.

Article 5 COMMON AREA

5.1 Use of Common Area. Use of the Common Area is subject to the provisions of the Declaration, Bylaws, Articles, and the Rules and Regulations adopted by the Board. There must be no obstruction of any part of the Common Area. Nothing may be stored or kept in the Common Area without the prior written consent of the Board. No alterations or additions to the Common Area will be permitted without the prior written consent of the Board. The Common Area owned by the Association consists solely of Tracts 'D', 'E', and 'F.'

There must be no parking, loading, or unloading of any kind or of any type of vehicle on the Common Area for any length of time. The Association may post and maintain "No Parking" signs on the Common Area.

5.2 Maintenance of Common Area. The Association will be responsible for maintenance, repair, replacement, and upkeep of the Common Area, including without limitation all roadways, the dog park, drainage ditches, and drainage ponds, at the equal expense of the Owners of the Lots. The Association must keep the Common Area in good condition and repair, provide for all necessary services, and cause all acts to be done that may be necessary or proper to ensure the maintenance of the Common Area. This duty shall include, but not be limited to, maintenance of the roadways, dog park, drainage ditches, drainage ponds

5.3 Alterations to Common Area. Common Area are to be landscaped only and improved with only grass, plants, trees, bushes, shrubs, and other plantings. Only the Association may construct an improvement located on the Common Area or public entity to which the right to construct an improvement has been granted. If to be constructed by the

Association, a proposal for any construction, alteration, maintenance, or repair of any such improvement may be made at any Board meeting. The Board may adopt a proposal, subject to the limitations contained in the Bylaws, this Declaration; however, no improvements may be made to the Common Area except the construction, repair, and reconstruction of the private streets, parks, utility installations, landscaping, drainage ditches and drainage collection ponds.

5.4 Funding. Expenditures for replacement or major repairs to an existing improvement for which a reserve has been collected will be made from the Reserve Account. Regular maintenance, repair, and operating expenses will be funded by annual assessments as provided in section 10.4. As provided in section 10.5, the Board may levy a special assessment to fund any construction, alteration, repair, or maintenance of an improvement (or any other portions of the Common Area) for which no reserve has been collected or for which the Reserve Account is insufficient to cover the cost of the proposed construction, alteration, repair, or maintenance.

5.5 Landscaping. All landscaping on any Lot or on the Common Area must be maintained and cared for in a manner that is consistent with Declarant's original approval of the landscaping. Weeds and diseased or dead lawn, trees, groundcover, or shrubs must be removed and replaced. Lawns must be neatly mowed, and trees and shrubs must be neatly trimmed.

5.6 Condemnation of Common Area. If all or any portion of the Common Area is taken for any public or quasi-public use under any statute, by right of eminent domain, or by purchase in lieu of eminent domain, the Board will receive and expend the entire award in a manner that, in the Board's discretion, is in the best interest of the Association and the Owners. The Association must represent the interest of all Owners in any negotiations, suit, action, or settlement in connection with such matters.

5.7 Damage or Destruction of Common Area. If all or any portion of the Common Area is damaged or destroyed by an Owner or any of the Owner's guests, Occupants, tenants, licensees, agents, or members of the Owner's family in a manner that would subject the Owner to liability for the damage under Oregon law, the Owner hereby authorizes the Association to repair the damage. The Association must repair the damage and restore the area in workmanlike manner as originally constituted or as may be modified or altered subsequently by the Association in the discretion of the Board. Reasonable costs incurred in connection with effecting the repairs will become a special assessment on the Lot and against the Owner who caused or is responsible for the damage.

5.8 Power of Association to Sell, Dedicate, or Transfer Common Area. As provided in ORS 94.665, the Association may sell, dedicate, transfer, grant a security interest in, or grant an easement for installation and maintenance of utilities or for similar purposes with respect to, any portion of the Common Area. Except for grants of easements for utility-related purposes, no such sale, dedication, transfer, or grant of a security interest will be effective unless approved by 80 percent of the votes of both Class A and Class B members [and by the U.S. Department of Housing and Urban Development or the U.S. Department of Veterans Affairs, whichever is applicable, as long as there is Class B membership]. If there is only one class of votes, such sale, dedication, transfer, or grant of a security interest (other than a grant of an easement for utility-related purposes) must be approved by 80 percent of the votes held by Owners other than Declarant.

Article 6 LAND USE AND BUILDING TYPE

Applicable to all lots, an Owner, subject to all State and Local regulations, may erect a single family dwelling, or a duplex on its Lot, In addition, an Owner may erect on its Lot an "ADU" (auxiliary dwelling unit) or a "Barndominium" (a large, open-concept dwelling that combines living quarters with a workshop, garage, or other workspace under one roof).

Article 7 MEMBERSHIP IN THE ASSOCIATION

7.1 Members. Each Owner is a member of the Association. Membership in the Association is appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot automatically transfers membership in the Association. Without any other act or acknowledgment, Occupants and Owners will be governed and controlled by this Declaration, the Articles, Bylaws, and the Rules and Regulations of the Association and any amendments thereof.

7.2 Proxy. Each Owner may cast the Owner's vote in person, by written ballot, by electronic ballot if the Board of Directors so elects, or by a proxy executed by the Owner. An Owner may not revoke a proxy given under this section 7.2 except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy will not be valid if it is undated or purports to be revocable without notice. A proxy will terminate one year after its date, unless the proxy specifies a shorter term.

7.3 Voting Rights. The Association has two classes of voting members:

7.3.1 Class A. Class A members include all Owners of Lots other than Declarant, and each Class A member is entitled to one vote for each Lot owned with respect to all matters on which Owners are entitled to vote.

7.3.2 Class B. The Class B member is the Declarant, its successors, and its assigns. The Class B member has four (4) votes for each Lot owned. The Class B membership will cease and be converted to Class A membership upon the earlier of the following dates (the "Termination Date"):

(a) The date on which 75 percent of the total number of Lots in RVM Phase 2 have been sold and conveyed to Owners other than Declarant; or

(b) The date on which Declarant elects in writing to terminate Class B membership.

After the Termination Date, each Owner, including Declarant, will have one vote for each Lot owned with respect to all matters on which Owners are entitled to vote, and the total number of votes will be equal to the total number of Lots subject to this Declaration, initially.

When more than one person or entity owns a Lot, the vote for the Lot may be cast as they determine, but in no event will fractional voting be allowed. Fractional or split votes will be disregarded, except for purposes of determining a quorum.

7.4 Procedure. All meetings of the Association, the Board, and Association committees will be conducted with such rules of order as may from time to time be adopted by the Board. Unless other rules of order are adopted by a resolution of the Board, Robert's Rules of Order published by the Robert's Rules Association will apply. Notwithstanding which rules of order are adopted, the President will be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority or approval of any motion or resolution.

Article 8
DECLARANT CONTROL

8.1 Interim Board and Officers. Declarant hereby reserves administrative control of the Association. Declarant, in its sole discretion, has the right to appoint and remove members of an interim board (the "Interim Board"), which will manage the affairs of the Association and be invested with all powers and rights of the Board until the Turnover Meeting (as hereinafter defined). The Interim Board will consist of one to three members. Notwithstanding the provision of this section 8.1, at the Turnover Meeting, at least one Director will be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three Directors.

8.2 Turnover Meeting. Declarant must call a meeting for the purposes of turning over administrative control of the Association from Declarant to the Class A members within 90 days of the earlier of the following dates:

8.2.1 Earliest Date. The date on which Lots representing 75 percent of the total number of votes of all Lots in RVM Phase 2 have been sold and conveyed to persons other than Declarant; or

8.2.2 Optional Turnover. The date on which Declarant has elected in writing to terminate Class B membership.

Declarant must give notice of the Turnover Meeting to each Owner as provided in the Bylaws. If Declarant does not call the Turnover Meeting required under this section 8.3, any Owner may do so.

Article 9
DECLARANT'S SPECIAL RIGHTS

9.1 General. Declarant is undertaking the work of developing Lots and other improvements within RVM Phase 2. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property have been constructed, fully completed, and sold, with respect to the Common Area and each Lot on the Property, Declarant has the special rights set forth in this Article 9.

9.2 Marketing Rights. Declarant has the right to maintain a sales office and model on one or more of the Lots that Declarant owns. Declarant and prospective purchasers and their agents have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, on the Common Area.

9.3 Declarant Easements. Declarant reserves easements over the Property as more fully described in sections 3.4 and 3.5 hereof.

9.4 Additional Improvements. Declarant does not agree to build any improvements not described in this Declaration.

Article 10

FUNDS AND ASSESSMENTS

10.1 Purpose of Assessments; Expenses. The assessments levied by the Association will be used exclusively to promote the recreation, health, safety, aesthetics, and welfare of the Owners and Occupants of RVM Phase 2 for the improvement, operation, and maintenance of the Common Area, for the administration and operation of the Association, and for property and liability insurance.

10.2 Covenants to Pay. Declarant and each Owner covenant and agree to pay the Association the assessments and any additional charges levied under this Declaration or the Bylaws. All assessments for operating expenses, repairs and replacement, and reserves will be allocated among the Lots and their Owners as set forth in section 10.4.2.

10.2.1 Funds Held in Trust. The assessments collected by the Association will be held by the Association for and on behalf of each Owner and may be used solely as set forth in section 10.1. Upon the sale or transfer of any Lot, the Owner's interest in such funds will be deemed automatically transferred to the successor in interest to the Owner.

10.2.2 Offsets. No offsets against any assessment will be permitted for any reason, including, without limitation, any claim that the Association is not properly discharging its duties.

10.2.3 Right to Profits. Association profits, if any, will be the property of the Association and will be contributed to the Current Operating Account.

10.3 Basis of Assessment; Commencement of Assessments. Declarant must pay all common expenses of the Association until the Lots are assessed for common expenses. The amount and date of commencement of the initial annual assessment, including the assessment of reserves, if any, to Owners other than Declarant will be determined by Declarant. In the sole and unfettered discretion of Declarant, Declarant may defer payment of reserves for a Lot until the Lot is conveyed to a third party. However, Declarant may not defer payment of accrued reserves beyond the date of the Turnover Meeting.

10.4 Annual Assessments. Annual assessments for each fiscal year will be established when the Board approves the budget for that fiscal year. The initial annual assessment will be determined by Declarant and will be prorated on a monthly basis at the time of the closing of the first sale from Declarant. For proration purposes, any portion of a month will count as a full month. Annual assessments will be payable on a periodic basis, not more frequently than monthly, as determined by the Board. The fiscal year will be the calendar year unless another year is adopted by vote of the Association members.

10.4.1 Budgeting. Each year the Board will prepare, approve, and make available to each Member a pro forma operating statement (budget) containing (a) estimated revenue and expenses on an accrual basis; (b) the amount of the total cash reserves of the Association currently available for replacement or major repair of the Common Area and for contingencies; (c) an itemized estimate for the remaining life of improvements, and the methods of funding to defray repair, replacement, or additions to major components of improvements, as provided in section 10.6.2; and (d) a general statement setting forth the procedures used by the Board in the calculation and establishment of reserves to defray the costs of repair, replacement, or additions to major components of the Common Area. Notwithstanding that budgeting will be done on an accrual basis, the Association's books will be kept on a cash basis and the Association will be a cash basis taxpayer, unless applicable governmental regulations require otherwise. For the first fiscal year, the budget must be approved by the Board no later than the date on which annual

assessments are scheduled to commence. Thereafter, the Board must annually prepare and approve the budget and distribute a copy or summary thereof to each Member, together with written notice of the amount of the annual assessments to be levied against each Owner's Lot, within 30 days after adoption of the budget.

10.4.2 Allocation of Assessments. Except for Reimbursement Assessments, the total amount in the budget will be charged equally against all Lots as annual assessments.

10.4.3 Nonwaiver of Assessments. If before the expiration of any fiscal year the Association fails to fix annual assessments for the next fiscal year, the annual assessments established for the preceding year will continue until a new annual assessment is fixed.

10.5 Special Assessments. The Board or the Owners have the power to levy special assessments against an Owner or all Owners in the following manner for the following purposes:

10.5.1 Correct Deficit. To correct a deficit in the operating budget, by vote of a majority of the Board;

10.5.2 Special Obligations of an Owner. To collect amounts due to the Association from an Owner for breach of the Owner's obligations under this Declaration, the Bylaws, or the Rules and Regulations, by vote of a majority of the Board;

10.5.3 Repairs. To collect additional amounts necessary to make repairs or renovations to the Common Area if sufficient funds are not available from the operating budget or replacement reserve accounts, by vote of a majority of the Board; or

10.5.4 Capital Improvements. To make capital acquisitions, additions, or improvements, by vote of at least 80 percent of all votes allocated to the Lots.

10.5.5 Reimbursement Assessments. The Association must levy an assessment against any Owner and the Owner's Lot if a failure to comply with this Declaration, Bylaws, or any Rules and Regulations has (a) necessitated an expenditure of monies by the Association to effect compliance or (b) resulted in the imposition of a fine or penalty against the Owner or the Owner's Lot (a "Reimbursement Assessment"). A Reimbursement Assessment is due and payable to the Association when levied. A Reimbursement Assessment may not be levied by the Association except on at least 10 days' written notice to the Owner being assessed. If, within the 10-day period, the Owner makes a written request to the Board for a hearing, a hearing must be held. Upon request for a hearing, the Board must conduct it not less than 10, nor more than 30 days, after the request by the Owner, and must make its decision within not more than 30 days after the hearing is held. If a notice has been previously given, and the hearing has already been held or waived (in writing or by the Owner's failure to appear) for the violation resulting in the Reimbursement Assessment, no additional notice and hearing is required before levying the Reimbursement Assessment.

10.6 Accounts.

10.6.1 Types of Accounts. Assessments collected by the Association will be deposited into at least two separate accounts with a bank, which accounts will be clearly designated as (a) the Current Operating Account and (b) the Reserve Account. The Board must deposit those portions of the assessments collected for current maintenance and operation into the Current Operating Account and must deposit those portions of the assessments collected as reserves for replacement and deferred maintenance of capital improvements into the Reserve Account. Withdrawal of funds from the Association's Reserve Account requires the signatures of either two Directors or one Director and an officer of the Association who is not a Director. In its books and records, the Association must account separately for operating expenses relating to the

Common Area and operating expenses relating to all other matters, as well as for necessary reserves relating to the Common Area and necessary reserves relating to all other matters.

10.6.2 Reserve Account. Declarant must establish a Reserve Account, in the name of the Association, which must be kept separate from all other funds held by the Association. The Association will pay out of the Reserve Account only those costs that are attributable to the maintenance, repair, or replacement of Common Area property [and Commonly Maintained Property] that normally requires replacement, in whole or in part, within one to 30 years and not for regular or periodic maintenance and expenses. No funds collected for the Reserve Account may be used for ordinary current maintenance and operation purposes.

10.6.2.1 Calculation of Reserve Assessment; Reserve Study. The Board of Directors of the Association must annually conduct a reserve study, or review and update an existing study, of the Common Area to determine the Reserve Account requirements. A Reserve Account must be established for those items of the Common Area all or part of which will normally require replacement in more than one and less than 30 years; for exterior painting, as applicable; and for the maintenance, repair, or replacement of other items as may be required under the Declaration or Bylaws or that the Board of Directors, in its discretion, may deem appropriate. The Reserve Account need not include items that could reasonably be funded from operating assessments. The reserve study must include (a) identification of all items for which reserves are required to be established; (b) the estimated remaining useful life of each item as of the date of the reserve study; (c) the estimated cost of maintenance, repair, or replacement of each item at the end of its useful life; and (d) a 30-year plan with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves to meet the maintenance, repair, and replacement schedule.

The Reserve Account assessment must be allocated according to section 10.4.2.

10.6.2.2 Loan from Reserve Account. After the Turnover Meeting described in section 8.3, the Board may borrow funds from the Reserve Account to meet high seasonal demands on the Association's regular operating fund or to meet unexpected increases in expenses. Funds borrowed must be repaid later from assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board must adopt by resolution a written payment plan providing for repayment within a reasonable period.

10.6.2.3 Increase, Reduction, or Elimination of Reserve Account Assessment. At any time after the second year after the Turnover Meeting, future assessments for the Reserve Account may be increased or reduced by the vote of Owners of Lots representing 75 percent of the votes computed in accordance with section 7.3.

10.6.2.4 Investment of Reserve Account. Nothing in this section 10.6 prohibits the prudent investment of Reserve Account funds, subject to any constraints imposed by the Oregon Planned Community Act, the Board, the Bylaws, or the Rules and Regulations.

10.6.2.5 Refunds of Assessments. Assessments paid into the Reserve Account are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers or Owners of Lots may treat their outstanding share of the Reserve Account's balance as a separate item in the sales contract providing for the conveyance of their Lot.

10.6.3 Current Operating Account. All costs other than those to be paid from the Reserve Account under section 10.6.2 may be paid from the Current Operating Account.

10.7 Default in Payment of Assessments; Enforcement of Liens.

10.7.1 Personal Obligation. Any assessment properly imposed under this Declaration or the Bylaws is the joint and several personal obligation of all Owners of the Lot to which the assessment pertains. In a voluntary conveyance (i.e., one other than through foreclosure or a deed in lieu of foreclosure), the grantees will be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the instrument effecting the conveyance. A suit for a money judgment may be initiated by the Association to recover the assessments without either waiving or foreclosing the Association's lien.

10.7.2 Association Lien. The Association has a lien against each Lot for any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof that is delinquent. The lien will accumulate all future assessments or installments, interest, late fees, penalties, fines, attorney fees (whether or not suit or action is instituted), actual administrative costs, and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. Recording of the Declaration constitutes record notice and perfection of the lien. The lien may be foreclosed at any time in accordance with the Oregon Planned Community Act. The Association must record a notice of a claim of lien for assessments and other charges in the deed records of Tillamook County, Oregon, before any suit to foreclose may be filed. The lien of the Association will be superior to all other liens and encumbrances except property taxes and assessments; any first mortgage, deed of trust, or land sale contract recorded before the Association's notice of lien; and any mortgage or deed of trust granted to an institutional lender that is recorded before the Association's notice of lien.

10.7.3 Interest, Fines, Late Fees, and Penalties. The Board, in its reasonable discretion, may from time to time adopt resolutions to set the rate of interest and to impose late fees, fines, and penalties on delinquent assessments or for violations of the provisions of this Declaration, the Bylaws, and the Rules and Regulations adopted by the Board. The adoption of such impositions must be communicated to all Owners in writing not less than 30 days before the effective date by a notice mailed to the assessment billing address of each Owner. The impositions will be considered assessments that are lienable and collectible in the same manner as any other assessments; however, fines or penalties for violation of this Declaration, the Bylaws, or the Rules and Regulations, other than late fees, fines, or interest arising from an Owner's failure to pay regular, special, or reimbursement assessments may not be imposed against an Owner or the Owner's Lot until the Owner is given an opportunity for a hearing as elsewhere provided herein.

10.7.4 Acceleration of Assessments. If an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, on not less than 10 days' written notice to the Owner, may accelerate the due date of the full annual assessment for that fiscal year and all future installments of any special assessments.

10.7.5 Association's Right to Rents; Receiver. In any foreclosure suit by the Association with respect to a lien described in section 10.7.2, the Association is entitled to collect reasonable rent from the defaulting Owner for the use of the Owner's Lot and is entitled to the appointment of a receiver.

Article 11
GENERAL PROVISIONS

11.1 Records. The Board must preserve and maintain minutes of the meetings of the Association, the Board, and any committees. The Board must also keep detailed and accurate financial records, including individual assessment accounts of Owners, the balance sheet, and income and expense statements. Individual assessment accounts must designate the name and address of the Owner or Owners of the Lot, the amount of each assessment as it becomes due, the amounts paid on the account, and the balance due on the assessments. The minutes of the Association, the Board, and Board committees, and the Association's financial records must be maintained in the State of Oregon and reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

11.2 Indemnification of Directors, Officers, Employees, and Agents. The Association must indemnify any Director, officer, employee, or agent who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by the Association) by reason of the fact that the person is or was a Director, officer, employee, or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorney fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the person in connection with the suit, action, or proceeding if the person acted in good faith and in a manner that the person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe that the person's conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or plea of nolo contendere or its equivalent, will not of itself create a presumption that a person did not act in good faith and in a manner that the person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe that the person's conduct was unlawful. Payment under this clause may be made during the pendency of the claim, action, suit, or proceeding as and when incurred, subject only to the right of the Association to reimbursement of the payment from the person, should it be proven at a later time that the person had no right to the payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee, or agent will have a right of contribution over and against all other Directors, officers, employees, or agents and members of the Association who participated with or benefited from the acts that created the liability.

11.3 Enforcement; Attorney Fees. The Association, the Owners, and any mortgagee holding an interest on a Lot have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens, and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by either the Association or by any Owner or mortgagee to enforce any covenant, condition, or restriction herein contained will in no event be deemed a waiver of their right to do so thereafter. If suit or action is commenced to enforce the terms and provisions of this Declaration (including without limitations, suit or action for the collection of assessments), the prevailing party will be entitled to its actual administrative costs incurred because of a matter or event that is the subject of the suit or action, attorney fees and costs in the suit or action to be

fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorney fees, to be set by the appellate court. In addition thereto, the Association will be entitled to its reasonable attorney fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with the Association's actual administrative costs, whether or not suit or action is filed.

11.4 Severability. Invalidation of any one of these covenants, conditions, or restrictions by judgment or court order will not affect the other provisions hereof and the same will remain in full force and effect.

11.5 Duration. The covenants, conditions, and restrictions of this Declaration run with and bind the land for a term of 35 years from the date of this Declaration being recorded, after which time they will be automatically extended for successive periods of 10 years, unless rescinded by a vote of at least 75 percent of the Owners and 90 percent of the first mortgagees; however, amendments that do not constitute rescission of the planned community may be adopted as provided in section 11.6.

11.6 Amendment. Except as otherwise provided in section 11.5 or ORS 94.590, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an instrument approved by not less than 75 percent of the total votes allocated to the Lots, without regard to the enhanced voting rights of the Class B Member. Any amendment must be executed, recorded, and certified as provided by law; however, no amendment of this Declaration will effect an amendment of the Bylaws or Articles without compliance with the provisions of those documents and the Oregon Nonprofit Corporation Act, and no amendment affecting the general plan of development or any other right of Declarant herein contained may be effected without the express written consent of Declarant or its successors and assigns, including, without limitation, amendment of this section 11.6. Furthermore, as long as there is Class B membership, any amendment to these Bylaws must be approved by the U.S. Department of Housing and Urban Development or the U.S. Department of Veterans Affairs, whichever is applicable.

11.7 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.8 Unilateral Amendment by Declarant.

11.8.1 In addition to all other special rights of Declarant provided in this Declaration, Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, any department, bureau, board, commission, or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee, or provide financing in connection with development of the Property and sale of Lots. Before the Turnover Meeting, no such amendment will require notice to or approval by any Class A member.

11.8.2 In addition to all other special rights of Declarant provided in this Declaration, prior to the Turnover Meeting, and without regard to the voting requirements established and required in Section 11.6, Declarant may amend this Declaration, in Declarant's sole discretion, upon a determination by Declarant that amendment to this Declaration is in furtherance and necessary to complete the development work, the marketing and sale of the Lots, or the promotion and protection of the welfare of the Property as a residential community. No such amendment by Declarant will require notice to or approval by any Class A member.

11.9 Resolution of Document Conflicts. In the event of a conflict among any of the provisions in the documents governing RVM Phase 2, the conflict must be resolved by looking to the following documents in the order shown below:

1. Declaration;
2. Articles;
3. Bylaws;
4. Rules and Regulations (once adopted).

IN WITNESS WHEREOF, Declarant has executed this instrument this _____ day of _____, 2025.

RIVERVIEW MEADOWS
DEVELOPMENT LLC., an Oregon
limited liability company

By: Carey M. Sheldon, President of Sheldon
Development, Inc. Member

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20___, by Carey M. Sheldon, President of Sheldon Development Inc., Member of Riverview Meadows Development LLC.

/s/

Notary Public for Oregon
My commission expires: _____



Nehalem Bay Wastewater Agency
SEWER AVAILABILITY

Date: 12/17/2025
To: Tillamook County Building Department (Fax#503-842-1819)

From: Nehalem Bay Wastewater Agency
RE: Sewer Availability

As an Agent of Nehalem Bay Wastewater Agency, I confirm that sewer is available to the following lot within our service area boundary:

3N1023B0 03600

Owner of Record: RIVERVIEW MEADOWS DEVELOPMENT LLC
Project Information: Subdivision Project, Phase 2

This letter shall not create a liability on the part of Nehalem Bay Wastewater Agency, or by an agent, or employee thereof, for the services described above.

Ashley Myers, Office Assistant
Nehalem Bay Wastewater Agency



Tillamook People's Utility District

Directors
David L. Burt
Valerie S. Folkema
Lonnie M. Jenck
Tamra R. Perman
Barbara A. Trout

Office: 503 842-2535 • Toll-free: 800 422-2535 • Fax: 503 842-4161 • www.tpub.org

Todd Simmons
GENERAL MANAGER

December 17, 2025

Sheldon Development Inc.
Attn: Carey Sheldon
PO Box 883
Fairview, OR 97024

RE: Work Order No. 177213
Property Located at Riverview Meadows Subdivision Phase 2, Nehalem

Dear Carey:

This letter is to certify that the Tillamook People's Utility District will extend electrical service to the above referenced facility in accordance with PUD Policy 4-2 which is in effect at the time service is extended.

Sincerely,

TILLAMOOK PEOPLE'S UTILITY DISTRICT

Zachary Hudspeth, PE
Engineering Supervisor, Distribution
503-815-8629

ZH:ja

Enclosure

TILLAMOOK PEOPLE'S UTILITY DISTRICT

POLICY BULLETIN 4-2

SUBJECT: LINE EXTENSION POLICY

1.0 General

It is the policy of the Tillamook People's Utility District (District) to provide line extensions to all customers within its service area, provided such line extensions comply with the following extension policy.

2.0 Application for Line Extensions

- 2.1 The applicant for an electric line extension must own, have a contract to purchase, or have a lease of sufficient duration (as determined by the District) to the property or premises before the District provides the line extension.
- 2.2 To obtain a line extension, the applicant or their representative shall complete the District's Request for Electrical Service form.
- 2.3 The District may require the applicant to supply evidence of approval for construction by the city, county, or other governing agencies. Such evidence of approval to construct guarantees the applicant's intent to proceed with construction. The District requires notification by the applicant of any property deed restrictions or zoning requirements that may affect the installation of District electrical facilities.
- 2.4 The customer/developer shall locate and clearly mark all property corners requested by the District.

3.0 Cost Estimates

- 3.1 The District will prepare a cost estimate for each line extension. The cost estimate shall include all anticipated District costs for the line extension. Additional estimates requested by the customer can be provided for a fee as specified in the District's *Customer Guide to Electric Service Requirement* book.
- 3.2 All cost estimates are valid for 180 days, and the construction of the line extension must be completed within 180 days from the date of the cost estimate letter. If the construction is not completed within 180 days of the date of the estimate letter, a new cost estimate and Line Extension Agreement may be prepared.
- 3.3 Indeterminate services are those that the District determines have an anticipated use of less than four years. All installation and retirement costs for line extensions to an indeterminate service will be paid prior to the start of construction.

4.0 **Payment**

- 4.1 The District's Line Extension Agreement shall be signed by the property owner(s) and charges paid or District financing secured prior to the start of construction.
- 4.2 The property owner has the option of paying the estimated construction cost of the line extension or securing District financing for the estimated amount.
- 4.3 Line extensions may be financed by the District up to \$10,000 dollars for a period not to exceed thirty-six (36) months, with an annual interest rate of seven (7%) percent.
- 4.4 Financing is available to qualifying applicants for service to residential, commercial, irrigation/pumping, industrial service, or street or area lighting. Financing is not available to land developments, subdivisions, partition plats, indeterminate services, and conversion projects.
- 4.5 Customers may apply for financing by following the District's loan application process.

5.0 **Refunds**

A refund, if greater than \$100.00, will be issued to the customer in the event the actual cost of the line extension is less than the estimated cost. For those financing extensions, refunds will be applied to reduce the amount financed.

6.0 **Cost Overruns**

If the actual cost of construction exceeds the cost estimate, there will be no additional charge to the customer.

7.0 **District Contribution**

Effective March 1, 2008, the District no longer contributes toward line extensions.

8.0 **Reimbursement for Subsequent Line Extensions**

The District shall have the right to connect additional customers to District electrical facilities constructed under this policy.

- 8.1 Customers receiving service under this policy and whose contribution to their line extension was greater than \$10,000 shall receive reimbursement by the subsequent permanent service connections of additional customers, provided the additional customers are connected within ten years of the execution of the former Line Extension Agreement.
- 8.2 Reimbursement shall be determined by the District on the basis of prior customer's contribution, the portion of the previously constructed facilities being used to serve the new customer, and the amount of time remaining in the

reimbursement period. Reimbursement for District-financed extensions will be applied to reduce the loan amount.

- 8.3 The use of line extensions by other utilities through a pole attachment agreement with the District or for public street lighting purposes does not qualify for customer reimbursement.
- 8.4 Reimbursement will not be given to land developments, subdivisions, or partition plans for subsequent line extensions.

9.0 Service Point

The point of delivery is called the service point and is the point at which the District-owned electrical facilities connect to the customer-owned electrical facilities. The service point shall be as defined in the District's *Customer Guide to Electric Service Requirements* book. In no case shall there be more than one service point to any dwelling, structure, or building, except by special written permission of the District and the electrical inspector.

10.0 District Electrical Facilities

Except as specified, the District shall design, locate, install, own, and maintain all service conductors and electrical facilities before the service point.

- 10.1 The District shall locate, install, own, and maintain necessary power, energy, and reactive metering, including instrument transformers and, where necessary, data recorders and communication facilities.
- 10.2 The preferred location for the metering point is on the customer's dwelling, structure, or building. The District may grant permission to place the meter at a different location when this is not practical. Metering Equipment will not be installed on any District-owned poles unless authorized by the District's Operations Manager. For installations where a Site Isolating Device is required by the National Electrical Code, the customer will own the pole it is mounted on. When the District approves the use of a meter pole, the District shall locate, install, own, and maintain the meter pole.
- 10.3 The standard location of an underground distribution system shall be outside the street/road right-of-way except at crossings. Any deviation from this policy shall be approved by the District's Engineering Department. The developer shall be responsible for the coordination of efforts between the various utilities on the project.
- 10.4 Primary underground installations shall utilize pad-mounted transformers and applicable electrical equipment meeting the District's *Customer Guide to Electric Service Requirements* book.
- 10.5 Land Developments, Partition Plats, and Subdivisions

- 10.5.1 The developer or owner shall pay all costs for the line extension electrical facilities to the lot corners with the exception of the transformers.
- 10.5.2 The individual lot owner or customer shall contract with the District for the installation of the transformer and service conductors under the line extension policy in effect at the time the application is made for that particular class of customer.
- 10.5.3 The developer or owner who requests underground electric facilities shall, at their expense, purchase and install vaults and conduit systems that meet the District's design standards specified in the *Customer Guide to Electric Service Requirements* book. The ownership of the vault and conduit system will transfer to the District after inspection and installation of District electrical facilities. The cost of inspection shall be paid by the developer or owner.

10.6 Area Lighting and Flat Rate Service

- 10.6.1 The District will furnish, install, and maintain area light or flat rate services at mutually agreeable locations attached to or directly under District's existing facilities.
- 10.6.2 Where poles, transformers, and/or secondary conductors, not a part of the District's existing distribution system, are required to provide this service, installation costs, excluding the cost of the light fixture(s), will be at the customer's expense, payable in accordance with Section 3.0 of this policy.
- 10.6.3 The complete lighting installation shall remain the property of the District. The customer will be responsible for the payment of a monthly rental fee in accordance with the District's area light rate schedule.
- 10.6.4 The customer will protect the lighting equipment and associated electrical facilities from damage and shall allow the District free access to the property to inspect and maintain the equipment or to remove the installation upon the termination of service.

10.7 Capacity Increases to Existing Loads

Capacity increases to existing residential, commercial, farm, industrial, irrigation, pumping, lighting, and indeterminate electrical facilities shall be treated as though the increased capacity requirements were a new load. Charges for increased capacity shall be determined according to Section 3.0.

10.8 Flood Areas

Those areas in the District's service area that the District determines are subject to flooding will require special consideration. The District will not install its equipment or provide service to customer-owned equipment that the District does not consider suitable for such locations.

10.9 Easements

The District shall require an easement satisfactory to the District for the installation, operation, and maintenance of its electrical facilities prior to their installation on private property. All costs incurred by the District associated with securing the easement will be added to the estimate of line extension costs.

11.0 Electrical Facilities Installed by Customer

The customer shall be responsible for the design, installation, ownership, and maintenance of all electrical facilities after the service point, except for meters and instrument transformers.

- 11.1 In addition to complying with all applicable District policies, the customer shall comply with the rules and regulations of the most current editions of the National Electrical Code (NEC); the National Electric Safety Code (NESC); State of Oregon Electrical Specialty Code; and state, federal, and local requirements.
- 11.2 The customer shall provide and install electrical facilities that meet the District's specifications referenced in the *Customer Guide to Electric Service Requirements* book. The District does not install or maintain services beyond the service point. See Section 13 of this Policy.
- 11.3 Customers shall provide vaults and conduits for pad-mounted electrical equipment required to serve them. Customer-provided electrical equipment shall be designed, located, and constructed in accordance with the District's *Customer Guide to Electric Service Requirements* book.
 - 11.3.1 The ownership of customer-provided equipment located ahead of the service point will transfer to the District after inspection and installation of the District's electrical equipment. The customer shall pay the cost of the inspection.
- 11.4 The customer shall also be responsible for furnishing, install, maintain, and owning all metering facilities after the service point; except for District meters, test blocks, instrument transformers, and associated instrument wires.
- 11.5 The District encourages the metering of the same customer-owned buildings such as barns, parlors, loafing sheds, and pumps through a single meter. Where feasible, all three-phase and single-phase consumption will be supplied and metered through a single metering point. Necessary meter mains will be supplied by the customer, who shall own all electrical facilities beyond the service point except as provided in Section 13 of this Policy.
- 11.6 The customer shall not place customer-owned area lighting on District-owned poles or facilities. The customer has the option of providing and installing an area lighting system; provided service to these electrical facilities is connected behind the service point and has the proper disconnect and overprotection equipment.

Ownership and maintenance of the complete lighting system behind the disconnect and electric meter will remain the responsibility of the owner.

11.7 The customer shall be responsible for digging and backfilling all trenches. Trenches shall meet design standards set forth in the *Customer Guide to Electric Service Requirements* book.

11.8 The customer is responsible to obtain the inspection and approval by the electrical inspector prior to the start of construction.

11.9 Trailer and RV parks will utilize the number of service points the District determines are appropriate. Ownership and responsibility for distribution of service within the Trailer or RV parks shall be with the owner/developer.

12.0 **Conversion of Overhead to Underground Electrical Facilities**

Refer to Policy 4-5 (Relocation or Modification of District Facilities).

13.0 **Electric Services Beyond the Meter**

All connections to the District's facilities shall require assistance from the District's Operations Department and the District shall make the connection of the customer's service wires to the District's facilities. Ownership and maintenance of services beyond the service point shall be the customer's responsibility.

13.1 **Underground Service**

The District will not install or maintain underground services beyond the service point. The customer shall install and maintain these services behind an approved disconnect as allowed by the National Electric Code unless otherwise specified by the District's Engineering Department.

13.2 **Overhead Service**

The District will not install or maintain overhead services beyond the service point. The customer shall install and maintain these services behind an approved disconnect unless otherwise specified by the District's Engineering Department.

14.0 **Reduced Voltage or Current Starting Devices**

A customer shall not interfere with the quality of their own service or that of another customer. Customers shall comply with quality of service standards specified in the *Customer Guide to Electric Service Requirements* book.

15.0 **Compliance**

Should the customer not comply with the aforementioned policies, rules, and regulations, the District may refuse service; or in the case where service is being delivered, the District may discontinue such service until compliance with these policies is confirmed.

RESPONSIBILITY: Engineering Manager

ADOPTED: December 19, 1961

Revision Dates: 11-16-65; 12-13-65; 9-12-72; 7-15-80; 5-18-82; 9-18-84; 3-17-87; 12-12-89; 11-13-90; 12-17-91; 1-01-92; 1-01-93; 1-01-94; 1-01-95; 8-15-95; 6-18-96; 8-12-97; 8-15-00; 12-18-01; 2-12-02; 3-16-04, 12-18-07, 2-17-09; 8-17-2021

Effective Date: September 21, 2021



Nehalem Bay Fire & Rescue District

36375 Hwy 101 N.
Nehalem, OR 97131
(503) 368-7590 Bus.
(503) 368-7580 Fax
www.nehalembyfirerescue.org

12/30/2025

Tracy Brown

Tracy Brown Planning Consultants, LLC

fbrownplan@gmail.com

Re: Riverview Meadows Subdivision

The housing project proposed by Sheldon Development Inc complies with the Tillamook County Fire Defense Road Access Guidelines. Water supply is based on the home to be constructed. Hydrant location meets the requirements of the County Fire Defense Road Access Guidelines. Please contact me if any changes to road access or water supply sources are anticipated.

Respectfully,

Dan Weitzel

Captain/Fire Prevention

Nehalem Bay Fire & Rescue

d.weitzel@nbfrd.org



Date: _____

To: TILLAMOOK COUNTY BUILDING DEPARTMENT

Re: WATER SERVICE AVAILABILITY

Attn: Building Department

I confirm that the property listed below is within the City's water service area, and may be served water through the City's Water System under the Terms and Conditions governed by the latest version of the City's Water Ordinance. Please note: This Water Service Availability letter does not certify, approve or acknowledge any specific development plans, water or other utility installations that may be necessary for the subject property to actually physically connect to the City's water system to receive service. This letter only certifies that the subject property may receive (or may already receive) water from the City's Water System.

TOWNSHIP _____ RANGE _____ SECTION _____ TAX LOT(S) _____

SITUS ADDRESS: _____

NAME: _____ PHONE: _____

MAILING ADDRESS: _____

Single Family _____ Duplex/Multi-Family _____ Other _____

Comments: _____

Signed: Lori Longfellow

Name

Title



October 12, 2022

To: Tillamook County Community Development Department
Sarah Absher, CFM, Director

Re: Riverview Meadows Phase 2 – County File #851-21-000414 PLNG and #851-21-000415 PLNG

Dear Ms. Absher:

The City of Nehalem offers the following additional comments on the above-referenced application.

Domestic water service extension improvements can be approved if they are “adequate to serve the subdivision.” Nehalem City Code 51.09(B)(1). An evaluation for “adequacy” requires, among other things, a finding that they will “maintain a pressure of at least 20 pounds per square inch (psi) at all service connections at all times.” OAR 333-061-0025. In addition, the fire flow availability serving each of the new single-family dwellings must meet or exceed 1000 gallons per minute. 2019 Oregon Fire Code, Appendix B; NCC 51.10(F)(1); Water Master Plan.

The City’s Engineer Kyle Ayers has reviewed that applicant’s proposed tentative plan for the provision of water improvements necessary to serve the Riverview Meadows 2 development dated August 9, 2022 and supplemental data and has determined that with periodic testing throughout the construction project, these improvements are likely to satisfy the City standards. As such, the City recommends that the County approve the Riverview Meadows 2 subdivisions subject to the following conditions:

Applicant shall install a water distribution system to serve Riverview Meadows Phase 2 “RVM2” that substantially complies with the narrative dated August 9, 2022 and its attached plan entitled “Riverview Meadows Phase 2 Tentative Plan” dated May 12, 2022 and updated “7/24/22 Add WL Feeder, Tank, Pump, PRVS” (called in this condition for simplicity “Riverview Water Plan”), authored by engineer, Jason Morgan.

- a. Coupled with submission of its Schematic Design plans, the applicant shall submit a pre-design report for the reservoir, pump station and components for the high pressure zone indicating that all connections will maintain adequate pressure.
- b. Prior to completing any road paving, the new water infrastructure shall be tested to verify that improvements comply with the City’s requirements and standards and where those standards are not met, pipelines shall be repaired or replaced, and tested. These findings shall be provided to the City Engineer.
- c. Prior to recording the final plat for RVM2, the Applicant shall secure the City’s acceptance for the water distribution improvements in substantial conformity with that Riverview Water Plan.

City of Nehalem • 35900 8th Street • P.O. Box 143 • Nehalem, Oregon 97131
Ph (503) 368-5627 • Fx (503) 368-4175 • nehalem.gov

- d. Similarly, prior to recording the final plat for RVM3, the Applicant shall install to City standards and secure the City's acceptance for the water distribution improvements in substantial conformity with that Riverview Water Plan, subject to periodic testing during installation. This condition does not imply that RVM3 must be approved with respect to water system adequacy or otherwise. Such implication cannot be drawn because no application for RVM3 has been submitted. Rather, this condition is designed to respond to, and assuage, city concerns that a water distribution system substantially complying with the Riverview Water Plan will be installed for RVM 2 and ultimately 3 and so provide the agreed-upon adequate water service capacity to serve the entire 74-lot subdivision that is contemplated for the RVM 2 and 3 property.
- e. The Applicant, its principles and its subsequent owners in interest, shall not make any applications for new water service for RVM2 or RVM3 until the Riverview Water Plan improvements have been accepted by the City.

Thank you for the opportunity to comment on this application.

Sincerely,



Melissa Thompson-Kiefer
City Manager



December 31, 2025

Tillamook County Community Development Department
Sarah Absher, CFM, Director.

The City of Nehalem determines water service availability for the Riverview Meadows Phase 2 with the requirements of conditions as described in the October 12, 2022, City letter.

The letter states that the applicant shall design and install a water distribution system to serve all lots or parcels within the development in accordance to the city's code.

Construction of a distribution system includes, but is not limited to, water reservoir, booster pump stations and components for a high-pressure zone indicating that all connections will maintain adequate pressure, with a minimum fire flow of 1,000 GPM.

Distribution system plans have been submitted to the City and have been approved for construction. While construction on the water system is under way, the construction is not yet finalized. The City will provide a final approval letter for the distribution system upon construction to the City's satisfaction.

Sincerely,

A rectangular box containing a handwritten signature in cursive script that reads "Lori Longfellow".

Lori Longfellow
City Manager
City of Nehalem



MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

www.morgancivil.com

November 8, 2025

Oregon Health Authority
Drinking Water Program
Attn: Carrie Gentry, PE
800 NE Oregon Street
Portland, OR 97232-2162



carrie.l.gentry@oha.oregon.gov

**Re: Certificate of Completion for
Riverview Meadow Phases 2 & 3 Waterlines (PR#130-2024)
City of Nehalem (WS ID# 00554)
Nehalem, Tillamook County, Oregon
#19-10-Riv**

Dear Ms. Gentry:

This letter is to notify you that the construction of the water system improvements, referenced above, have been completed. The improvements have been completed and will be put into service as part of the water distribution system for City of Nehalem. The plans for these improvements were approved by your office on October 24, 2024. This portion of the work consists of a feeder pipe to the planned reservoir site and distribution pipes for the planned lots in the subdivision.

As the project engineer, I was on the site periodically to observe the construction. An inspector was on site full time during this work.

The addition to water distribution system was built according to the approved plans. The new waterline is buried at least 30 inches below the surface at all locations.

Testing

After the pipes were installed, pressure and bacteriological tests were successfully completed. I was on the site to observe pressure test of the system extension. The lab reports are attached.

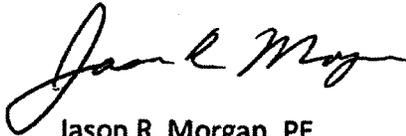
Certification

It is my professional opinion that the pipe was installed in existing road rights-of-way, restraints were used at all bends and tees, tracer wire was installed with the pipe, and no local high points were created during installation. Additionally, the installation of the water pipe was inspected by the utility district.

Please contact me if you have any questions or need additional information on the findings in this letter.

Sincerely,

MORGAN CIVIL ENGINEERING, INC.



Jason R. Morgan, PE
Professional Engineer



RENEWAL DATE: DECEMBER 31, 2026

Enc: Drinking Water Services Project Final Approval Request Form
Laboratory Analysis Report

cc: Project File #19-10-Riv

<V:\19-10-Riv\Construc\RVM-OHA Final.docx>

Project Name Riverview Meadows Phases 2 & 3 waterlines
Public Water System ID# 41- 554
PWS Name City of Nehalem

PR# 130-20234

[Click to locate PWS ID#](#)

	YES	NO	DATE
1. Was the project undertaken? If so, what was the starting date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>05/05/2025</u>
2. If project was not undertaken, has the project been abandoned?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Was the project completed? If so, when? If project not complete, estimated completion date: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>06/27/2025</u>
4. If completed, was the work accomplished in conformance with all conditions listed in the Conditional Approval letter and DWS Construction Standards, Oregon Administrative Rule (OAR) 61-0050? In the comments below or on a separate sheet please make clear how all conditions specified in the Conditional Approval letter were met.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. If the project was completed, were there any differences between what is shown on the plans and what was actually installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. If the completed project is different from what is shown on the plans, were the plans modified to show as-built conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Have as-builts been sent to Drinking Water Services? NOTE: As-builts are not required if there were no significant changes noted in 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Are the facilities operating? If so, starting when?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

Signature of Engineer _____
Name Jason R Morgan
Firm Morgan Civil Engineering, Inc.

Date 11/08/2025
OR PE# 63055
Phone (503) 801-6016

Comments

Water distribution system and line to feed tank have been installed and tested.
 Tank, valve, pump, and appurtenances have not been installed; these items were approved separately.



MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

www.morgancivil.com

November 8, 2025

Riverview Meadows, LLC

Carey Sheldon

PO Box 883

Fairview, OR 97024

careysheldon17@yahoo.com

**Re: Certificate of Completion for
Riverview Meadows Development, Phases 2 & 3
Nehalem, Tillamook County, Oregon
Tax Lot 3600, Map 3N 10W 23B
Project #19-10-Riv**

Dear Mr. Sheldon:

See attached Certification of Proper Construction and Manhole Test Record. This is to notify the State and the Nehalem Bay Wastewater Agency that the approved sanitary sewer work and testing have been completed and inspected.

The new manholes were vacuum tested after the asphalt was placed.

I observed the installation of the pipes and manholes, and the required testing.

If you have any question or need additional information, please contact me at jason@morgancivil.com or 503-801-6016.

Sincerely,

MORGAN CIVIL ENGINEERING, INC.

Jason R. Morgan, PE
Professional Engineer



RENEWAL DATE: DECEMBER 31, 2026

cc: Project File #19-10-Riv

<V:\19-10-Riv\Construc\Riverview Meadows Sewer Cert.docx>



INSPECTION AND CERTIFICATION OF PROPER CONSTRUCTION

TO (check appropriate box):

- Jonathan Gasik, MS, PE – 221 Stewart Ave., Suite 201, Medford, OR 97501
- Tim Caire, PE – 165 East 7th Ave., Suite 100, Eugene, OR 97401
- Timothy C. McFetridge, PE – 4026 Fairview Industrial Dr., Salem, OR. 97302.
- Michael Pinney, PE – 700 NE Multnomah St, Ste 600, Portland OR 97232-4100
- Heidi B. Williams, PE – 800 SE Emigrant, #330, Pendleton, OR 97801

Project Name: Riverview Meadows Development Phases 2 and 3

Project Location: Tax Lot 3600, Map 3N 10W 23B
Nehalem, Tillamook County, Oregon

I was the design engineer on the above-referenced project and I, or my authorized representative, did supervise and inspect the construction. I certify that such construction was inspected and found to be in accordance with the plans and specifications, including any changes therein approved by the Department of Environmental Quality.

Design Engineer's Signature

Supplemental inspections were made by: Nehalem Bay Wastewater Agency staff

Cc: Sewer system owner



RENEWAL DATE: DECEMBER 31, 2026

ATTACHMENT B

MANHOLE TEST RECORD

Project: RIVERVIEW MEADOWS (2 & 3)

Project No. 61787/101515

Contractor: Riverview Development

Testing Company: Gorgon

Witnessed By: Jason Morgan (Morgan Civil Engineering) (Inspector)

Date	MH No.	Paved? (P or U)	MH Depth	MH Diam.	VACUUM			HYDROSTATIC					PASS FAIL	COMMENTS
					Time Req.	Vac. Start	Vac. End	Time Start	Time End	Total Time	Volume Change	Loss (gph)		
10/13	M7	P	7	48"	17.5	11	11						P	60/1/10
10/13	M6	P	7	48"	17.5	10.9	10.9						P	Colt/lee
10/13	4-1	P	7	48"	17.5	10.5	10.3						P	Plate
10/13	3-3	P	7	48"	17.5	10.5	10.5						P	Van/12
10/13	34	P	7	48"	17.5	10.5	10.1						P	Kar/lee
10/13	5-2	P	7	48"	17.5	10.5	10.5						P	Ku/lee
10/13	3-1	P	7	48"	17.5	10.5	10.5						P	Mecka
10/13	M5	P	7.3	48"	18	10.5	10.5						P	Colt/lee
10/13	M4	P	7	48"	17.5	10.5	10.3						P	Colt/lee
10/13	2-1	P	7.3	48"	18.0	10.5	10.5						P	Riverview
10/13	4-3	P	7.2	48"	18	10.1	10.1						P	Colt/lee
10/13	M-2	P	7.2	48"	18	10.6	10.6						P	Colt/lee
10/13	M-1	P	7.2	48"	18	10.5	10.8						P	Colt/lee
10/13	1-1	P	7	48"	17.5	10.5	10.5						P	K.1/12
10/13	1-2	P	7	48"	17.5	10.5	10.5						P	Ku/lee
10/13	1-3	P	7	48"	17.5	10.5	10.5						P	K.1/12
10/13	1627	P	11.8	18"	30	10.5	10.5							EX

NOTE:

All Adjacent surface restoration will be completed before conducting a sanitary manhole acceptance test, including finish paving and final adjustment to grade. Any test conducted beforehand shall be considered informal and will not count for acceptance.

Vacuum test will be conducted in accordance with latest applicable standards, such as established procedures based on ASTM C1244-93, starting at 10" Hg of vacuum. Vacuum tests will be conducted in accordance with latest applicable standards, such as those listed under APWA 306.3.03B, Vacuum Testing.

Hydrostatic test will be conducted in accordance with the 1990 Oregon APWA standards Specifications for Sanitary Sewer Construction, Section 306.03. Manholes shall be filled to a mark on the iron frame at the start of the test, or to the rim of the frame.

Tina Kotek, Governor

November 26, 2025

Jason R. Morgan, PE
Professional Engineer
Morgan Civil Engineering, Inc.
Via email: jason@morgancivil.com

**Re: Riverview Meadows Phases 2 and 3 Waterlines (PR#130-2024)
City of Nehalem (PWS ID#00554)
Final Approval**

Dear Jason:

On November 25, 2025, our office received confirmation that the above project was completed according to the plans submitted and conditions set forth in the October 24, 2024 conditional approval letter.

Final approval is issued at this time, and the facilities are approved for use.

If you have any questions, please feel free to call me at (971) 201-9794.

Sincerely,



Carrie Gentry, PE
Regional Engineer
OHA-Drinking Water Services
Carrie.L.Gentry@oha.oregon.gov

cc: Nicole Alfafara, REHS, OHA/DWS
Brian Moore, Public Works Director, City of Nehalem

PROJECT NARRATIVE

RIVERVIEW MEADOWS SUBDIVISION
PHASE 2
T3N, R10W, Section 23B, Tax Lot 3600

RECEIVED
FEB 04 2026
BY: *Christina A. - SJ*



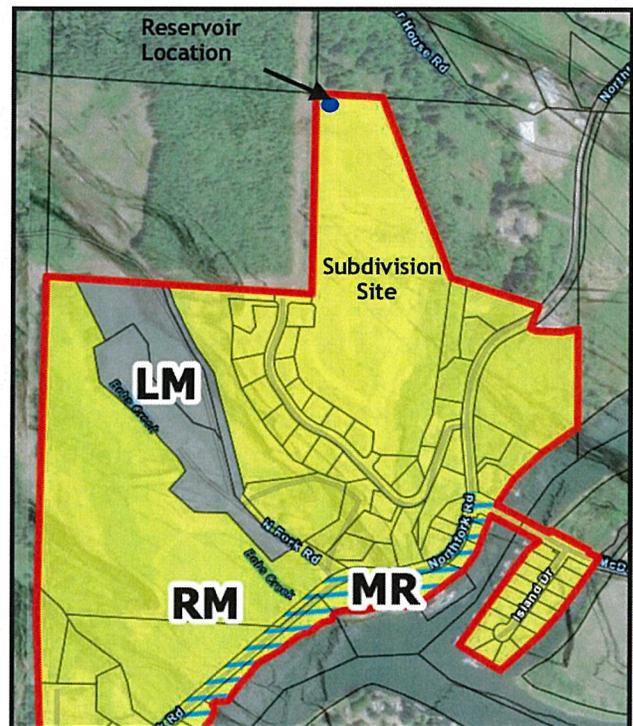
Prepared by

Tracy Brown Planning Consultants, LLC

I. Introduction

The proposed subdivision is part of the planned progression of land use development for this area of the City of Nehalem. The subject property is located within the Nehalem Urban Growth Boundary but is currently outside the city limits. Riverview Meadows Development, LLC requests land use approval to construct Phase 2 of the Riverview Meadows Subdivision, consisting of a total of 74 residential lots. In addition to the residential lots, three tracts are proposed: Tract D, which will contain a proposed water reservoir; Tract E, designated as private open space; and Tract F, which will accommodate the proposed private road system.

The plans and all relevant materials submitted with the current application are generally the same as those previously reviewed and approved by the Tillamook County Planning Commission, including Phase 2 of the subdivision (#851-21-000415-PLNG) and the associated Geologic Hazard Report (#851-21-000414-PLNG), approved on October 25, 2022, and Phase 3 of the subdivision, approved on June 20, 2023 (#851-23-000009-PLNG). Due to the time required to complete the necessary infrastructure improvements, these approvals expired prior to recording the final plat, which necessitates submission of the current application. The current proposal consolidates all remaining lots into a single development phase identified as Phase 2 of Riverview Meadows.



The project site consists of a single parcel located at Township 3 North, Range 10 West, Section 23B, Tax Lot 3600. The property comprises the northern portion of Tract B of Riverview Meadows Subdivision Phase 1, recorded as Document No. 2010-4288. Moderately steep slopes are located along the northeastern portion of the site. The property is zoned RM (Mixed Density Residential) by the City of Nehalem, and the applicant proposes development of single-family detached dwellings, which are permitted within this zoning designation. The subject property is bordered by RM-zoned properties to the south, Farm (F-1) zoned properties under Tillamook County jurisdiction to the north and east, and Forest (F) zoned property to the west.

Access to the site is provided by an extension of Riverview Meadows Lane, a private road extending from Northfork Road and constructed as part of the Riverview Meadows Phase 1 subdivision improvements. In addition, as documented in the prior approvals, the applicant has constructed a new public access road, "Riverview Drive," which intersects

with Northfork Road and is located west of Riverview Meadows Lane. Riverview Drive will serve as the primary access for the development. As previously established, Riverview Drive provides a superior alignment and design compared to the originally approved access route (Riverview Meadows Drive) and is proposed to be privately maintained. All required easements necessary for construction and use of this access have been secured.

As part of the subdivision development, the applicant is constructing a new 84,000-gallon water reservoir on Tract D at the north end of the property. This facility is designed to provide adequate domestic water pressure and fire flow for the subdivision and will also interconnect with the City of Nehalem's existing water distribution system, providing additional system benefits to this area.

The applicant intends to record Covenants, Conditions, and Restrictions (CC&Rs) and establish a Homeowners' Association concurrent with recording of the final plat.

II. Project Status and Summary of Work Completed

As noted above, Phase 2 of the original application was approved on October 25, 2022 and Phase 3 was approved on June 20, 2023. Following these approvals the applicant began to work with his consultant team to prepare construction plans for the various systems. Following completion of these plans, the applicant began constructing required improvements. Due to length of time required to construct onsite improvements and the time it took to receive approval of the water reservoir plans, tentative plat approval expired. At this point all underground work has been completed and the roads are paved. The owner is waiting for the utility district to install transformers and install wiring. Work is progressing on the water reservoir with completion expected in the next couple of months.

Below is a chronology of the steps involved and progress made to date on these improvements:

- June 6, 2022 - Engineer starts work on water reservoir design.
- September 25, 2023 - DEQ issues 1200-C Permit for grading and erosion control.
- October 13, 2023 - Construction Plans submitted to City Nehalem for review.
- December 10, 2023 - City of Nehalem approves Construction Plans.
- May 18, 2024 - Erosion control measures installed.
- June, 2024 - Underground pipe work started (1. sanitary sewer, 2. water, 3. storm, 4. dry utilities, 5. street light conduits).
- October 4, 2024 - Initial sewer line testing.
- June, 2025 - Roads rocked and proof rolled (Engineer conducts periodic inspections).
- June 30, 2025 - Water lines tested as final.
- August 8, 2025 - Road paving completed.
- October 13, 2025 - Sewer manhole testing completed.
- September 4, 2025 - City issues zoning approval for water reservoir.
- September, 2025 - Light fixtures bases installed.
- September, 2025 - Site is hydro-seeded to minimize erosion.
- September, 2025 - Site preparation begins for water reservoir.

- September, 2025 - Special geotechnical report prepared for the water reservoir and submitted to County.
- October 16, 2025 - Building permit application submitted to County requesting approval to construct water reservoir pump house/service building. Currently waiting for approval.
- October 23, 2025 - Geologic Hazard Review permit for the water reservoir issued by the County.
- November 12, 2025 - City of Nehalem finalizes review of water reservoir plans and Project Engineer stamps plans as approved.
- November 15, 2025 - Construction of water reservoir begins (a total of five, 5-foot rings are poured).
- December 18, 2025 - Water reservoir roof is poured.
- January 12, 2026 - Revised access permit submitted to County
- TBD - Access Permit approved
- TBD - County approves pump station building permit
- TBD - Ordered light fixtures installed.

III. Application Approval Requests

The applicant requests the following approvals with this application:

- Preliminary Plat Subdivision Review

IV. Items Submitted With This Application

Exhibit A - Land Use Application

Exhibit B - Project Narrative

Exhibit C - Preliminary Plat

Exhibit D - Civil Plans

- Sheet 1 - Cover Sheet
- Sheet 2 - Notes
- Sheet 3 - Roadway Alignments
- Sheet 4 - Field Topography
- Sheet 5 - Storm Drain System
- Sheet 6 - Grading South Area
- Sheet 7 - Grading North Area
- Sheet 8 - Utility Layout - South
- Sheet 9 - Utility Layout - North

Offsite Improvements

- Sheets R1 - R3 - Riverview Drive Grading
- Sheet R4 - Riverview Drive Profile
- Sheets R5 - R12 - River Drive

Subdivision Improvements

- Sheets C1 - C8 - Coltree Drive
- Sheets K1 - K6 - Kinlee Drive
- Sheets M1 - M2 - Meeka Drive
- Sheets P1 - P2 - Pluto Drive
- Sheet D1 - Sewer Details
- Sheet D2 - Water Details

- Exhibit E - Geologic Hazard Report Update (12/19/26)
- Exhibit F - Engineering Site Preparation Update (1/6/26)
- Exhibit G - Drainage Calculations
- Exhibit H - Traffic Analysis Update Memorandum (12/29/25)
- Exhibit I - Proposed CC&R
- Exhibit J - Service Provider Letters
 - Nehalem Bay Wastewater Agency
 - Tillamook Peoples Utility District
 - Nehalem Bay Fire and Rescue District
 - City of Nehalem, Water Service Availability
- Exhibit K - Facilities Certifications
 - Certificate of water line completion (Morgan Engineering)
 - Certificate of sewer line completion (Morgan Engineering)
 - OHA Water System Approval Letter

V. Review of Applicable Approval Criteria

Subdivision applications are required to comply with the code criteria found in the City of Nehalem Subdivision Ordinance and Zoning Ordinance. Each of the relevant code sections are reviewed below. Each relevant code section is written in regular text followed by a response written in italics.

City of Nehalem

Article II - Zones and Zoning Regulations

157.201.01 - Mapping of Zones

(A) Zoning maps. The boundaries of zoning districts within the city limits are shown upon the maps entitled “City of Nehalem Zoning Map.” The boundaries of zoning districts within the urban growth boundary, but outside the city limits, are shown on the “Tillamook County Zoning Map.”

(B) City zoning map. The official “Zoning Map” shall be maintained on file in the office of the City Manager as long as this chapter remains in effect. Amendments thereto shall be endorsed on the map with the number of the ordinance by which the change was made. Failure to revise the map shall not affect the validity of any zone change. (Ord. 2023-05, passed 10/09/2023)

Response: As shown on the Nehalem Zoning Map (4/18/25), the subject property is zoned RM, Mixed Density Residential.

157.205 - Mixed Density Residential - RM Zone

157.205.02 - Permitted Uses

The following uses and their accessory uses are permitted outright:

- (A) Single-family housing.
- (E) Park and publicly owned recreation areas.

Response: Single family dwellings are proposed to be constructed on these lots. In addition, a privately owned and maintained park is proposed in Phase 2. These uses are permitted in the RM zone.

157.205.05 - Dimensional standards

Unless otherwise required by this chapter, the following minimum dimensional standards shall be required for all development in the RM Zone:

(A) Minimum lot size.

(1) Single-family home, duplex, or triplex - 5,000 square feet.

(7) Nonresidential uses - Sufficient area to comply with setback, parking, landscaping and other development standards. Inability to comply with this provision shall not form the basis for a variance request.

Response: *As shown on submitted plans, all lots comply with the dimensional standards of this section. These standards are met.*

(D) Minimum lot dimensions.

(1) Lot width - 40 feet; except as follows:

(a) Corner lot - 60 feet along each street frontage.

(2) Lot depth - 85 feet; except townhouse lots shall have a minimum lot depth of 75 feet.

Response: *As shown on submitted plans, all lots comply with the dimensional standards of this section. These standards are met.*

(E) Minimum setback (residential).

(1) Front yard - 15 feet; 10 feet for cottage cluster dwellings.

(2) Street side yard - 15 feet; 10 feet for cottage cluster dwellings.

(3) Side yard - five feet minimum; 12 feet both sides combined. For lot or parcel lines where townhouse units are attached, the minimum side yard shall be zero feet.

(4) Rear yard - 15 feet; 10 feet for cottage cluster dwellings and corner lots.

Response: *All lots are compatible of complying with the setbacks in this section. The specific requirements of this section will be evaluated with submission of building permit to construct homes on these lots.*

(F) Minimum setback (nonresidential).

(1) Front yard - 15 feet.

(2) Street side yard - 15 feet.

(3) Side yard - 10 feet minimum plus one additional foot for each foot that the building height exceeds 20 feet.

(4) Rear yard - 15 feet; corner lot may be 10 feet.

Response: *The proposed water reservoir and accessory buildings comply with the requirements of this section. These standards are met.*

(G) Maximum building height. The maximum building height shall be 30 feet, except that building heights of up to 35 feet may be authorized for conditional uses as part of the conditional use review and approval process.

(H) Maximum lot coverage.

(1) Single-family home - 60%.

Response: *All structures will be designed and constructed in compliance with these standards.*

157.205.06 - Development standards

All development in the RM Zone shall comply with the applicable provisions of this chapter. The following references additional development requirements:

- (A) Off-street parking. Parking, driveway and loading improvements shall comply with provisions in § 157.403 of this chapter.
- (B) Signs. Signs in the RM Zone shall conform to the standards contained in § 157.409 of this chapter.
- (C) Yards and lots. Yards and lots shall conform to provisions contained in § 157.443 of this chapter.
- (D) Fencing. Fences shall conform to provisions contained in § 157.444 of this chapter.
- (E) Shoreline and aquatic area. Development shall be in accordance with the provisions in § 157.441 of this chapter.
- (F) Buffers adjacent to land zoned EFU by Tillamook County. Property adjacent to land zoned EFU by Tillamook County shall be subject to provisions in § 157.442 of this chapter.
- (G) Exterior lighting. Any exterior lighting, including lights attached to a building, shall not shine directly on adjacent residential property.
- (H) Other. A property owner is advised other regulations may apply for property in the floodplain (§ 157.210 of this chapter) and geological hazard areas (§ 157.440 of this chapter). In addition, new uses and significant expansions may be subject to a site development review (§ 157.509 of this chapter).

Response: *As noted above, the subject property is located adjacent to land zoned Farm (F-1) comparable to EFU zoning to the north and a portion of the east property lines. As review applicable standards are contained below. All structures will be designed and constructed in compliance with these standards.*

Article IV - Development Requirements

157.401 - General Provisions

157.401.01 - Purpose

The purpose of this subchapter is to:

- (A) Carry out the Comprehensive Plan with respect to development standards and policies. Ensure that natural features of the landscape, such as landforms, natural drainage-ways, trees, and wooded areas, are preserved as much as possible and protected during construction.
- (B) Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.

Response: *The proposal complies with all requirement of this section.*

157.401.02 - Application of standards

- (A) Application. The standards set forth in this subchapter shall apply to single-family dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, multifamily dwellings, land divisions, commercial and industrial projects.

Response: *The proposed subdivision is intended to be developed with single-family dwellings.*

- (B) Alternatives to standards. The application of these standards to a particular development shall be modified as follows:
 - (1) Development standards which are unique to a particular use, or special use, shall be set forth within the zone or in this section.
 - (2) Those development standards which are unique to a particular zone shall be set forth in the section governing that zone.

Response: The application does not require any modifications to these standards.

(C) Organization. This subchapter is organized as follows:

- (1) Standards that apply to all zones, such as street standards or sign regulations, are in §§ [157.402](#) to [157.409](#) of this chapter.
- (2) Standards that apply to specific development or activities, such as a residential accessory building or bed and breakfast establishment, are in §§ [157.420](#) to [157.432](#) of this chapter.
- (3) General standards that apply to a variety of developments or uses, such as fences or construction in geologically sensitive areas, are found in §§ [157.440](#) to [157.445](#) of this chapter. (Ord. 2023-05, passed 10/09/2023; Ord. 2025-04, passed 06/09/2025)

Response: All applicable sections have been addressed in this narrative.

157.401.03 - Application of public facility standards

Standards for the provision and utilization of public facilities or services available within the City of Nehalem shall apply to all land developments in accordance with the requirements of the City Public Works Department and City Engineer. No development permit shall be approved unless the required improvements are provided prior to occupancy or operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by the city.

Response: The applicant is aware of the requirements of this section.

157.402 - Street Standards

157.402.01 - Purpose

- (A) To provide for safe, efficient, convenient multi-modal movement in the City of Nehalem.
- (B) To provide adequate access to all proposed developments in the City of Nehalem.
- (C) To provide adequate area in all public rights-of-way for sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.

Response: All of these requirements are addressed below.

157.402.02 - General provisions

(A) General

- (1) The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use of land to be served by the streets.
- (2) The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain.
- (3) Where location is not shown in a development plan, the arrangement of streets shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

- (b) Conform to a plan for the neighborhood adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Response: *The proposed street system is designed as a continuation of streets approved and construction with Phase 1 of Riverview Meadows Subdivision. In addition, the applicant has proposed construction of a new road to serve the development (Riverview Drive). This standard is met.*

(B) Minimum right-of-way widths

- (1) Street rights-of-way and improvements shall be the widths and standards listed in the Minimum Right-of-Way Widths Table below.
- (2) The width of a required right-of-way shall be determined by the city based upon, but not limited to, the following factors:
- (a) Street classification, if any, listed within the Comprehensive Plan, Transportation System Plan and/or this chapter;
 - (b) Anticipated traffic generation;
 - (c) On-street parking needs;
 - (d) Sidewalk and bikeway requirements based on anticipated level of use;
 - (e) Requirements for placement of utilities;
 - (f) Street lighting;
 - (g) Minimize drainage, slope and sensitive lands impacts, as identified within § [157.406](#) of this chapter;
 - (h) Safety and comfort for motorists, bicyclists and pedestrians;
 - (i) Access needs for emergency vehicles;
 - (j) Street furnishings (e.g., benches, lighting, bus shelters) when provided;
 - (k) Transition between different street widths (i.e., existing streets and new streets), as applicable; and
 - (l) Other relevant criteria.

Response: *All roads are proposed and classified as local streets. This standard is met.*

- (3) Right-of-way classifications, as used herein, shall be construed to mean the following:
- (a) Arterial street. Carries most of the traffic through or into the city; provides access to the most intensive areas of the city;
 - (b) Collector street. Distributes traffic from arterial streets into residential streets and are intermediate in size, between arterial and residential streets;
 - (c) Residential street. Serves as direct access to abutting properties and are not intended to provide through traffic movements as do arterial and collector streets;
 - (d) Private street. Street that is not intended, nor shall become a public street with no possibility of through traffic and with adequate turnarounds; and
 - (e) Driveway. A private lane that shall not serve more than two residential units. Additional units may require the conversion of the driveway to a private or public street. Triplex, quadplex, townhouse projects, and cottage cluster are exempt from this standard and subject to §§ [157.423](#), [157.422](#), and [157.423](#) of this chapter.
- Response:** *All streets are classified as private local streets intended to serve the proposed development. This standard is met.*

(C) Alignment

- (1) As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof.
- (2) Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 150 feet between the centerlines of streets having approximately the same direction.

Response: *The proposed street system is designed as a continuation of streets approved and constructed as part of Phase 1 improvements. In addition, the location of the proposed new access road, Riverview Drive, intersecting North Fork Road was reviewed and approved by County Public Works. This standard is met.*

(D) Future street extension

- (1) Cul-de-sac and dead-end streets are prohibited unless street continuation is precluded by one or more of the following barriers:
 - (a) Topography (steep slopes greater than 25%);
 - (b) Highway right-of-way;
 - (c) Pre-existing development patterns preclude street connections;
 - (d) Regulated streams, wetlands, waterways, coastal resources, or other sensitive habitat;

(2) Reserve strips including street plugs may be required to preserve the objective of street extensions.

(3) Where cul-de-sacs and dead-end streets are permitted, they should not exceed 300 feet in length, except in cases where physical barriers are present.

(4) The cul-de-sac or dead-end street shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.

Response: *Because the subject property borders the Nehalem Urban Growth Boundary on three sides (north, east, and west), no future street extensions are proposed or required. This standard is met.*

(E) Intersection angles.

(1) Streets shall intersect at angles as near to right angles as practical except where topography requires a lesser angle; but in no case shall the acute angle be less than 80 degrees, unless there is a special intersection design, or the corner radius is increased to allow for safe turning.

(2) An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography or other unusual circumstances require a lesser distance.

(3) Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography or other unusual circumstances require a lesser distance.

(4) Intersections which contain an acute angle of less than 80 degrees, or which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

(5) Unless otherwise modified per § 157.402.03 of this chapter, the intersection of more than two streets at any one point will not be approved.

Response: *The majority of street intersections are designed at a 90 degree angle, except where site topography and lot configurations require slight modifications. This standard is met.*

- (F) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

Response: *As noted above, the proposed street system represents a continuation of existing streets approved and constructed as part of Phase 1 improvements. This standard is met.*

- (G) Half streets.

- (1) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision or partitions if they are in conformity with the other requirements of these regulations when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided.
- (2) Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract.
- (3) Reserve strips may be required to preserve the objectives of half streets.

Response: *No half-streets are proposed. This standard is not applicable.*

- (H) Grades and curves.

- (1) Grades shall not exceed 6% on arterials, 10% on collector streets or 12% on other streets.
- (2) Centerline radii of curves shall be no less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets and shall be to an even 10 feet.
- (3) Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves.
- (4) In flat areas, allowance shall be made for finished street grades having a minimum slope of at least 0.5%.

Response: *All streets are proposed as local streets. All proposed streets contain a grade of less than 12 percent as required and comply with the centerline radii requirements in compliance with this standard. This standard is met.*

- (I) Street names. The city shall approve all street names for conformance with the established pattern and to avoid duplication and confusion.

Response: *All streets names have been previously reviewed and approved by Tillamook County as required. This standard is met.*

- (J) Private streets.

- (1) The design and improvement of any private street shall be subject to all requirements prescribed by this chapter for public streets.
- (2) Private streets shall be named per provisions in division (I) above.
- (3) Provision for the maintenance of a private street shall be provided in the form of a maintenance agreement, homeowners' association, or similar instrument acceptable

to the city. The applicable document shall be recorded against the deed record of each lot or parcel, and if appropriate, placed on the final plat.

- (4) A turn-around shall be required for any private street which is the sole access, and which is either more than 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the design provisions of the applicable fire district.

Response: All streets within the proposed development will be private owed and maintained, the same as streets approved with Phase 1 of the development. As shown on submitted plans, all streets serving proposed lots will be constructed to include 25 feet of paved surface with a 2-foot wide gravel shoulder on each side within a 50-foot wide right-of-way easement. Riverview Drive intersecting North Fork Road has been designed to serve as the primary access for the development and is constructed with a 24-foot paved surface and a 2-foot wide gravel shoulder on each side within a 50-foot easement. As noted above, all street names will be approved by Tillamook County. Maintenance of the proposed private streets will be shared by the owners of all lots within the development as detailed in the CC&R and Homeowner's Association established for the subdivision. This standard is met.

- (K) Private access easement. A private access easement created as the result of an approved land division shall conform to the following:

Response: No private access easements are proposed or required.

157.402.03 - Modification of right-of-way and improvement width

The city may allow modification to the public street standards of § [157.402.02](#) of this chapter when the following criteria of both divisions (A) and (B) are satisfied:

(A) The modification is necessary to provide design flexibility in instances where:

- (1) Unusual topographic conditions require a reduced width or grade separation of improved surfaces;
- (2) Parcel shape or configuration precludes accessing a development with a street which meets the full standards of this chapter; or
- (3) A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area.

(B) Modification of the standards of § [157.402.02](#) of this chapter shall only be approved if the city finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (Ord. 2023-05, passed 10/09/2023)

Response: No modifications to these standards are proposed or required.

157.402.04 - Construction specifications

Construction specifications for all public streets shall comply with the criteria of the most recently adopted standards of the City of Nehalem.

Response: As noted above, no public streets are proposed. All private streets within the development have been designed and built according to City standards. This standard is met.

157.402.05 - Sidewalks

Public sidewalk improvements are required for all property development in the City of Nehalem.

(A) Sidewalks may be deferred:

- (1) At the discretion of the city where future road or utility improvements are planned and expected to be completed within 10 years.
- (2) On property where a new single-family, duplex, triplex, quadplex, townhouse, or cottage cluster dwelling is being constructed, there are no sidewalks existing on properties on either side, and no elevations or profiles have been established for future street or sidewalk improvements along the adjacent or the subject property's frontage.
- (B) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City Engineer determines that full right-of-way acquisition is impractical.
- (C) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- (D) Sidewalks width and location, including placement of any landscape strip, shall comply with the requirements of the City Public Works Department and City Engineer.
- (E) Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the front yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.
- (F) Mid-block sidewalks. The city may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops, or other community services. (Ord. 2023-05, passed 10/09/2023; Ord. 2025-04, passed 06/09/2025)

***Response:** The subject property is not located within the Nehalem city limits and all private roads have been designed without sidewalks to match roads previously approved and constructed with Phase 1 of the development. This standard is met.*

157.402.07 - Lots and parcels served by private streets or easements

The following shall apply to all lots and parcels that are accessed by either a private street or private access easement:

- (A) Lot and parcel size. The easement containing the private street or access easement shall be excluded from the lot or parcel size calculation.
- (B) Setbacks. The line fronting along a private street or access easement shall be considered a property line. Setbacks to the garage and home shall be measured from this easement line.
- (C) Lot depth and width. Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line. (Ord. 2023-05, passed 10/09/2023)

***Response:** The proposed private streets are to be contained within a separate private tract. All lot dimensions and setbacks are measured from lot lines and do not include this tract. This standard is met.*

157.402.08 - Traffic impact analysis

The purpose of this section is to coordinate the review of land use applications with roadway authorities and to implement O.A.R. [660-012-0045\(2\)\(e\)](#) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted

with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.

- (A) When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - (1) A change in zoning or a plan amendment designation;
 - (2) Operational or safety concerns documented in writing by a road authority;
 - (3) An increase in site traffic volume generation by 300 average daily trips (ADT) or more;
 - (4) An increase in peak hour volume of a particular movement to and from a street or highway by 20% or more;
 - (5) An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - (6) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or
 - (7) A TIA required by ODOT pursuant to O.A.R. 734-051.

Response: A Traffic Impact Study dated October 7, 2022 was submitted and reviewed with the original application package. To ensure the analysis and conclusion of this study remain valid today, the Traffic Engineer who prepared this study, prepared a Traffic Analysis Update Memorandum. To ensure these findings remain valid, some additional analysis was undertaken to verify the study area intersections will operate acceptably through the year 2028 and that recent crash history is not indicative of safety problems. The Engineers concluded that based on this analysis, the conclusions of the 2022 Traffic Impact Study remain valid today and no additional mitigation is recommended. This standard is met.

- (B) Traffic impact analysis preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.

Response: The provided Traffic Impact Study and Update Memorandum were prepared by Mike Ard of Ard Engineer, a registered Professional Engineer in the State of Oregon. This standard is met.

- (C) The TIA shall be reviewed according to the following criteria:
 - (1) The analysis complies with the content requirements set forth by the city and/or other road authorities as appropriate;
 - (2) The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;
 - (3) For affected city facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in this chapter and the TSP, and includes identification of multi-modal solutions used to meet these standards, as needed; and

- (4) Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in this chapter and the TSP

Response: *The previously submitted Traffic Impact Study was reviewed according to the criteria in this section. The Update Memorandum notes the assumptions and finding in this study remain valid today. As detailed in these documents, all criteria have been addressed to warrant approval of the subject application. This standard is met.*

(D) Conditions of approval.

- (1) The city may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.
- (2) Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to city standards.
- (3) Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or contribution to traffic signals; and/or construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
- (4) Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Response: *The applicant understands Conditions as detailed in this section by be applied with approval of the project.*

157.404 - Land Divisions

157.404.01 - Purpose

The purpose of this section is to provide for the orderly, safe, and efficient division of land within the city.

157.404.02 - Scope

The provisions of this section shall apply to all land divisions within the City of Nehalem. No person shall subdivide, expedited land divide, or partition an area or tract of land without compliance with the provisions of this section. The following shall determine the appropriate process and design standards:

- (A) Partition. A land division creating two or three parcels within a calendar year shall be processed as a partition and subject to the design and improvement standards for a partition.
- (B) Subdivision. A land division creating four or more lots within a calendar year shall be processed as a subdivision and subject to the design and improvement standards for a subdivision.

Response: *The proposed 74 lot subdivision requires subdivision approval.*

157.404.03 - Standards for lots or parcels

The following standards shall apply to all partitions and subdivisions:

(A) Minimum lot area. The minimum lot area shall conform to the requirements of the applicable zone in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this section.

Response: As shown on submitted plans, all lots contain at least 5,000 square feet as required in the RM zone. This standard is met.

(B) Minimum frontage. Every lot shall abut a street, other than an alley, for at least 20 feet. Minimum frontage does not apply to middle housing land divisions; provisions for middle housing land divisions are found in § 157.504 of this chapter.

Response: All lots contain frontage on a street with a least 20 feet of frontage. This standard is met.

(C) Access and spacing. Access and spacing standards for streets in Nehalem shall conform to the following access management spacing standards as indicated below:

Functional Class	Maximum Block Length	Minimum Block Length	Minimum Driveway Spacing	Minimum Intersection Setback
Collector	1,000 feet	200 feet	100 feet	150 feet

Response: All lots contain frontage on private local streets. The existing access to the site and the proposed new access intersection North Fork Road comply with the standards in this section. This standard is met.

(E) Private street access. Residential lots or parcels may be accessed by a private street developed in accordance with the provisions of § 157.403 of this chapter when it is determined that a public street access is:

- (1) Infeasible due to parcel shape, terrain, or location of existing structures; and
- (2) Unnecessary to provide for the future development of adjoining property.

Response: Phase 1 of the Riverview Meadows Subdivision is accessed by a single private street (Riverview Meadows Lane) extended from North Fork Road to serve the development. The lots in the proposed subdivision will be accessed by an extension of this street network. In addition, the applicant proposes constructing a new secondary access (Riverview Drive) to connect with North Fork Road west of the original access as shown on submitted plans. This standard is met.

(F) Flag lots. Flag lots (or parcels) shall be subject to the following development standards:

- (1) The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.
- (2) The access strip shall not be included in the lot area calculation.
- (3) If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area in compliance with local fire district requirements.

Response: Only one flag lot (Lot 89) is proposed. This lot complies with the standards in this section. This standard is met.

- (G) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography. Screening or buffering may be required during the application review.

Response: No through lots are proposed. This standard is met.

- (H) Side lot lines. The side lot lines, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.

Response: All side lot lines run at right angles or close to right angles as practicable. This standard is met.

- (I) Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to the requirements of the City Public Works Department and City Engineer.

Response: All utility easements as necessary to serve the development are shown on submitted plans. This standard is met.

157.404.04 = Standards for subdivisions - Blocks and traffic

- (A) General. The length, width, and shape of blocks shall be designed to provide adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

Response: All blocks have been designed to provide adequate building sites as required. This standard is met.

- (B) Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.

Response: All interior blocks are designed in compliance with these standards. The block along the eastern property line does not contain a street extension to the east, due to steep slopes in this area, and the block along the western property line does not contain a street extension because the western line of these lots is the urban growth boundary and no streets are required to be extended outside the UGB. This standard is met.

- (C) Traffic circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a

minimum, “nearby” means the distance from the subdivision boundary - one-quarter mile for pedestrians and one mile for bicyclists.

Response: *The proposed subdivision is designed to provide safe and convenient access to the city center as much as is feasible given the location of the subject property. This standard is met.*

(D) Connectivity. To achieve the objective in division (C) above, the city shall require the following:

- (1) Stub-end streets. Where the potential exists for additional residential development on adjacent property.
- (2) Accessways. Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600 feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.

Response: *No stub-end streets or pedestrian accessways have been identified. This standard is met.*

(E) Collector and arterial connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site’s arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.

Response: *Riverview Meadows Lane is an existing local street connecting with North Fork Road. In addition, the applicant has constructed a new road (Riverview Drive) to connect the subdivision to North Fork Road further west. This road is designed to serve as the primary access to the subdivision and the location and design of the road complies with all applicable standards. This standard is met.*

(F) Streets. Street design shall comply with provisions in § 157.402 of this chapter as well as the requirements of the City Public Works Department and City Engineer.

Response: *All streets are designed in compliance with applicable Public Works and Engineering standards. This standard is met.*

157.404.06 - Improvement requirements - Subdivision

(A) Improvements. The following improvements shall be required for all subdivisions:

- (1) Frontage improvements. Half-street improvements designed to requirements of the City Public Works Department and City Engineer shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include sidewalks, curbing, storm sewer, water lines, other public utilities as necessary, and such other improvements as the city shall determine to be reasonably necessary to serve the development or the immediate neighborhood. Sanitary sewer shall also be installed per requirements of the Nehalem Bay Water Agency.

Response: *All sanitary sewer lines have been constructed per the requirements of the Nehalem Bay Wastewater Agency as required. This standard is met.*

- (2) Project streets. Streets within the subdivision shall be constructed to the requirements of the City Public Works Department and City Engineer.
Response: *All streets within the development will be private and constructed to match streets within the Phase 1 development. This standard is met.*
- (3) Monuments. Monuments shall be established as required by the engineering design standards.
Response: *All monuments will be established as required. This standard is met.*
- (4) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the requirements of the City Public Works Department and City Engineer.
Response: *As shown on submitted plans the proposal includes a combination of roadside ditches and drainage facilities to move water into Bob's Creek. This standard is met. The details of this design is described in the stormwater report submitted with the application package. This standard is met.*
- (5) Sanitary sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Nehalem Bay Wastewater Agency requirements. The Agency may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The Agency may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction.
Response: *All sanitary sewer facilities have designed and installed in accordance with the requirements of the wastewater agency. This standard is met.*
- (6) Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the city mains shall be installed in conformance with the requirements of the City Public Works Department and City Engineer. The design shall take into account provisions for extension beyond the subdivision to adequately grid the city system and to serve the area within which the development is located when the area is fully developed. However, the city will not expect the developer to pay for the extra cost of mains exceeding eight inches in size.
Response: *As noted above and shown on submitted plans, the applicant is currently in the process of constructing a new 84,000 gallon water reservoir on Tract D at the north end of the property. This facility is designed to ensure adequate fire protection and domestic water pressure will be provided for the development and will also connect with the city's existing water distribution system to provide additional benefits to the water system in this area of the city.*

Water pressure for all of the lots within Phase 1 of Riverview Meadows will also be increased. The Project Engineer for this project prepared a report approving the design and details of the water reservoir. The conclusion of this report notes that the analysis has demonstrated that the proposed reservoir and pump station can provide adequate domestic and fire flow for the existing homes in the Riverview Meadows Subdivision and the new home built with the current phase. He notes that the reservoir will also provide a much-needed storage and fire flow source for all the existing homes on the eastern side of the existing city system. This standard is met.

- (7) Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. This improvement may be deferred until prior to occupancy of a dwelling.

Response: The proposed streets will be private as constructed in the Phase 1 development and no sidewalks are proposed.

- (8) Streetlights. The installation of streetlights is required at locations, and of a type, approved by the city.

Response: Streetlights as approved by the city will be installed with subdivision improvements. This standard is met.

- (9) Street signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type approved by the city.

Response: All street signs will be installed as required. This standard is met.

- (10) Other requirements.

(a) Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be approved by the city and installed per the requirements of the City Public Works Department and City Engineer.

(b) Street tree planting is not required of the developer, but, if planted, shall be according to city standards and of a species compatible with the width of the planting strip and underground facilities.

Response: These standards are addressed as applicable. This standard is met.

- (11) Bicycle improvements. Improvements for bicycle lanes and other bicycle facilities (signs, parking, etc.) shall be installed along collector or arterial streets.

- (12) Transit access improvements. Improvements for bicycle and pedestrian access and connectivity shall be provided wherever a bus/transit stop is located on or adjacent to the subject property or subdivision.

Response: No bicycle or transit improvements have been identified. These sections are not applicable.

- (B) Completion of improvements. All improvements required under this section shall be completed to city standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the final plat

of the subdivision. In no case shall the bond exceed 100% of the remaining project improvements as determined by the City Engineer. Completion of improvements for sanitary sewer shall comply with provisions of the Nehalem Bay Water Agency. **Response:** *All improvements as required will be completed or bonded as required prior to final plat approval.*

157.407 - Storm Drainage and Grading

157.407.01 - Purpose

To provide for the drainage of surface water from all residential, commercial, and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

157.407.02 - Scope

The provisions of this section shall apply to all partitions, subdivisions, multifamily developments, commercial developments, and industrial development, and to the reconstruction or expansion of such developments.

157.407.03 - Plan for storm drainage and erosion control

It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainage way. Paving and catch basin outflows may require detention cells and/or discharge permits. Maintaining proper drainage is a continuing obligation of the property owner.

No construction of any facilities in a development shall be permitted until a storm drainage and erosion control plan, designed in accordance with the most recently adopted city standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by the city. This plan shall contain at a minimum:

- (A) The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- (B) Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, calculations and other such information as is necessary for the city to review the adequacy of the storm drainage plans. (Ord. 2023-05, passed 10/09/2023)

Response: *A stormwater management plans and report are included with the proposed subdivision. This standard is met*

157.407.04 - General standards

- (A) Design standards. All development shall be planned, designed, constructed, and maintained to:
 - (1) Protect and preserve existing natural drainage channels to the maximum practicable extent;
 - (2) Protect development from flood hazards;
 - (3) Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

- (4) Assure that waters drained from the development are free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading, and water quality facilities;
- (5) Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
- (6) Avoid placement of surface detention or retention facilities in road rights-of-way.
- (B) Public easements. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the city. This shall not imply maintenance by the city.
- (C) Obstruction of channel. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under provisions of this chapter and in compliance with city standards.
- (D) Conveyance of flows. All new development within the city shall make provisions for the continuation or appropriate projection of existing storm sewer lines or drainage ways serving surrounding areas. Drainage extensions may be required through the interior of a property to be developed where the city determines that the extension is needed to facilitate upstream flows.
- (E) City inspection. Prior to acceptance of a storm sewer system by the city, the storm sewers shall be flushed and inspected. All costs shall be borne by the developer.
Response: As detailed in the submitted Stormwater Management Plan and as shown on submitted plans, the proposal complies with applicable standard of this section. All drainage will be routed to Bob's Creek as applicable. This standard is met

157.407.05 Grading

- (A) Grading permits are required for the following activities and shall be subject to the requirements of the City Public Works Department and City Engineer:
 - (1) Grading in excess of 50 cubic yards;
 - (2) Grading potentially impacting, riparian areas, drainageways, flood hazard areas;
 - (3) Grading that could possibly impact adjacent properties;
 - (4) Grading proposed over public storm drains, sanitary sewers, or water lines;
 - (5) Grading requiring tree removal;
 - (6) Other areas with potential impacts as determined by the city;
 - (7) Land partitions and subdivisions.
- (B) If the approved grading activity is associated with a building permit, a final grading inspection shall be required prior to issuance of certificate of occupancy.
- (C) NDPEs permit required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturbs one or more acres of land. (Ord. 2023-05, passed 10/09/2023)
Response: Given the status of the project, all grading required for development of the subdivision has already been completed. This standard is met

157.408 - Utility Lines and Facilities

157.408.01 - Purpose.

To provide adequate services and facilities appropriate to the scale and type of development.

157.408.02 - Standards

- (A) Design and location. The location, design, installation, and maintenance of all utility lines and facilities shall be conducted with minimum site disturbances.
- (B) Private utilities. All development which has a need for electricity, gas, and communications services shall install them per the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- (C) Water service. All development which has a need for public water shall install the facilities per the requirements of the city. Installation of the facilities shall be coordinated with the extension of sanitary sewer and storm drainage facilities.
- (D) Sanitary sewer. All development which has a need for public sanitary sewers shall install the facilities per the requirements of the Nehalem Bay Wastewater Agency. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
- (E) Streetlights. When required, the installation of streetlights shall be per the requirements of the city engineering standards and the requirements of the utility company serving the development.
- (F) Easements - General. Easements shall be provided along property lines as required by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.

Response: All utility lines and facilities have been installed and inspected according to approved plans. The developer has purchased street lights and they are waiting to be installed. All required easements are shown on the tentative plat. This standard is met

157.408.03 - Public facility improvements

- (A) Except for sanitary sewers, all public facility improvements shall be designed and constructed in compliance with the requirements of the City Public Works Department and City Engineer. The City Engineer (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this chapter.
- (B) Sanitary sewer facility improvements shall be designed and constructed in compliance with Nehalem Bay Wastewater Agency requirements. The Agency shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this chapter.
- (C) Any new single-family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
 - (1) One thousand gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600;
 - (2) Three hundred fifty gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system; or
 - (3) Obtain a variance to these requirements pursuant to § 157.508 of this code through a Type III procedure.

Response: As detailed in the project chronology above, the applicant submitted plans to the City and received approval for these plans for waterlines and the reservoir and booster pump system. Plans detailing sanitary sewer improvements were also submitted to and approved by the Nehalem Bay Wastewater Agency. The proposed water reservoir is designed to ensure all homes will comply with the standards of this section. This standard is met.

157.440 - Geological Hazards

157.440.01 - Application

The following are geologic hazard areas to which the standards of this section apply:

- (A) Active landslides identified in State Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;
- (B) Inactive landslides, landslide topography and mass movement topography, identified by the Department of Geology and Mineral Industries Statewide Landslide Information Database for Oregon (SLIDO).
- (C) Areas prone to mudflows identified in DOGAMI Bulletin 79;
- (D) Brallier peat soils identified in Soil Survey, Tillamook Area, Oregon (USDA, Natural Resources Conservation Service, 1964) and the unpublished Natural Resources Conservation Service soils survey for coastal Tillamook County; or
- (E) Other locally known areas of geologic hazard based on evidence of past occurrences. (Ord. 2023-05, passed 10/09/2023)

Response: A Geologic Hazard Report was previously submitted for the project by R. Warren Krager, R.G., C.E.G dated February 25, 2020 and an addendum to this report was prepared by Morgan Civil Engineering, Inc. dated May 12, 2022. The current application contains a memorandum dated December 19, 2025 and January 6, 2026, confirming all on-site activities were completed in compliance with the previous reports and recommendations. This standard is met.

157.440.02 - Development standards

All development within geologic hazard areas shall comply with the following standards:

- (A) Vegetation removal shall be the minimum necessary to accommodate the use.
- (B) Temporary measures shall be taken to control runoff and erosion of soils during construction. Such measures include temporary stabilization (mulching or sodding), sediment basins or other performance equivalent structures required by the city.
- (C) Exposed areas shall be planted in permanent cover as soon as possible after construction.
- (D) Storm water shall be directed into drainages with adequate capacity so as not to flood adjacent downstream properties. Finished grades should preferably be designed to direct water flows along natural drainage courses.
- (E) Additional requirements contained in a geologic report required by this section shall be followed.

Response: The provided Geologic Reports detail compliance with this section. This standard is met.

157.440.03 - Geological report

- (A) A geologic hazard report is required prior to approval of planned developments, subdivisions and partitions governed by § 157.404 of this chapter, building permits and

manufactured home permits occurring in areas identified in § [157.440.02](#) of this chapter.

- (B) A report prepared for a subdivision, planned development or partition pursuant to the requirements of this section may be used to satisfy these requirements for subsequent building, mobile home or manufactured home permits; providing that, the original report provided recommendations on building placement and construction and that these recommendations are followed.
- (C) The geologic hazard report shall be prepared by a geologist, engineer, engineering geologist or other person having professional experience analyzing the relevant geologic hazards.
 - (1) Structural recommendations must be stamped by a registered professional engineer.
 - (2) The boundaries of the study area shall be determined by the city.
 - (3) It shall be prepared in a format easily understood by a “lay-person” and shall include plan and sectional diagrams of the area showing property boundaries and the geographic information required by division [\(F\)](#) below.
- (D) The geologic hazard analysis shall include the following:
 - (1) In landslide areas (§§ [157.440.01\(A\)](#) and [\(B\)](#) of this chapter):
 - (a) Soils and bedrock type;
 - (b) Slope;
 - (c) Orientation of bedding planes in relation to the dip of the surface slope;
 - (d) Soil depth;
 - (e) Other relevant soils engineering data;
 - (f) Water drainage patterns; and
 - (g) Identification of visible landslide activity in the immediate area.
 - (2) In areas prone to mudflow (§ [157.440.01\(C\)](#) of this chapter):
 - (a) History of mud or debris flow; and
 - (b) Areas likely to be affected by future mudflow.
 - (3) In Brallier peat soils (§ [157.440.01\(D\)](#) of this chapter):
 - (a) Boring log or other similar measure;
 - (b) Bearing capacity; and
 - (c) Drainage patterns.
- (E) The geologic hazards report shall recommend development standards that will protect development on the property and surrounding properties. These should include standards for:
 - (1) Development density (when more than one use is possible);
 - (2) Locations for structures and roads;
 - (3) Land grading practices, including standards for cuts and fills;
 - (4) Vegetation removal and revegetation practices;
 - (5) Foundation design (if special design is necessary);
 - (6) Road design (if applicable); and
 - (7) Management of storm water runoff during and after construction.
- (F) The geologic hazard report shall include the following summary findings and conclusions:
 - (1) The type of use proposed and the adverse effects it might have on adjacent areas;
 - (2) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use;

- (3) Methods for protecting the surrounding area from any adverse effects of the development;
- (4) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- (5) The proposed development is adequately protected from any reasonably foreseeable hazards including, but not limited to, geologic hazards, wind erosion, undercutting and flooding; and
- (6) The proposed development is designed to minimize adverse environmental effects. (Ord. 2023-05, passed 10/09/2023)

Response: The provided Geologic Reports detail compliance with this section. This standard is met.

157.442 - Special Buffers and Setbacks

157.442.01 - Riparian vegetation and small streams

- (A) Riparian vegetation along small streams shall be protected by a 15-foot riparian zone for all creeks. This zone shall be run parallel to the mean high-water line of the subject creek.
- (B) Any development within the 15-foot riparian zone, including the removal or replacement of vegetation, shall require a conditional use application pursuant to § 157.508 of this chapter. In addition to the conditional use criteria in § 157.508 of this chapter, a conditional use permit within the riparian vegetative area shall indicate how:
 - (1) The proposal will not affect the following factors;
 - (2) The proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts regarding the following factors; or
 - (3) The factors do not apply to the request. The factors include:
 - (a) Development or improvements shall be directed away from adjacent streams and drainage corridors to the greatest possible extent.
 - (b) The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and adjacent streams or drainage corridors.
 - (c) The fringe along streams and drainage corridors shall be maintained to the maximum extent practical in order to assure scenic quality, protection of wildlife habitat, and protection from erosion.
 - (d) Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. The development shall comply with the floodplain or floodway development requirements of this chapter.

Response: Bob's Creek is the only watercourse on the site that requires a 15-foot riparian buffer. As shown on the submitted plans, a portion of the proposed Riverview Drive access road is located within this buffer. Accordingly, a mitigation plan is being prepared in coordination with an Oregon Department of Fish and Wildlife (ODFW) fish biologist.

157.442.02 - Buffers adjacent to land zoned EFU by Tillamook County property

- (A) Where development is proposed on lands adjacent to Exclusive Farm Use Zones, the city shall require that a buffer of not less than 50 feet be required between the

development and the EFU boundary in order to protect the farm and development from incompatible uses or activities.

(B) Such a buffer shall be in addition to any required setback for structures or uses.

(C) As part of a land use application and review, the decision authority may require the maintenance of tree stands, fencing or other separation.

Response: As noted above, the Nehalem Urban Growth Boundary borders the north line and a portion of the west and east lines of the subject property. Property in the County adjacent to the northern and portion of the eastern property lines is zoned Farm (F-1), comparable to EFU zoning. Section A requires development proposed on lands adjacent to EFU zone to contain a buffer of not less than 50 feet to EFU zoned property. The proposed tentative plat includes a 50-foot wide roadway easement along the eastern and the majority of the northern boundaries to protect the proposed homes and farm properties from incompatible uses or activities. This standard is met.

157.443 - Yard and Lot Standards

157.443.01 - New buildings shall be on a lot

Every building erected shall be located on a lot as herein defined.

Response: All proposed buildings will be located on a lot following final plat approval. This standard is met.

157.443.02 - Yards apply only to one building

No required yard or other open space or required driveway provided for any building or structure for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building. No yard or other required space on an adjoining lot shall be considered as providing a yard or open space on the lot where the building is to be erected.

Response: As detailed in Section 157.205 above, all lots are capable of accommodating single family residences in compliance with the applicable development standards. This standard is met.

157.443.03 - Front yard projections

The following features, when not more than one story high, may project into the required front yard setback area, provided the projection shall come no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.

Response: The applicant will consider this section in the design of structures for the proposed lots following final plat approval.

157.443.04 - Side yard projections

(A) Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than one-fourth of the width of the required side yard.

(B) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 18 inches into a required side yard, provided the chimneys and flues shall not exceed six feet in width.

- (C) Uncovered decks and patios attached to the main building, and no more than 30 inches in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line.

Response: The applicant will consider this section in the design of structures for the proposed lots following final plat approval.

157.443.05 - Rear yard projections

- (A) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features may project not more than 18 inches into a required rear yard, provided the chimneys and flues shall not exceed six feet in width.
- (B) A fire escape, balcony, outside stairway, cornice, or other unenclosed, unroofed projections may project not more than five feet into a required rear yard.
- (C) The following features, when not more than one story high, may project into the required rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.
- (D) No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or within five feet of a rear lot line if no alley exists.

Response: The applicant will consider this section in the design of structures for the proposed lots following final plat approval.

157.443.06 - Vision clearance

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following:

- (A) Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:
 - (1) A line extending a number of feet, as identified in divisions [\(B\)](#), [\(C\)](#), [\(D\)](#), and [\(E\)](#) below, from the intersection along a public street right-of-way;
 - (2) A line extending a certain number of feet from the intersection along the intersecting access; and
 - (3) A third line that creates the triangular clear vision area by connecting the ends of the lines described in divisions [\(A\)\(1\)](#) and [\(2\)](#) above.
- (B) Street-driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the driveway.
- (C) Street-alley. The clear vision area for street-alley intersections shall be 10 feet along the alley from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the alley.
- (D) Street-private access easement. The clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the access easement.
- (E) Corner lots (street-street intersection). The clear vision area for corner lots on local residential streets (either public or private) shall be 20 feet along the right-of-way of each intersecting street. For collector and arterial streets, the measurement along the right-of-way of the collector or arterial street shall be 30 feet.

(F) Prohibited development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that the following may be allowed in the clear vision area:

- (1) Trees, provided all branches and foliage are removed to a height of eight feet above grade;
- (2) Telephone, power, and cable television poles; switchboxes no more than 10 inches in width.

Response: All required clear vision areas will be considered with completion of future improvements.

157.511- Subdivisions and Planned Developments

157.511.01 - Applicability

All subdivisions and planned developments shall conform to all applicable standards of the underlying zone, as well as the development standards and other provisions of this chapter unless otherwise modified by provisions in this section.

Response: A residential subdivision is proposed and the requirements of this section are applicable.

157.511.02 - Process

Preliminary plats for subdivisions and planned unit developments shall be reviewed in accordance with the Type III review procedures in § 157.523 of this chapter.

(B) For property outside the city limits, and within the urban growth boundary, a subdivision and planned development shall be reviewed by Tillamook County in accordance with provisions in the intergovernmental agreement, and subject to the decision criteria in § 157.511.05 of this chapter.

Response: The subject property is located outside the Nehalem city limits but within the Urban Growth Boundary. For this reason, the application has been submitted to and will be reviewed by Tillamook County per this section.

157.511.03 - Application

An application for a subdivision or planned development shall be filed with the city (or county as applicable) and accompanied by the appropriate fee. Notice shall be subject to the provisions in § 157.523 of this chapter

Response: The applicant filed the application with Tillamook County as required.

157.511.04 - Submittal requirements

The following submittal requirements shall apply to all preliminary plat applications for subdivisions and planned developments:

(A) All applications shall be submitted on forms provided by the city to the City Manager along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria.

(B) Applicants for subdivisions shall submit the following:

(1) General information. The following general information shall be shown on the tentative plan:

- (a) Vicinity map showing all streets, property lines, streams, and other pertinent data to locate the proposal.
 - (b) North arrow and scale of drawing.
 - (c) Tax map and tax lot number or tax account of the subject property.
 - (d) Dimensions and size in square feet or acres of the subject property.
 - (e) Name of the subdivision or PD.
- (2) Existing conditions.
- (a) Location of all existing easements within the property.
 - (b) Location of city utilities (water and storm drainage) and sanitary sewer (Nehalem Bay Wastewater Agency) within or adjacent to the property proposed for use to serve the development.
 - (c) The location and direction of water courses or drainage swales on the subject property.
 - (d) Existing use of the property, including location of existing structures. It should be noted whether the existing structures are to remain or be removed from the property.
 - (e) Direction of drainage and approximate grade of abutting streets.
 - (f) Proposed streets, approximate grade, and radius of curves.
 - (g) Any other legal access to the subdivision other than a public street.
 - (h) Contour lines related to an established bench mark on city datum, having the following minimum intervals:
 - (i) Areas with less than 5% slope: One-foot contours.
 - (ii) Areas with slope between 5% and 10%: Two-foot contours.
 - (iii) Areas with slope greater than 10%: Five-foot contours.
- (3) Proposed plan.
- (a) Locations, approximate dimensions and area in square feet of all proposed lots. All lots shall be numbered consecutively.
 - (b) Location, width, and purpose of any proposed easements.
 - (c) All areas offered for public dedication.
 - (d) If any portion of the property is not proposed to be included in the subdivision or any public dedication, that portion shall be identified as a remnant parcel. A draft subdivision or development plan shall be included showing how the proposed subdivision will provide needed access and utilities to serve future development of the remnant parcel.
 - (e) Proposed phasing.
- (C) The following supplemental information shall be required for all planned development preliminary plan applications:
- (1) Proposed uses on the property, including sites, if any, for townhouses, recreational facilities, parks, and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
 - (2) Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
 - (3) Architectural renderings of the proposed residential and commercial buildings and structures.
 - (4) The approximate location and dimensions of all commercial, mixed-use, or multifamily structures proposed to be located on the site.

- (5) Calculations justifying the proposed density of development as required by § 157.405 of this chapter.
- (6) Landscaping plan indicating location of existing vegetation and proposed improvements.
- (7) Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
- (8) Written statement outlining proposals for ownership and maintenance of all open space areas and any commonly owned facilities.

Response: *All of the information required by this section is shown on the submitted tentative plat. The proposal contains 74 residential lots and three tracts in a single phase. Tract D is proposed to contain the proposed public water reservoir, Tract E a private open space/recreation area, and Tract F includes the 50-foot wide (right-of-way) private road system designed to serve all lots and tracts in the subdivision. The subject property contains a gross site area of 21.88 acres and after deducting the proposed tracts (reservoir, open space, and roads), the site contains 15.46 net acres. The net density of the subdivision is 5.15 units/acre (74 lots/ 15.46 acres = 4.79 units/net acre). This standard is met.*

157.511.05 - Decision criteria

- (A) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved or the request is part of a planned development.
Response: *As reviewed above and as shown on submitted plans, all proposed lots comply with the dimensional standards of the RM zone, Section 157.205, as required. This criterion is satisfied.*
- (B) The parcels shall meet the development standards for land division of § 157.404 of this chapter or the specific requirements of a planned development.
Response: *As reviewed above and shown on submitted plans, all proposed lots and improvements comply with the development standards in Section 157.404. This criterion is satisfied.*
- (C) Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.
Response: *The subject property does not contain any existing buildings. All proposed structures are capable of complying with applicable setbacks. This criterion is satisfied.*
- (D) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with § 51.09 of this code and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. If adjacent

properties are undeveloped or landlocked, consideration will be given to extending appropriate access to those properties in accordance with adopted city policy.

Response: *As contained in the application package, the applicant worked with the City of Nehalem on the design of a water reservoir and system to serve the proposed development. This system, as noted above, will also increase the water pressure for the homes constructed in Phase 1 of Riverview Meadows and is connected to the city's water system in this area of the city. This facility is also expected to increase water pressure and capacity in this area of the city. With these improvements, the water system is designed to provide adequate capacity to serve the proposed development. As detailed above, all public facilities and access will be available to serve lots within the development. This criterion is satisfied.*

(E) Planned development. In addition to the criteria listed above, approval of a planned unit development shall require compliance with the applicable development and layout provisions contained in § 157.405 of this chapter.

Response: *A planned development is not proposed and this section is not applicable.*

V. Conclusion

Riverview Meadows Development, LLC requests land use approval to construct Phase 2 of the Riverview Meadows Subdivision, consisting of 74 residential lots. In addition to the residential lots, three tracts are proposed: Tract D, which will contain the proposed water reservoir; Tract E, will be designated as private open space; and Tract F, includes the proposed private road system.

The plans and all relevant materials submitted with this application are generally the same as those previously reviewed and approved by the Tillamook County Planning Commission. These approvals included Phase 2 of the subdivision (#851-21-000415-PLNG) and the associated Geologic Hazard Report (#851-21-000414-PLNG), approved on October 25, 2022, as well as Phase 3 of the subdivision, approved on June 20, 2023 (#851-23-000009-PLNG).

As noted above, both prior approvals expired while the applicant was in the process of constructing required improvements, necessitating the current application. As demonstrated in this narrative, the proposal complies with all applicable standards and criteria of the Nehalem Subdivision and Zoning Codes. Accordingly, the applicant respectfully requests approval of the application as submitted.