

EXHIBIT U

Page 15 of 16

TILLAMOOK County Assessor's Summary Report
Real Property Assessment Report
FOR ASSESSMENT YEAR 2020

March 21, 2021 2:20:42 pm

Account # 322822	Tax Status ASSESSABLE
Map # 1N1007DA03204	Acct Status ACTIVE
Code - Tax # 5624-322822	Subtype NORMAL
Legal Descr See Record	
Mailing Name VON SEGGERN, HEATHER STECK	Deed Reference # 2020-39
Agent	Sales Date/Price 01-02-2020 / \$175,000.00
In Care Of	Appraiser ROBERT BUCKINGHAM
Mailing Address 337 SOMERSET AVE SARASOTA, FL 34243	
Prop Class 100	MA SA NH Unit
RMV Class 100	05 OF 536 4366-1

Situs Address(s)		Situs City		Value Summary		RMV Exception		CPR %
Code Area		RMV	MAV	AV				
5624	Land	312,720			Land		0	
	Impr.	0			Impr.		0	
Code Area Total		312,720	283,800	283,800			0	
Grand Total		312,720	283,800	283,800			0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
5624	0	<input checked="" type="checkbox"/>		RK-R-2	Market	97	A	0.12	312,720
Grand Total								0.12	312,720

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV	
					TD%	Total Sq. Ft.	Ex% MS Acct #		
Grand Total								0	0

Comments: 02/07/13 Reappraised land. Tabled values. RBB

Real Market Value Based on 2020 County Tax Assessment Reports

Account #	Map #	RMV
399441	1N1007DD00114	\$1,575,520
399444	1N1007DD00115	\$657,960
399447	1N1007DD00116	\$834,070
399450	1N1007DD00117	\$316,730
399453	1N1007DD00118	\$710,300
399456	1N1007DD00119	\$316,730
399459	1N1007DD00120	\$705,120
399462	1N1007DD00121	\$680,640
399465	1N1007DD00122	\$698,930
399468	1N1007DD00123	\$1,138,890
62425	1N1007DA03000	\$690,130
62611	1N1007DA03100	\$698,310
355715	1N1007DA03104	\$636,220
62719	1N1007DA03203	\$312,720
322822	1N1007DA03204	\$312,720
TOTAL:		\$10,284,990

WATSECO-BARVIEW WATER DISTRICT

BOX 295 -1- ROCKAWAY, OREGON 97136

8-15-96

Tillamook County Planning Dept.
Room 7
Tillamook, Oregon 97141

RE: 1N10 7DA 3100

This is to confirm that the above property has water service
available for the property.

Sincerely,
WATSECO-BARVIEW WATER DISTRICT

Jerry Nelson
OFFICE MANAGER

RECEIVED

JAN 28 1997

COMMUNITY
DEVELOPMENT

Twin Rocks Sanitary District

P.O. Box 69
Rockaway Beach, OR 97136

8-15-96

Tillamook County Planning Dept.
Room 7
Tillamook, Oregon 97141

RE: 1N10 7DA 3100

This is to confirm that the above property has sewer service available for the property.

Sincerely,

TWIN ROCKS SANITARY DISTRICT

Jerry Nelson
OFFICE MANAGER

RECEIVED

JAN 28 1997

COMMUNITY
DEVELOPMENT

EXHIBIT C



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Oregon Coastal Management Program

810 SW Alder Street, Suite B

Newport, OR 97365

www.oregon.gov/LCD



May 19, 2021

Sarah Absher, Director
Tillamook County
Department of Community Development
1510 – B Third St
Tillamook, OR 97141

Re: 851-21-000086-PLNG-01: Goal exception request

Dear Ms. Absher,

Thank you for the opportunity to provide written testimony for the goal exception request, #851-21-000086-PLNG-01 for approval of an exception to Statewide Planning Goal 18, Implementation Requirement 5, to place a beachfront protective structure along the westerly lots of the Pine Beach Subdivision and five oceanfront lots to the north located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary. Please enter this letter into the record of the hearing on the subject request.

Date Limitation of Beachfront Protective Structures

It is our understanding that the above referenced properties (15 tax lots) are seeking a pathway to place a beachfront protective structure along the oceanfront to mitigate ongoing ocean flooding and erosion. The County has not identified this area as a developed area as of January 1, 1977. Goal 18, implementation requirement #5 states:

Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. Local comprehensive plans shall identify areas where development existed on January 1, 1977. For the purposes of this requirement and Implementation Requirement 7 'development' means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to (2) above has been approved.

The fifteen lots subject to the request do not meet the definition of development because they were developed after 1977. This determination was made based upon the following information:

- Utilizing the 1977 aerial imagery from the Army Corps of Engineers, it was determined that qualifying development (residential, commercial, or industrial buildings) was not present on any of these tax lots.
- Although the original plat "Pine Beach" was recorded in 1932 containing 121 lots, the entire plat, with the exception of Second Street between Pacific Highway and Ocean Boulevard and the separate ownerships along Second Street, was **vacated** in 1941. The Pine Beach Replat

was approved in 1994. Thus, on January 1, 1977, there was no eligible development on the oceanfront parcels at this site and it was not part of a statutory subdivision.

- The five parcels to the north of Pine Beach Subdivision were part of the George Shand Tracts, surveyed in 1950. However, tracts are not considered a statutory subdivision as defined in ORS 92.010 and so these parcels of land do not meet the definition of development as defined in Goal 18.

Therefore, the applicants need an exception to the 1977 development date limitation of Statewide Planning Goal 18: Beaches and Dunes, in addition to any local criteria. It is also important to note that an exception to one goal or goal requirement does not ensure compliance with any other applicable goals or goal requirements for the proposed uses at the exception site. Therefore, an exception to exclude certain lands from the requirements of one or more statewide goals or goal requirements does not exempt a local government from the requirements of any other goal(s) for which an exception was not taken. OAR 660-004-0010(3)

Reasons Exception Pathway

It is the department's position that a "reasons" exception to Goal 18 is necessary in this case. Furthermore, DLCD has determined that the proper administrative rule provisions are those of OAR 660-004-0022(1) rather than OAR 660-004-0022(11) because the houses that exist in this area were lawfully developed under the County's regulations at the time of development. The lands are not part of an existing goal exception under Goal 18. Tillamook County has identified and adopted specific exception areas for Goal 18, Implementation Requirement #2 in the County's Comprehensive Plan (Part 6 of the Beaches and Dunes Element). The area specified in this application is not included in those adopted exception areas. The notion of an implied exception, as the applicants suggest, is not supported by law. A goal exception is an affirmative act that is incorporated into a comprehensive plan.

Additionally, the County has an adopted inventory of beach and dune landforms subject to the provisions of Goal 18 and it is not an ever-changing inventory. While it is clear that this area is now subject to ocean flooding, the developments already exist lawfully and the County's beach and dune landform inventory has not changed. The question at hand is not whether these properties should continue to exist where they are, but rather whether they can install a beachfront protective structure. A "committed" exception is based on adjacent uses; the applicants do not establish that adjacent uses are the basis for this exception request. Therefore, they do not qualify for, nor need, a "committed" exception under OAR 660-004-0028 or a specific "reasons" exception under OAR 660-004-0022(11). The applicants are seeking an exception to the date-based limitation on the placement of beachfront protective structures for Goal 18. Only a general "reasons" exception to Goal 18, Implementation Requirement #5 is needed in this case (OAR 660-004-0022(1)).

Recent LUBA decisions, subsequent to this application, also provide additional guidance on the matter:

- Coos County: <https://www.oregon.gov/luba/Docs/Opinions/2021/05-21/20002.pdf>
- City of Coos Bay: <https://www.oregon.gov/luba/Docs/Opinions/2021/05-21/20012.pdf>

In brief, these LUBA decisions note that taking a reasons exception is a high bar and the applicant and jurisdiction must follow the reasons exception process closely and carefully to demonstrate the need.

OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

As mentioned above, the provisions of OAR 660-004-0022 specify the pathway for the applicants in this case. Specifically, OAR 660-004-0022(1) provides:

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

An application that does not satisfy these provisions fails and may not be approved.

OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

If the provisions of OAR 660-004-0022(1) are found to be satisfied, the review may then turn to the provisions of OAR 660-004-0020. In addition to the above, there are four tests to be addressed when taking an exception, which are set forth in Statewide Planning Goal 2, Part II and more specifically in OAR 660-004-0020(2)(a) – (d). Those criteria are:

- 1) Reasons that justify why the state policy embodied in the applicable goal should not apply;*
- 2) Areas which do not require a new exception cannot reasonably accommodate the use;*
- 3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*
- 4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

It is imperative that the County focus on these standards when evaluating the exception application for the westerly lots of the Pine Beach Subdivision and five oceanfront lots to the north located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary. A

“committed” exception is not relevant in this case and those arguments cannot be the basis for an exception decision.

Other Key Concerns

In addition to DLCD’s concerns stated above regarding the process through which the applicants are requesting review, we have specific concerns regarding the arguments as presented in the general “reasons” exceptions portion of the application (starting on pg. 55 of the submitted application).

- As mentioned by the applicants, the primary goal of Goal 18 is “to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of the coastal beach and dune areas.” The impacts of additional shoreline armoring on the beach, beach access, and surrounding properties are not adequately addressed in the application. The main focus of the analysis as presented is on the properties themselves and not the larger beach system.
- The applicants state that the “use” they are seeking an exception for is a “beachfront protective structure.” However, the “use” in this case is the “mitigation of shoreline erosion.” The applicants do not adequately analyze alternatives to a beachfront protective structure. Other mitigation practices that would not require a goal exception should be considered. The applicants should address these alternatives in making the case that a goal exception is truly warranted.
- The specificity of a unique need here is not immediately clear. How does this area differ from other areas that are also not eligible for beachfront protection? The State’s overarching policy is to prohibit the proliferation of shoreline armoring and its negative consequences on beaches. To take exception to that rule for properties built after 1977 requires a high level of justification, further described in recent LUBA decisions.
- Less than 30% of this littoral cell (from the South Jetty of Nehalem Bay down to the North Jetty at Tillamook Bay) is currently armored. The County would need to understand how the addition of approximately 880 feet of shoreline armoring south of the Shorewood RV Resort would impact this otherwise unarmored and ineligible area.
- In the proposed goal exception location, there are four vacant oceanfront lots. Future uses of these lots would have to comply with the provisions of Goal 18, including to reduce hazards to human life and property.
- The applicants claim that the lands requesting the exception are not resource lands. However, that is not true. The lands in the application are subject to both Goals 17 (Coastal Shorelands) and 18 (Beaches and Dunes), which are resource lands, OAR 660-004-0005(2). Applicants should address impacts to these lands in their analysis.
- Much of the information cited in the WEST Memo and the rest of the application is dated. There are more up-to-date and publically available publications and resources for the applicable area that should be consulted and included.

Proposed Beachfront Protective Structure

The applicants put forth a specific design for a beachfront protective structure, referenced throughout the application. The County should evaluate the request for a goal exception to Goal 18, Implementation Requirement #5 separately from a specific proposed design for a beachfront protective structure. The question at hand is whether the applicants should be allowed to place a beachfront protective structure for the purpose of shoreline erosion mitigation on the subject properties. The design of the desired protective structure could change and should be evaluated through a separate process.

Conclusion

To summarize, the most appropriate pathway of review for this application is a general "reasons" exception as outlined in OAR 660-004-0020 and OAR 660-004-0022(1). Additionally, as currently presented, this application contains problematic and missing analyses. **Therefore, DLCD recommends that the County deny the goal exception request.**

Thank you for this opportunity to comment. Please enter this letter into the record of these proceedings. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary. If you have any questions, please contact Meg Reed, Coastal Shores Specialist, at (541) 514-0091 or meg.reed@state.or.us.

Sincerely,



Patty Snow, Coastal Program Manager
Oregon Coastal Management Program
Department of Land Conservation and Development

cc: Meg Reed, Oregon Department of Land Conservation and Development
Lisa Phipps, Oregon Department of Land Conservation and Development
Heather Wade, Oregon Department of Land Conservation and Development
Steven Shipsey, Oregon Department of Justice
Jay Sennewald, Oregon Parks and Recreation Department

Allison Hinderer

From: office@twinrocks.us
Sent: Thursday, May 20, 2021 8:30 AM
To: Allison Hinderer
Subject: Re: EXTERNAL: Re: Goal 18 Exception Request- Twin Rocks Sanitary

Hi Alison

I checked with our Plant Manager Joe. He told me the sewer line was brought into that area in 1998.
Hope this helps

Thanks
Jennifer McHugh
Twin Rocks Sanitary

On 2021-05-18 14:44, Allison Hinderer wrote:

> Hi Jennifer,
>
> Thank you for providing us with that information. I do have a follow
> up question, when was the sewer line brought to the area?
>
>
> Allison Hinderer | Office Specialist 2 TILLAMOOK COUNTY |
> Community Development | Surveyor's Office 1510-C Third Street
> Tillamook, OR 97141 Phone (503)842-3423 ext. 3423
> ahindere@co.tillamook.or.us This e-mail is a public record of
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> destroy all copies of the original message.
>
> -----Original Message-----
> From: office@twinrocks.us <office@twinrocks.us>
> Sent: Tuesday, May 18, 2021 10:04 AM
> To: Allison Hinderer <ahindere@co.tillamook.or.us>
> Cc: Sarah Absher <sabsher@co.tillamook.or.us>;
> office.twinrockssanitary@gmail.com
> Subject: EXTERNAL: Re: Goal 18 Exception Request- Twin Rocks Sanitary
> Importance: High
>
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Allison Hinderer

From: Nicole Walker
Sent: Tuesday, May 18, 2021 9:03 AM
To: Allison Hinderer
Cc: Kasandra Larson; Sarah Absher
Subject: RE: Goal 18 Exception Tax & Assessment Research
Attachments: Copy of Goal 18 Exeception Tax Lots.xlsx

Hi Allison,
I have attached the updated Excel with the info you requested.

Thank you,
Nicole ☺



Nicole Walker | Assessment Technician
TILLAMOOK COUNTY | Assessment & Taxation
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3453
nwalker@co.tillamook.or.us

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From: Kasandra Larson <klarson@co.tillamook.or.us>
Sent: Monday, May 17, 2021 4:45 PM
To: Nicole Walker <nwalker@co.tillamook.or.us>
Subject: FW: Goal 18 Exception Tax & Assessment Research
Importance: High



KaSandra Larson | Chief Deputy Assessor & Tax Collector
TILLAMOOK COUNTY | Assessment & Taxation
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3400 x3456
klarson@co.tillamook.or.us

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From: Allison Hinderer <ahindere@co.tillamook.or.us>
Sent: Monday, May 17, 2021 11:52 AM

Tax & Assessment

1N1007DA03000	17560 Ocean Blvd	1989
1N1007DA03100	17490 Ocean Blvd	1997
1N1007DA03104	17488 OCEAN BLVD	1997
1N1007DA03203	Vacant Land	n/a
1N1007DA03204	Vacant Land	n/a
1N1007DD00114	17300 Pine Beach Way	2004
1N1007DD00115	17320 PINE BEACH WAY	1997
1N1007DD00116	17340 PINE BEACH WAY	1998
1N1007DD00117	Vacant Land	n/a
1N1007DD00118	17380 PINE BEACH WAY	1997
1N1007DD00119	Vacant Land	n/a
1N1007DD00120	17420 PINE BEACH WAY	2004
1N1007DD00121	17440 PINE BEACH WAY	1999
1N1007DD00122	17460 PINE BEACH WAY	1997
1N1007DD00123	17480 PINE BEACH WAY	2016

Allison Hinderer

From: office@twinrocks.us
Sent: Tuesday, May 18, 2021 10:04 AM
To: Allison Hinderer
Cc: Sarah Absher; office.twinrockssanitary@gmail.com
Subject: EXTERNAL: Re: Goal 18 Exception Request- Twin Rocks Sanitary
Attachments: Goal 18 Exeception Tax Lots - Twin Rocks Sanitary District Info.xlsx

Importance: High

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Allison

I was able to find some info.
see my attached spreadsheet.

Thanks
Jennifer McHugh
Twin Rocks Sanitary District
Office Manager

On 2021-05-17 16:26, Allison Hinderer wrote:

> Hello,
>
> Please find attached list of properties, we need to know when service
> began or was initiated.
>
> We're working on a tight deadline-if you'd be able to get any of this
> information back by Wednesday, we'd appreciate it.
>
> Thank you!
>
> Allison Hinderer | Offiice Specialist 2
>
> TILLAMOOK COUNTY | Community Development | Surveyor's Office
>
> 1510-C Third Street
>
> Tillamook, OR 97141
>
> Phone (503)842-3423 ext. 3423
>
> ahindere@co.tillamook.or.us
>
> This e-mail is a public record of Tillamook County and is subject to

		notes on this property (not sure of start date)	Start Date
1N1007DA03000	17560 Ocean Blvd	3/20/1999	
1N1007DA03100	17490 Ocean Blvd	1/19/1999	
1N1007DA03104	17488 OCEAN BLVD	1/19/1999	
1N1007DA03203	Vacant Land		
1N1007DA03204	Vacant Land		
1N1007DD00114	17300 Pine Beach Way		5/25/2004
1N1007DD00115	17320 PINE BEACH WAY	10/20/2011	
1N1007DD00116	17340 PINE BEACH WAY		4/6/1998
1N1007DD00117	Vacant Land		
1N1007DD00118	17380 PINE BEACH WAY		12/18/1997
1N1007DD00119	Vacant Land		
1N1007DD00120	17420 PINE BEACH WAY		4/29/1998
1N1007DD00121	17440 PINE BEACH WAY		9/21/1999
1N1007DD00122	17460 PINE BEACH WAY		4/29/1998
1N1007DD00123	17480 PINE BEACH WAY		8/25/2017

**Twin Rocks
Sanitary
Info**

Allison Hinderer

From: Susan Pulliam <spulliam@tpud.org>
Sent: Tuesday, May 18, 2021 7:50 AM
To: Allison Hinderer
Subject: EXTERNAL: Goal 18 Exeception Tax Lots.xlsx
Attachments: Goal 18 Exeception Tax Lots.pdf

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning,

Attached is what we show on each property. Nothing for vacant land.

I hope this helps you with your project.

Have a great day.

Susan

Susan Pulliam

Customer Services Representative

Tillamook People's Utility District

Visit our website at www.tpud.org to learn more about Tillamook PUD.

1115 Pacific Avenue • PO Box 433 • Tillamook, Oregon 97141

phone: 503.842.2535 | fax: 503.842.4161 | toll free: 1.800.422.2535

email: spulliam@tpud.org

Monday-Thursday | 7:00 a.m. to 5:30 p.m.

Visit our website at www.tpud.org to learn more about Tillamook PUD

Tillamook PUD -Installed

1N1007DA03000	17560 Ocean Blvd	3/16/1994
1N1007DA03100	17490 Ocean Blvd	3/27/1997
1N1007DA03104	17488 OCEAN BLVD	9/19/1997
1N1007DA03203	Vacant Land	n/a
1N1007DA03204	Vacant Land	n/a
1N1007DD00114	17300 Pine Beach Way	10/8/2003
1N1007DD00115	17320 PINE BEACH WAY	1/7/1998
1N1007DD00116	17340 PINE BEACH WAY	5/15/1998
1N1007DD00117	Vacant Land	n/a
1N1007DD00118	17380 PINE BEACH WAY	1/28/1998
1N1007DD00119	Vacant Land	na
1N1007DD00120	17420 PINE BEACH WAY	7/15/1997
1N1007DD00121	17440 PINE BEACH WAY	11/2/1999
1N1007DD00122	17460 PINE BEACH WAY	10/21/1997
1N1007DD00123	17480 PINE BEACH WAY	6/2/2016

Allison Hinderer

From: Watseco-Barview Water <watsecobarview@centurylink.net>
Sent: Monday, May 17, 2021 1:48 PM
To: Allison Hinderer
Subject: EXTERNAL: Re: Goal 18 Exception Request-Watseco Water
Attachments: Copy of Goal 18 Exeception Tax Lots.xlsx edit.xlsx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hi Allison:

If it is vacant land, then we aren't serving it. I have filled the dates on the property I could find.
Barbara

On 5/17/2021 1:20 PM, Allison Hinderer wrote:

Hello,

Please find attached list of properties, we need to know when service began or was initiated.

We're working on a tight deadline-if you'd be able to get any of this information back by Wednesday, we'd appreciate it.

Thank you!



Allison Hinderer | Office Specialist 2
TILLAMOOK COUNTY | Community Development | Surveyor's Office
1510-C Third Street
Tillamook, OR 97141
Phone (503)842-3423 ext. 3423
ahindere@co.tillamook.or.us

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Watseco Water

1N1007DA03000	17560 Ocean Blvd	??
1N1007DA03100	17490 Ocean Blvd	9/9/1997
1N1007DA03104	17488 OCEAN BLVD	9/11/1997
1N1007DA03203	Vacant Land	
1N1007DA03204	Vacant Land	

1N1007DD00114	17300 Pine Beach Way	??
1N1007DD00115	17320 PINE BEACH WAY	10/7/1997
1N1007DD00116	17340 PINE BEACH WAY	5/12/1998
1N1007DD00117	Vacant Land	
1N1007DD00118	17380 PINE BEACH WAY	10/9/2007
1N1007DD00119	Vacant Land	
1N1007DD00120	17420 PINE BEACH WAY	8/26/1997
1N1007DD00121	17440 PINE BEACH WAY	2/9/2000
1N1007DD00122	17460 PINE BEACH WAY	9/30/1997
1N1007DD00123	17480 PINE BEACH WAY	7/18/2016

EXHIBIT D

5-31-77

NWO-B 7-80





IN 10 7



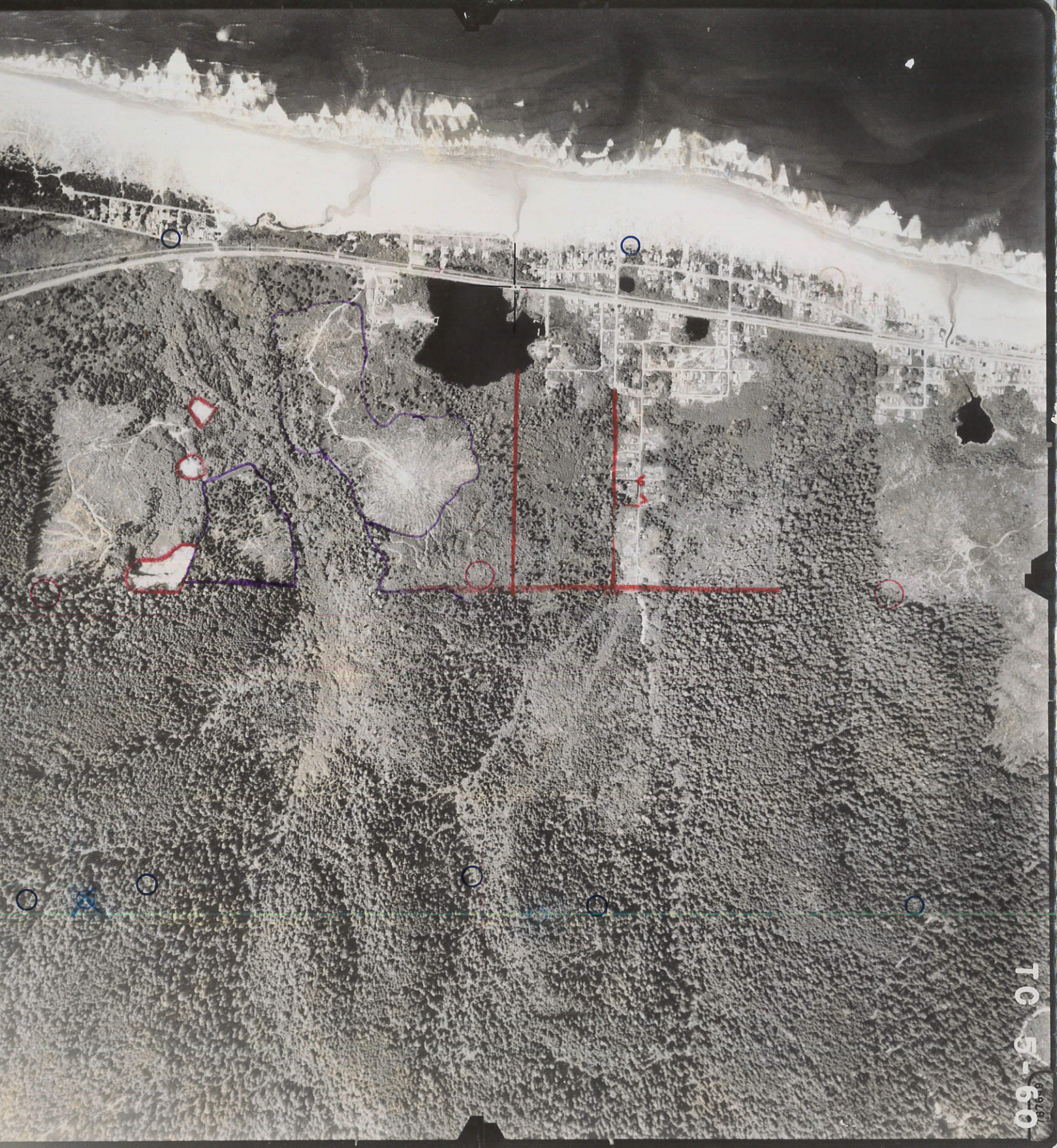
4-70

NXO-

CFL 303.53

83





TC 5-60
99.8

Goal 18 Exception Surveyors Research

1N107DA-1N107DD

Properties 1N107DA

- Tax Lot 2900- A-1502, P-1093
- Tax Lot 3000- B-1033, B-1366
- Tax Lot 3100- A-444, B-1760
- Tax Lot 3104- B-1760
- Tax Lot 3203- B-1760
- Tax Lot 3204- B-1760

Properties 1N107DD

- Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114-123-C-466

PARTITION PLAT 2017-9

NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THAT TRACT DESCRIBED IN BOOK 328, PAGE 405, THE PURPOSE OF THE SURVEY IS TO PARTITION THE TRACT INTO 2 PARCELS AS SHOWN HEREON.

BASIS OF BEARING

THE LINE BETWEEN THE FOUND MONUMENTS (C) AND (D) BEARS WEST THE RECORD VALUE OF TCS MAP B-3217

LEGEND

- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "R J OLSEN LS 701"
- INDICATES FOUND MONUMENTS AS SHOWN HEREON
- INDICATES THE SW CORNER OF THE PLAT OF WATSECO, C-125, B-1336, B-3217
- INDICATES THE NW CORNER OF LOT 9, TCS MAP T-444
- — — — — INDICATES SOUTHERN BOUNDARY OF EASEMENT
- (1) INDICATES RECORD VALUE FROM TCS MAP B-3217
- (1) INDICATES RECORD VALUE FROM TCS MAP B-1336
- (1) INDICATES RECORD VALUE FROM TCS MAP A-1502
- TCS - TILLAMOOK COUNTY SURVEYOR

PARTITION PLAT SURVEY

FOR

TOM AND MARY GOSSART

OF

THAT TRACT OF LAND DESCRIBED IN TILLAMOOK COUNTY DEED RECORDS BOOK 328, PAGE 405

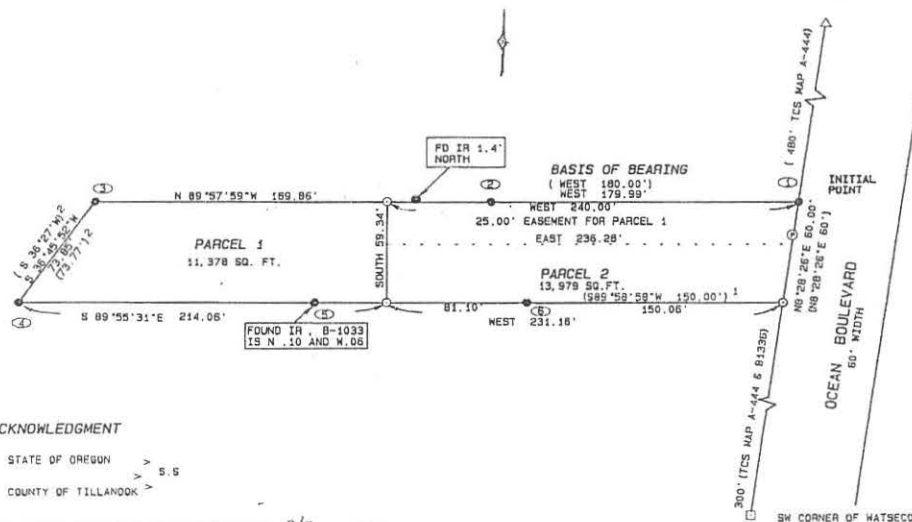
LOCATED IN

NE 1/4 SE 1/4 SECTION 7, T. 1 N., R. 10 W., W.M.

TILLAMOOK COUNTY, OREGON

DATE: AUGUST 21, 2017 SCALE: 1" = 50'

EASEMENT RECORDED IN BOOK 204, PAGE 231 IN FAVOR OF TILLAMOOK PUD FOR RIGHT-OF-WAY - NOTE (D) EXISTING POSITION OF POWER POLE.



ACKNOWLEDGMENT

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 9/5 2017

TOM J. GOSSART AND MARY G. GOSSART, HUSBAND AND WIFE

Teresa Marshall Deputy
NOTARY PUBLIC (SIGNATURE)Teresa Marshall Deputy
NOTARY PUBLIC (PRINT)per ocs May 255
COMMISSION NO.

NA

MY COMMISSION EXPIRES:

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert J. Olsen

OREGON
JULY 9, 1965
ROBERT J. OLSEN
701RENEWED THRU 12/31/18
ROBERT J. OLSEN
4701 HOLLY HEIGHTS AVENUE
TILLAMOOK, OREGON 97141
503-842-4394

I, ROBERT J. OLSEN, DO HEREBY CERTIFY THAT THIS IS A FULL COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

Robert J. Olsen

ROBERT J. OLSEN PLS 701

SURVEYOR'S CERTIFICATE

I, ROBERT J. OLSEN CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, BEGINNING AT THE FOUND 5/8" ROD WITH YELLOW PLASTIC CAP MARKED "TERRY JONES LS 2507" WHICH IS THE INITIAL POINT AND IS N 8°28'26"E, 365.00' FROM THE SOUTH WEST CORNER OF THE PLAT OF WATSECO, THENCE WEST, 240.00'; THENCE N 89°57'59" W, 189.85'; THENCE S 36°45'52" N, 73.85'; THENCE S 89°55'31"E, 214.06'; THENCE EAST, 231.16'; THENCE S 8°29'26"E, 60.00' TO THE INITIAL POINT.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT TOM J. GOSSART AND MARY G. GOSSART, OWNERS OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO TWO PARCELS AND TO CREATE A 25 FOOT WIDE UNRESTRICTED, NONEXCLUSIVE ACCESS EASEMENT FOR THE BENEFIT OF PARCEL 1 TO ENSURE INGRESS AND EGRESS FOR PARCEL 1 AS SHOWN ON THE ANNEXED MAP.

Tom J. Gossart Mary G. Gossart
TOM J. GOSSART MARY G. GOSSART

MONUMENT NOTES

- (1) FOUND 5/8" IR WYPC MARKED "TERRY JONES LS 2507" TOP UP 0.05' HELD FOR POSITION AND BASIS OF BEARING, TCS MAP B-3217
- (2) FOUND 5/8" IR WYPC MARKED "TERRY JONES LS 2507", 0.2' DEEP, HELD FOR POSITION AND BASIS OF BEARING, TCS MAP B-3217
- (3) FOUND 3/4" IP, 0.2' DEEP, HELD AS ORIGINAL, A-444
- (4) FOUND 1/2" IP, TOP UP 0.5', HELD, A-1502
- (5) FOUND 5/8" IR WYPC MARKED "PLS 1205", B-1033
- (6) FOUND 5/8" IR, DAMAGED CAP, FLUSH, NOT HELD, B-1336

APPROVALS

APPROVED THIS 10th DAY OF OCTOBER 2017

Robert J. Olsen
TILLAMOOK COUNTY SURVEYOR

APPROVED AS NUN ON DATE

Sarah Osburn Oct. 5, 2017
TILLAMOOK COUNTY DIRECTOR OF COMMUNITY DEVELOPMENT DATE

TAXES HAVE BEEN PAID IN FULL TO JUNE 30, 2018

Maria Bude-Deputy
TILLAMOOK COUNTY TAX COLLECTOR

CERTIFICATE OF COUNTY CLERK

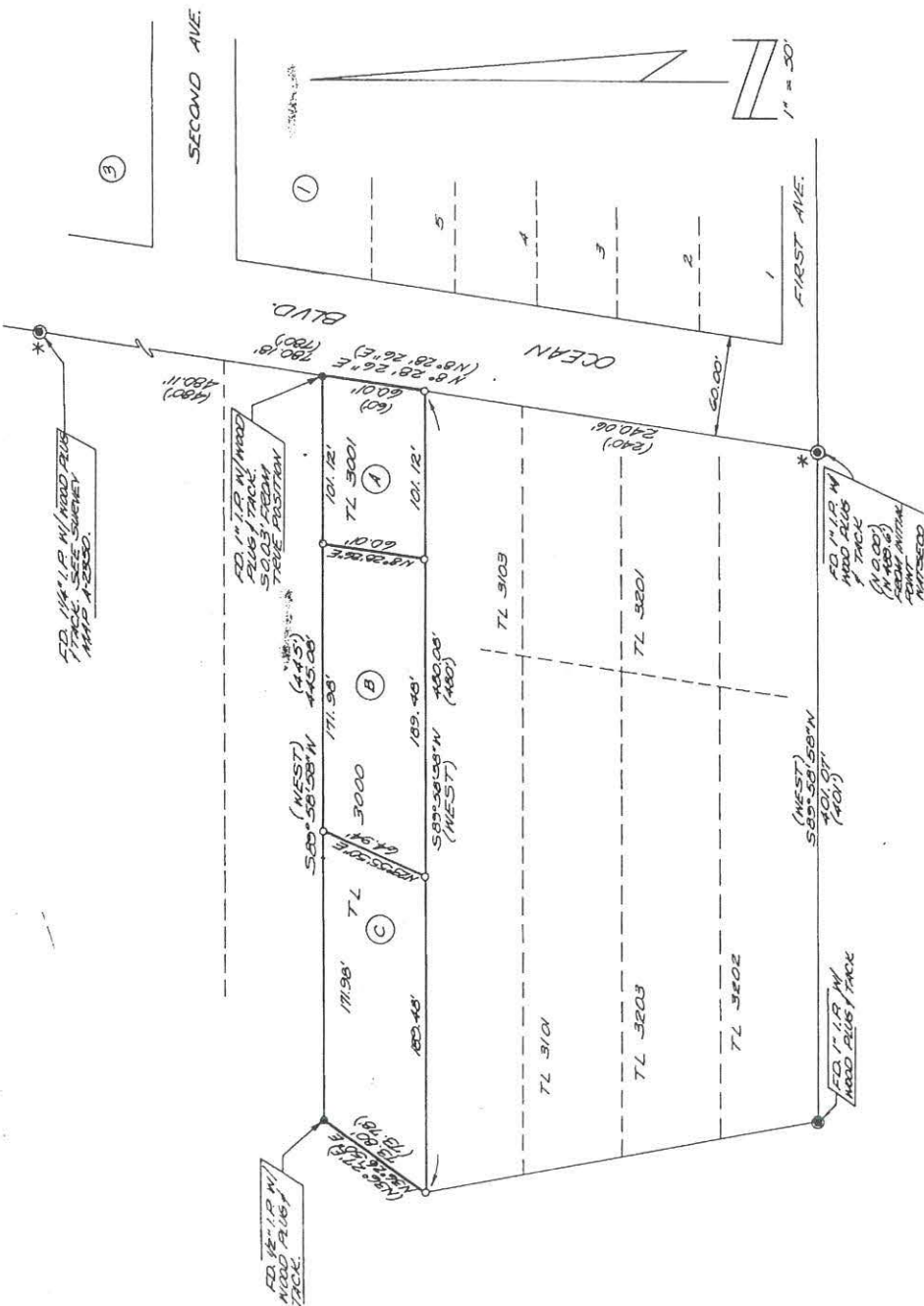
STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >

I, TASSI O'NEIL, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON, AND THAT THIS COPY OF PARTITION PLAT NO. 2017-9 IS THE FULL COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT OF SAME, AS RECORDED IN PLAT CABINET B-1371 OF PARTITION PLAT RECORDS OF TILLAMOOK COUNTY.

RECORDED 10/11 2017 AT 2:43 O'CLOCK, AS INSTRUMENT NO. 2017-b110

Tassi O'Neil
TASSI O'NEIL, COUNTY CLERK





SURVEY

CLARENCE RYLANDER

PARCELS LOCATED IN
NE 1/4 SE 1/4 SECTION 7, T14N, R10W, N.M.
TILLAMOOK COUNTY, OREGON
SEPT 12, 1980 #5595

1 DENOTES 1/4" X 1/4" REBAR SET WITH PLASTIC CAP 'PLS 1203'

() INDICATE RECORDED VALUE

NO () INDICATE MEASURED VALUE



HANDWRITING: L. WILSON, INC.
P.O. BOX 299 97130
MANZANITA OREGON 97130

BASIS OF BEARINGS:
THE LINE BETWEEN FOUND ADJUSTMENTS
MAKED HEREON WITH AN ASTERISK (*)
BEARS N 89° 58' 58" E THE RECORDED VALUE FROM
MHP A-444, TILLAMOOK COUNTY SURVEYOR'S RECORDS.

NARRATIVE:
THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY
OF THE SUBJECT PARCEL EXTERIOR BOUNDARY. SEE MAP
A-444 FOR ORIGINAL SURVEY. IT WAS ALSO CONDUCTED AS
A RE-EXAMINATION OF THE EXTERIOR BOUNDARY AND CORRECTION
THE PARCELS AS SHOWN HEREON.

REDUCTIONALITY FACTOR:

E-W P.F. = $\frac{\text{MEASURED}}{\text{RECORDED}} = \frac{100.07'}{100'} = 1.0007$

N-S P.F. = $\frac{\text{MEASURED}}{\text{RECORDED}} = \frac{100.19'}{100'} = 1.0019$

COMMER HISTORY (DATA)

[illegible]

2 1/4 CORNER SECTIONS 12-13
1/4 E.W. MORRIS IN SLOPE FOR 0.5B.F. RE-ESTABLISHED CORNER BY PROPORTION 4 SET STANDARD
0.5B.F. 1 P.O. BRASS CAP MARKED N.W. 1/4 S. 7-3
FOUND 0.5 O.P. 1 PIPE CAP BRASS CAP C.B.T.S.
25' HEMLOCK W/ HEATED BLAZE 5' 12" W 50.1
16' HEMLOCK BLAZE 5' 8" W 16.1

3 CORNER SECTIONS 13-14
1/4 E.W. MORRIS IN SLOPE FOR 0.5B.F. RE-ESTABLISHED CORNER BY PROPORTION 4 SET STANDARD
0.5B.F. 1 P.O. BRASS CAP MARKED N.W. 1/4 S. 7-3
FOUND 0.5 O.P. 1 PIPE CAP BRASS CAP C.B.T.S.
25' HEMLOCK W/ HEATED BLAZE 5' 12" W 50.1
16' HEMLOCK BLAZE 5' 8" W 16.1

[illegible]

5
1 1/4" CORNER SECTIONS 13.2502-13.2510 FOR USFS ESTABLISHED CORNER W/ STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S.
FOUND STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S. ~ 20' N 114° E 52° 12' 25" W 40.35' 30"
1 1/2" MEMPHIS CORNER SECTIONS 13.2511-13.2518 FOR USFS ESTABLISHED CORNER W/ STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S.
1 1/2" MEMPHIS CORNER SECTIONS 13.2519-13.2526 FOR USFS ESTABLISHED CORNER W/ STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S.
CORNER SECTIONS 13.2527-13.2534 FOR USFS ESTABLISHED CORNER W/ STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S.
1 1/2" BENTON PLUS 8 1/4" IN 65-8 B.T.O FOR USFS RE-ESTABLISHED CORNER BY DOUBLE PRE-1 PORTION W/ STANDARD USFS ALUMINUM PIPE & 3/4" AL. CAP & B.T.S.

FOUL. STANDARD USED: ALUMINUM PIPE 3/4" X 1/4" AL CAP. EBT.
14-18 NEWLOCK 3/4" X 1/4" AL CAP. EBT. SLAZES 45° KID. (73.5. RW 518.) EBT. 1/2" X 3/4"
48°-51° SLAZES 45° KID. (73.5 RW 518.) EBT. 1/2" X 3/4"
48°-51° SLAZES 45° KID. (73.5 RW 518.) EBT. 1/2" X 3/4"
14" FIR SLAB. VENTURED TO 5" W. ATTACHED 18". APPARENT EAST HALL CENTER. N 58° W 1/4 24P
NEW B.T. 4- HEMLOCK. BARK SCINT 3/4" X 1/4" AL CAP. EBT. 1/2" X 3/4"
5- FIR. BARK SCINT 3/4" X 1/4" AL CAP. EBT. 1/2" X 3/4"
5- FIR. BARK SCINT 3/4" X 1/4" AL CAP. EBT. 1/2" X 3/4"
9-47 REFERENCE MANUAULT. STANDARD USED: ALUMINUM PIPE 3/4" X 1/4" AL CAP. MADE 45 SLOPIN N 0°
1/4" CORNER SECTIONS 13.74

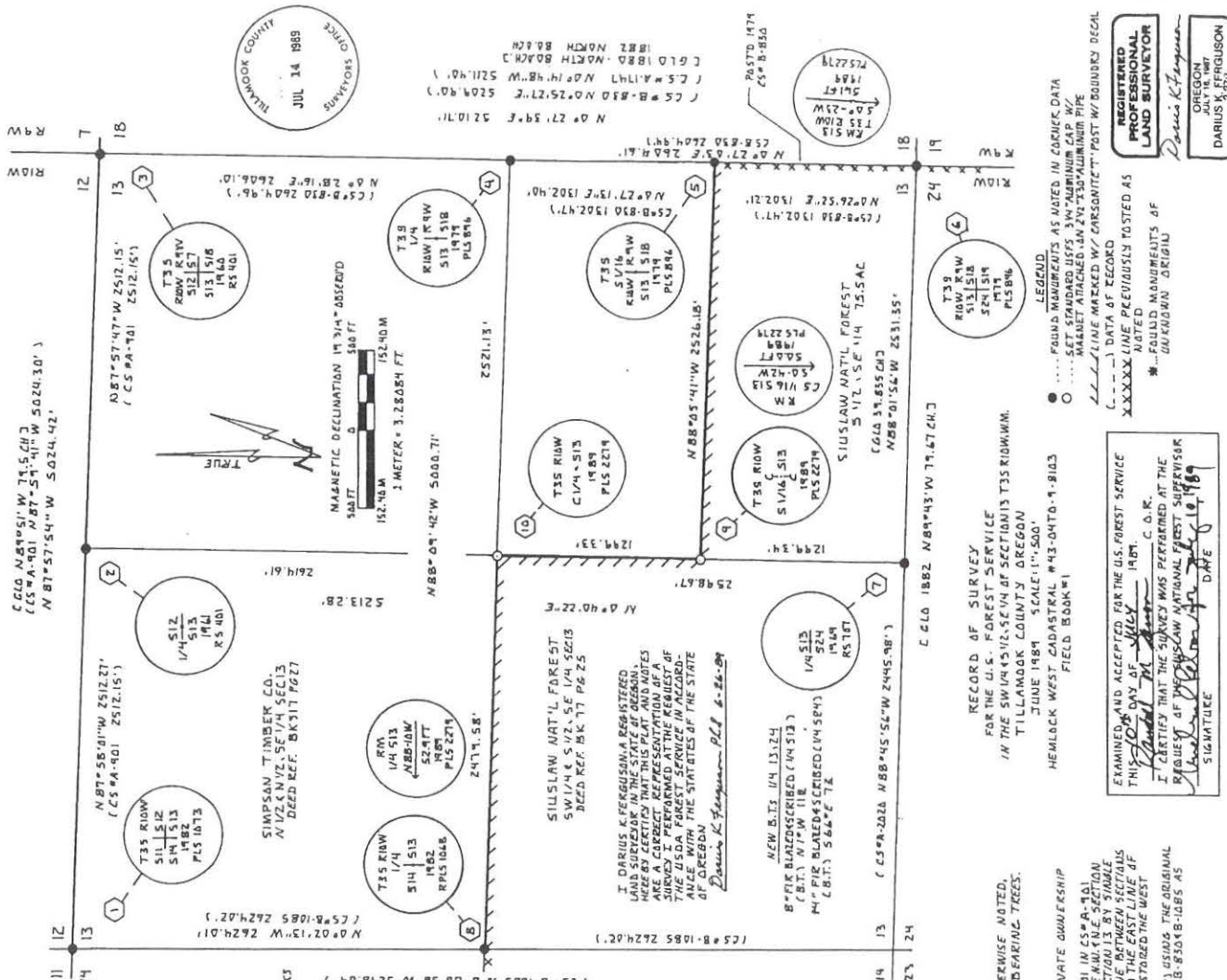
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C. 1/4 CORNER SECTION 13
ESTABLISHED CORNER PER MANUAL W/ A STANDARD USFS ALUMINUM PIPE 3/4" X 1/4" CAP MARKED AS SHOWN & MARKED NEW TS-13
6" HEMLOCK PLATE DESCRIBED TO V-15 UPPER 8" TO LOW S 51°W 12'
V-15 - 10' FROM CORNER OF V-13 TO V-15 LOWER 8" TO HIGH S 78°W 10'
FOUND - 1/4" DIAL BEARING IS LEANING N.E. N 36°00'W 64.5 FT *
DISTANCE MEASURED TO TS-13 IS TO AN ALUMINUM NAIL SETTING THE SIDE CENTER OF EAST CRANK
SET 1/4" DIA PLOT BOSS WASHER STAMPED U.S.-22717 W/ALUMINUM NAIL BETWEEN C.F.'S IN LOW BLAKE

[illegible]

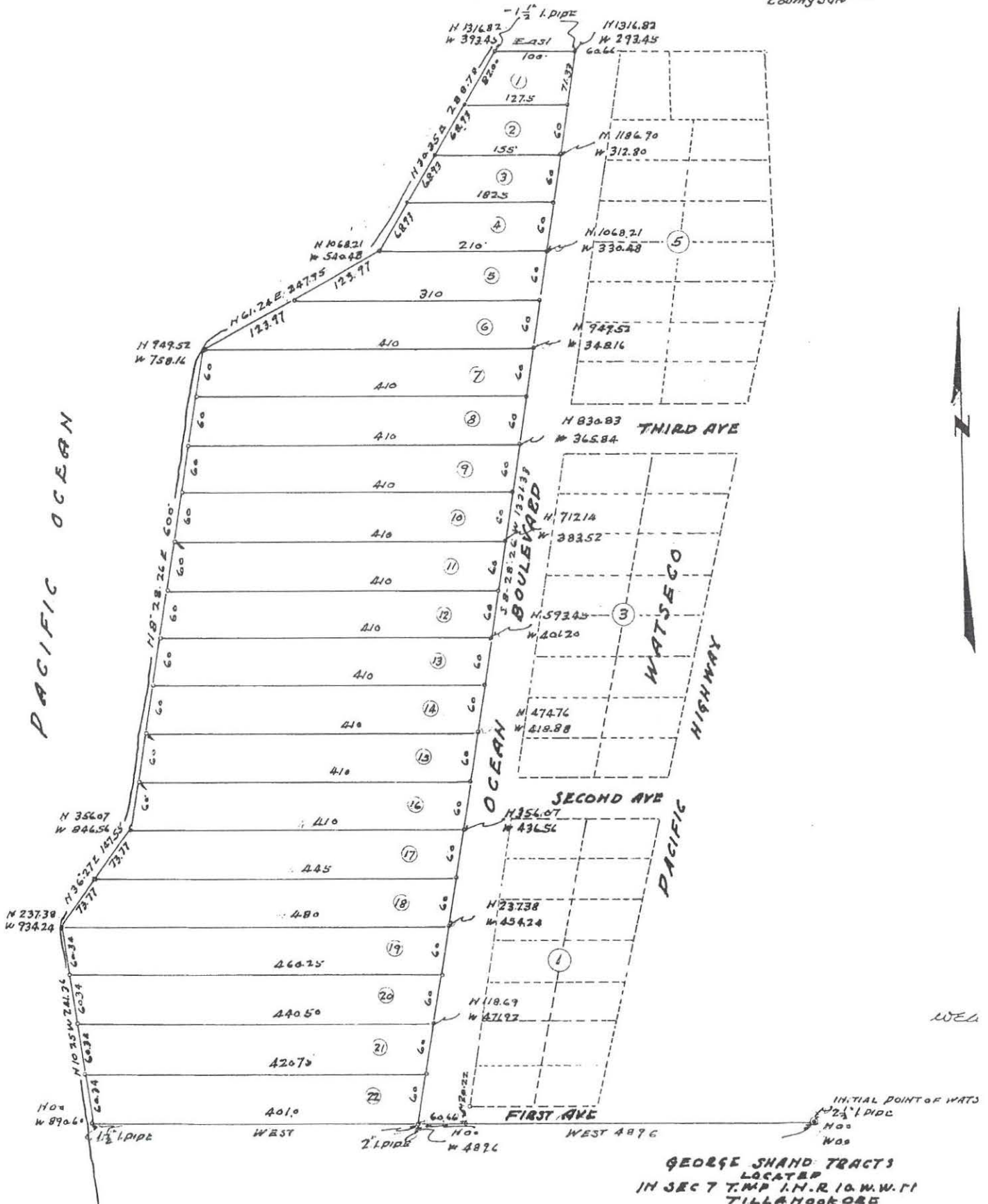
SURVEY BY: DARIUS K. FERGUSON PLS. LAND SURVEYOR'S BUILDING DESIGN -

100



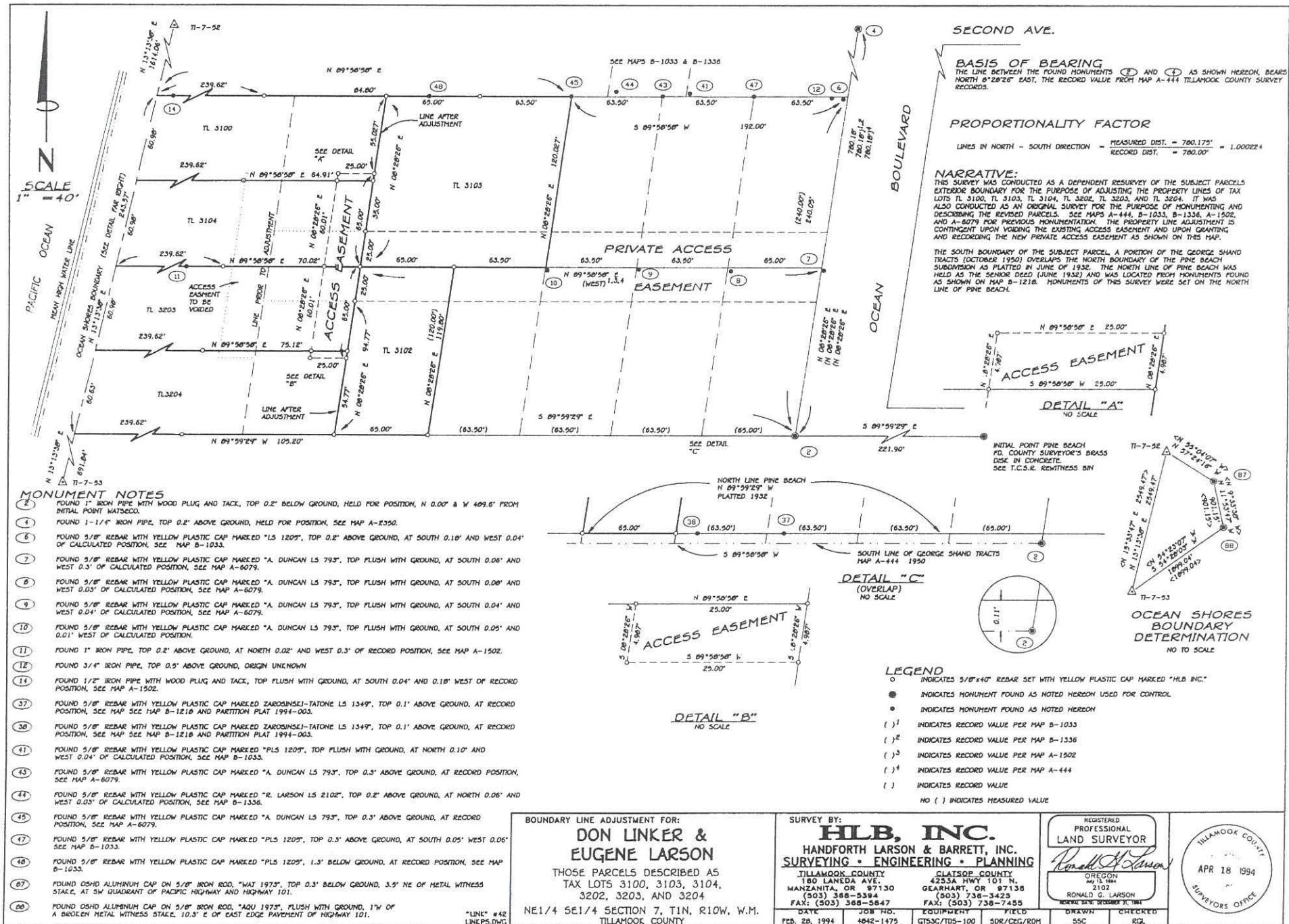
LAME-OTIS OREGON-97368 PH. 994.5854

SURVEYOR'S CERTIFICATE
 I, W. E. Anderson, County Surveyor of Tillamook, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me in Oct. 1950, and that it correctly represents the property herein shown.



GEORGE SHAND TRACTS
 LOCATED
 IN SEC 7 T. 10 N. R. 10 W. W. 1
 TILLAMOOK CO. OR
 SCALE 1" = 100'
 W. E. ANDERSON

A
 444



PINE BEACH REPLAT UNIT 1

SHEET 1 of 3

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT PINE BEACH DEVELOPMENT L.L.C., AN OREGON LIMITED LIABILITY COMPANY AND CENTENNIAL BANK, BEING THE OWNERS OF THE LAND HEREIN DESCRIBED, DO HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED MAP OF "PINE BEACH REPLAT UNIT 1", AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF; ALL LOTS BEING OF THE DIMENSIONS SHOWN ON SAID MAP. AREA "A" IS A COMMON AREA. WE DO HEREBY DEDICATE FOREVER, THE EAST 10.00 FEET OF THAT PORTION OF PARCELS 3, PARTITION PLAT NO. 1994-003, THAT LIES WEST OF OLD PACIFIC HIGHWAY AS A PUBLIC WAY, WITHOUT RESERVATION. EASEMENTS E-1 THROUGH E-4 AS SHOWN HEREON ARE HEREBY GRANTED AS NON-EXCLUSIVE EASEMENTS FOR THE PURPOSES STATED HEREIN. ALL STREETS WITHIN THIS PLAT ARE PRIVATE.

[Signature]
PINE BEACH DEVELOPMENT L.L.C.
BY DONALD E. NEUSCHNER,
ITS MANAGING MEMBER

[Signature]
PINE BEACH DEVELOPMENT L.L.C.
BY DAVID L. PARK, ITS MANAGING MEMBER

[Signature]
CENTENNIAL BANK
BY JEFFERY P. TANNER,
ITS ASSISTANT VICE-PRESIDENT

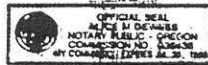
ACKNOWLEDGEMENT:

STATE OF OREGON >
> S.S.
COUNTY OF WASHINGTON >

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 30th, 1996, BY DONALD E. NEUSCHNER AND DAVID L. PARK, AS MANAGING MEMBERS OF PINE BEACH DEVELOPMENT L.L.C., ON BEHALF OF THE COMPANY AND JEFFERY P. TANNER, AS ASSISTANT VICE-PRESIDENT OF CENTENNIAL BANK, ON BEHALF OF CENTENNIAL BANK.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 7/30/98



MONUMENT NOTES:

- (1) FOUND OSHD ALUMINUM CAP ON A 5/8" IRON ROD STAMPED "WAT 1973", TOP 0.3" BELOW GROUND, 3.3' NORTHEAST OF METAL WITNESS STAKE, AT SOUTHWEST QUADRANT OF OLD PACIFIC HIGHWAY AND HIGHWAY 101. USED FOR MGS THE SET BY OSHD AS BEACH ZONE LINE CONTROL.
- (2) FOUND OSHD ALUMINUM CAP ON A 5/8" IRON ROD STAMPED "AGU 1973", TOP FLUSH WITH GROUND, 1.0' WEST OF BROWN METAL WITNESS STAKE, 10.3' EAST OF EAST EDGE OF PAVEMENT OF HIGHWAY 101. USED FOR MGS THE SET BY OSHD AS BEACH ZONE LINE CONTROL.
- (257) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "ZAROSINSKI TATONE LS 1349", TOP 0.1" ABOVE SURFACE, 2.5' SOUTH OF CENTERLINE OF A FOOT PATH, NORTH 0.04' AND WEST 0.07' OF CALCULATED POSITION FOR THE NORTHEAST CORNER OF PARCEL 1, PARTITION PLAT NO. 1994-003. SEE MAP B-1216.
- (258) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB INC.", TOP FLUSH WITH SURFACE AND IN CENTERLINE OF A FOOT PATH, S 89°55'35" W 85.14' AND N 00°04'25" W 0.08' OF SET MONUMENT FOR THE MOST NORTHERLY NORTHEAST CORNER OF THE EXTERIOR BOUNDARY FOR PINE BEACH REPLAT. SEE MAP B-1760.
- (262) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB INC.", TOP 0.3" BELOW SURFACE, SOUTH 0.06' AND WEST 0.03' OF CALCULATED POSITION. PULLED THIS MONUMENT. SEE PARTITION PLAT NO. 1994-003.
- (265) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB INC.", TOP 0.8" BELOW SURFACE, SOUTH 0.07' AND EAST 0.19' OF CALCULATED POSITION. PULLED THIS MONUMENT. SEE PARTITION PLAT NO. 1994-003.
- (268) FOUND COUNTY SURVEYOR'S BRASS CAP SET IN CONCRETE, INITIAL POINT FOR PINE BEACH, TOP FLUSH WITH SURFACE. HELD FOR BASIS OF BEARINGS. SEE REMITTANCE BAY #30.
- (269) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "ZAROSINSKI TATONE LS 1349", TOP FLUSH WITH SURFACE. HELD FOR BASIS OF BEARINGS. SEE MAP B-1216.
- (272) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "ZAROSINSKI TATONE LS 1349", TOP FLUSH WITH SURFACE. BEARS N 84°34'25" W 8.74' FROM SOUTHEAST CORNER OF LOT 9. SEE MAP B-1216.
- (286) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "A DUNCAN LS 793", TOP FLUSH WITH SURFACE, SOUTH 0.14' AND EAST 0.06' OF CALCULATED POSITION FOR THE SOUTHWEST CORNER OF LOT 10, BLOCK 4, PLAT OF PINE BEACH. SEE MAP A-5178.

SE 1/4 SECTION 7, T1N, R10W, W1M.

COUNTY

JUNE 24, 1996

APPROVALS:

STATE OF OREGON >
> S.S.
COUNTY OF TILLAMOOK >

EXAMINED AND APPROVED BY THE FOLLOWING:

[Signature] Alvin E. Duncan 8-13-96 *[Signature]* Kee Ruedick 8-20-96
COUNTY SURVEYOR DATE COUNTY COMMISSIONER DATE

[Signature] Timothy J. [unclear] 8-19-96 *[Signature]* [unclear] [unclear]
COUNTY ASSESSOR DATE COUNTY COMMISSIONER DATE

[Signature] Josephine Veltri 9-11-96 *[Signature]* [unclear] 9-13-96
COUNTY CLERK DEPUTY DATE COUNTY COMMISSIONER DATE

TAXES ARE PAID IN FULL TO JUNE 30, 1997.

[Signature] Dani K. Pointe 9-10-96 *[Signature]* [unclear] 9-11-96
COUNTY TAX COLLECTOR DATE CLERK DATE

MONUMENT NOTES:

- (287) FOUND 1/2" IRON PIPE WITH PLUG AND TACK, TOP 0.2" ABOVE SURFACE, SOUTH 0.38' AND WEST 1.45' OF CALCULATED POSITION FOR THE SOUTHWEST CORNER OF LOT 10, BLOCK 4, PLAT OF PINE BEACH. NO RECORD.
- (289) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "A DUNCAN LS 793", TOP 0.2" ABOVE SURFACE, SOUTH 0.08' AND EAST 0.06' OF CALCULATED POSITION FOR THE SOUTHWEST CORNER OF LOT 7, BLOCK 4, PLAT OF PINE BEACH. SEE MAP A-5178.
- (293) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB INC.", TOP FLUSH WITH SURFACE, S 89°55'35" W 190.41' AND N 00°04'25" W 0.14' OF SET MONUMENT FOR THE MOST NORTHERLY NORTHEAST CORNER OF THE EXTERIOR BOUNDARY FOR PINE BEACH REPLAT. SEE MAP B-1760.

SHEET INDEX:

SHEET 1	SHEET 2	SHEET 3
DECLARATION	BOUNDARY SURVEY MAP	NARRATIVE
ACKNOWLEDGEMENT	BASIS OF BEARINGS	CERTIFICATE OF COUNTY CLERK
TAX STATEMENT	NOTES	COPY STATEMENT
APPROVALS		DETAILS A,B,C,D
MONUMENT NOTES		CURVE TABLE DATA
EASEMENTS		LINE TABLE DATA
SHEET INDEX		
SURVEYOR'S CERTIFICATE		
LEGEND		
CONDITIONS AND RESTRICTIONS		

LEGEND:

- INDICATES 5/8" X 40" REBAR SET WITH YELLOW PLASTIC CAP MARKED "HLB ASSOC. INC."
- INDICATES MONUMENT FOUND AS NOTED HEREON USED FOR CONTROL
- INDICATES MONUMENT FOUND AS NOTED HEREON
- () INDICATES RECORDED VALUE PER PARTITION PLAT NO. 1994-003.
- NO () INDICATES MEASURED VALUE.
- S.F. INDICATES SQUARE FEET.
- (G & N) INDICATES GROSS AND NET AREA
- (G) INDICATES GROSS AREA
- (N) INDICATES NET AREA



EASEMENTS OF RECORD:

RIGHTS AS CONTAINED IN PATENT FROM UNITED STATES OF AMERICA TO LLOYD C. SMITH, HIS HEIRS AND ASSIGNS, AS DISCLOSED BY INSTRUMENT RECORDED SEPTEMBER 22, 1880, IN BOOK 1, PAGE 321, TILLAMOOK COUNTY DEED RECORDS.

EASEMENTS:

- E-1: A 15.00' WIDE NON-EXCLUSIVE EASEMENT FOR SEWER SYSTEM IMPROVEMENTS, INGRESS AND EGRESS TO TWIN ROCKS SANITARY DISTRICT.
- E-2: A NON-EXCLUSIVE EASEMENT FOR SEWER SYSTEM IMPROVEMENTS, INGRESS AND EGRESS TO TWIN ROCKS SANITARY DISTRICT.
- E-3: A 8.00' WIDE NON-EXCLUSIVE EASEMENT FOR UTILITIES TO TILLAMOOK PEOPLE'S UTILITY DISTRICT.
- E-4: A 8.00' WIDE NON-EXCLUSIVE EASEMENT FOR ELECTRICAL UTILITIES TO TILLAMOOK PEOPLE'S UTILITY DISTRICT.

CONDITIONS & RESTRICTIONS:

SEE BOOK 381, PAGE 172 TILLAMOOK COUNTY DEED RECORDS FOR DECLARATIONS, COVENANTS, RESTRICTIONS AND RESERVATIONS.

SURVEYOR'S CERTIFICATE:

STATE OF OREGON >
> S.S.
COUNTY OF TILLAMOOK >

I, RONALD G. LARSON, CERTIFY THAT:

I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE TRACT OF LAND REPRESENTED ON THE ANNEXED MAP, THE EXTERIOR BOUNDARY OF "PINE BEACH REPLAT UNIT 1" BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY WHICH POINT IS SOUTH 89°55'35" WEST 10.05 FEET AND SOUTH 05°25'35" WEST 357.13 FEET FROM THE INITIAL POINT OF PINE BEACH, RECORDED AS MAP C-71, PLAT RECORDS OF TILLAMOOK COUNTY, LOCATED IN SECTION 7, TOWNSHIP 1 NORTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON, SAID POINT BEING THE INITIAL POINT OF THIS SUBDIVISION PLAT AND MARKED BY A 5/8" X 40" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB ASSOC. INC.";

THENCE NORTH 84°34'25" WEST 230.00 FEET TO A 5/8" X 40" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB ASSOC. INC.";

THENCE NORTH 05°25'35" EAST 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 4, PINE BEACH;

THENCE NORTH 84°34'25" WEST ALONG THE SOUTH LINE OF LOTS 7, 8 AND 10, BLOCK 4, PINE BEACH AND THE WESTERLY EXTENSION THEREOF 220.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF OCEAN BOULEVARD;

THENCE NORTH 05°25'35" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 220.00 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 10, BLOCK 2, PINE BEACH;

THENCE SOUTH 84°34'25" EAST ALONG SAID WESTERLY EXTENSION 3.00 FEET TO A 5/8" X 40" REBAR WITH YELLOW PLASTIC CAP STAMPED "HLB ASSOC. INC.";

THENCE NORTH 05°25'35" EAST 54.28 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF PARCEL 1, PARTITION PLAT NO. 1994-003, RECORDS OF TILLAMOOK COUNTY;

THENCE NORTH 89°55'35" WEST 520 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF THE PACIFIC OCEAN;

THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE 950 FEET, MORE OR LESS, TO SOUTH LINE OF PARCEL 3, PARTITION PLAT NO. 1994-003, THAT LIES WEST OF OLD PACIFIC HIGHWAY;

THENCE SOUTH 84°34'25" EAST ALONG SAID SOUTH LINE 1040 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY;

THENCE NORTH 05°25'35" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 636.09 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FIRST AVENUE;

THENCE SOUTH 89°55'35" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE 10.05 FEET TO A POINT WHICH IS 10.00 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE WEST RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY;

THENCE SOUTH 05°25'35" WEST PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE 357.13 FEET TO THE INITIAL POINT.

HLB & ASSOC., INC.
HANDFORTH LARSON & BARRETT
SURVEYING • ENGINEERING • PLANNING

TILLAMOOK COUNTY
180 LANEDA AVE.
MANZANITA, OR 97130
(503) 368-5394
FAX: (503) 368-5847

CLATSOP COUNTY
4253A HWY 101 N.
GEARHART, OR 97138
(503) 738-3425
FAX: (503) 738-7455

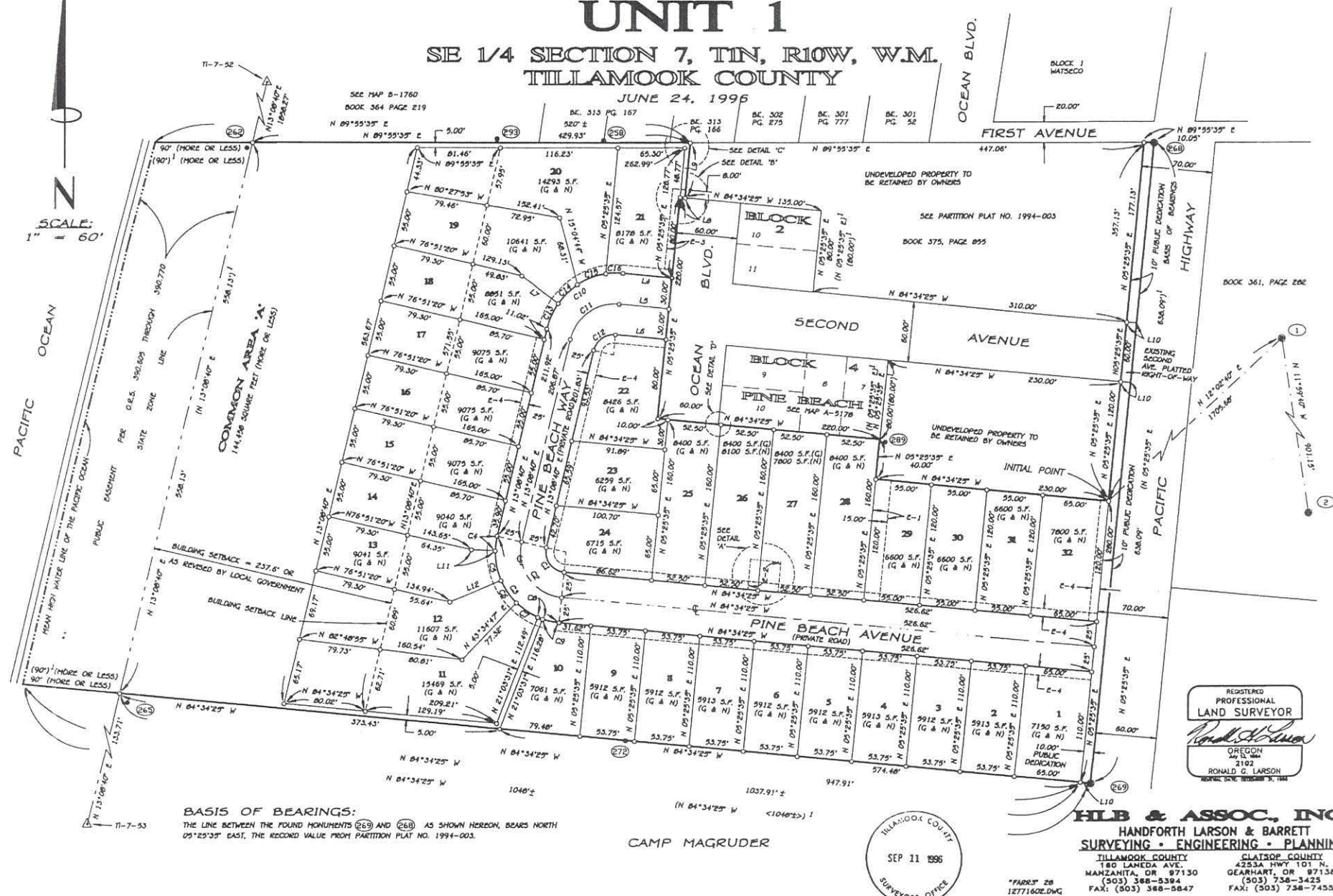
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PINE BEACH REPLAT UNIT 1

SHEET 2 of 3

SE 1/4 SECTION 7, T1N, R10W, W.M.
TILLAMOOK COUNTY

JUNE 24, 1996

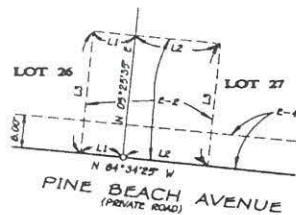


PINE BEACH REPLAT UNIT 1

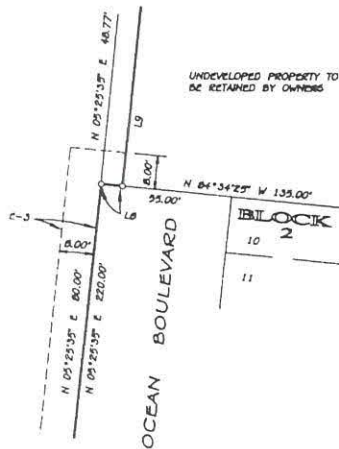
SE 1/4 SECTION 7, T1N, R10W, W.M.
TILLAMOOK COUNTY

JUNE 24, 1996

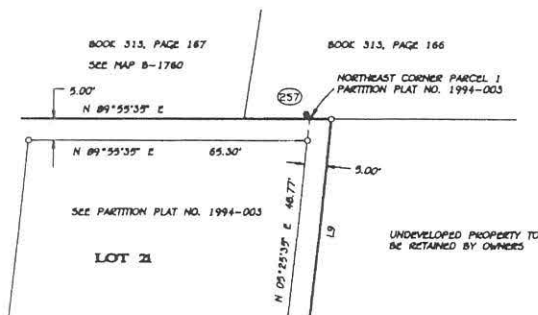
SHEET 3 of 3



DETAIL 'A'
NOT TO SCALE

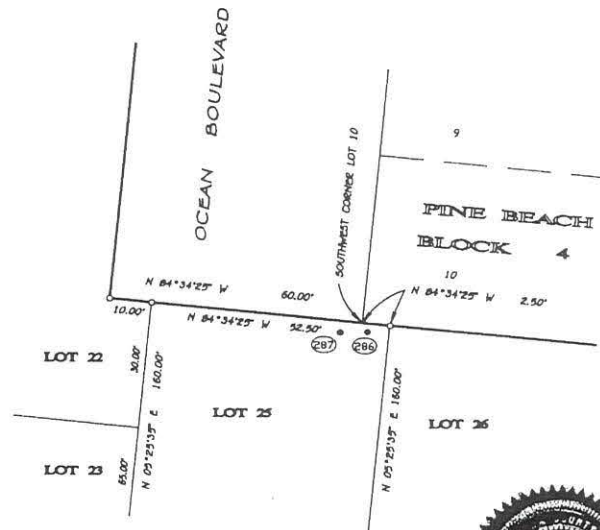


DETAIL 'B'
NOT TO SCALE



DETAIL 'C'
NOT TO SCALE

SCALE:
NO SCALE



DETAIL 'D'
NOT TO SCALE

NARRATIVE:

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY DESCRIBED AS PARCELS 1, 2 AND 3, PARTITION PLAT NO. 1994-003, RECORDED FEBRUARY 2, 1994, IN PLAT CABINET B, SLIDE 248, TILLAMOOK COUNTY RECORDS, EXCEPTING THEREFROM THAT PORTION OF SAID PARCELS 1, 2 AND 3 THAT LIES EAST OF OLD PACIFIC HIGHWAY AND WEST OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE SUBJECT PROPERTY INTO THIRTY-TWO LOTS AND A COMMON AREA, THE NORTH AND SOUTH 5.00 FEET OF SAID COMMON AREA ARE PRIVATE WALKWAYS FOR ACCESS TO THE BEACH.

HELD THE INITIAL POINT OF PINE BEACH AND MONUMENT (269) FOR BASIS OF BEARINGS. HELD RECORDED ANGLES FROM PARTITION PLAT NO. 1994-003 TO ESTABLISH THE NORTH AND SOUTH LINES OF PLAT BOUNDARY.

PORTIONS OF OCEAN BOULEVARD ARE BEING VACATED WITH THE FILING OF THIS PLAT AND FILED AS ROAD VACATION PETITION #481. THE WEST RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY IS BEING MONUMENTED THIS SURVEY TO INCLUDE THE 10.00 FOOT WIDE PUBLIC DEDICATION.

CURVE TABLE DATA

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	34.11'	30.12'	N 35°42'56\" W	97°43'09\"
C2	45.00'	76.75'	67.78'	N 35°42'56\" W	97°43'09\"
C3	70.00'	119.59'	105.43'	N 35°42'56\" W	97°43'09\"
C4	70.00'	14.90'	14.87'	N 07°02'51\" E	12°11'39\"
C5	70.00'	30.20'	29.97'	N 11°24'40\" W	24°43'26\"
C6	70.00'	26.86'	26.69'	N 34°49'52\" E	21°59'03\"
C7	70.00'	25.74'	25.60'	N 56°17'27\" E	21°04'07\"
C8	70.00'	5.00'	5.00'	N 68°52'21\" W	04°09'36\"
C9	70.00'	16.46'	16.64'	N 77°44'48\" W	13°39'16\"
C10	70.00'	100.43'	92.11'	N 54°17'08\" E	86°16'59\"
C11	45.00'	64.62'	59.21'	N 54°17'08\" E	86°16'59\"
C12	20.00'	28.72'	26.32'	N 54°17'08\" E	86°16'59\"
C13	70.00'	27.14'	26.97'	N 24°15'04\" E	28°16'46\"
C14	70.00'	26.13'	26.13'	N 48°08'47\" E	21°50'57\"
C15	70.00'	30.10'	29.87'	N 69°11'10\" E	24°58'10\"
C16	70.00'	17.01'	16.97'	N 86°27'56\" E	13°52'20\"

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >

I HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED FOR RECORD ON THE 11th DAY OF SEPTEMBER 1996 AT 2:14 P.M. CLOCK AND RECORDED IN PLAT CABINET B-443-0 TILLAMOOK COUNTY RECORDS, AS INSTRUMENT NO. 1635590.

JOSEPHINE VELTRI, COUNTY CLERK.

By: Josephine Veltri, by Susan Holmes, deputy

CERTIFICATE OF COUNTY CLERK:

STATE OF OREGON > S.S.
COUNTY OF TILLAMOOK >

I, JOSEPHINE VELTRI, DO HEREBY CERTIFY THAT I AM THE QUALIFIED CLERK OF TILLAMOOK COUNTY, OREGON AND THAT THIS COPY IS THE FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT OF SAID, AS RECORDED IN PLAT CABINET B-443-0 OF PLAT RECORDS OF TILLAMOOK COUNTY, OREGON, RECORDED SEPTEMBER 11, 1996 AT 2:14 P.M. CLOCK, AS INSTRUMENT NO. 1635590.

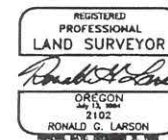
Josephine Veltri, by Susan Holmes, deputy

I, RONALD G. LARSON, DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE AND TRUE COPY OF THE ORIGINAL PLAT AS REFERENCED ABOVE.

Ronald G. Larson
RONALD G. LARSON, PLS 2102

LINE TABLE DATA

LINE	DIRECTION	DISTANCE
L1	N 84°34'25\" W	10.00'
L2	N 84°34'25\" W	20.00'
L3	S 05°25'35\" W	30.00'
L4	S 84°34'25\" E	48.16'
L5	S 84°34'25\" E	48.84'
L6	N 84°34'25\" W	48.81'
L7	S 53°45'37\" E	44.65'
L8	N 84°34'25\" W	5.00'
L9	S 05°25'35\" W	24.89'
L10	N 84°34'25\" W	10.00'
L11	N 67°51'04\" W	23.53'
L12	N 67°07'34\" E	24.52'



HLB & ASSOC., INC.
HANDFORTH LARSON & BARRETT
SURVEYING • ENGINEERING • PLANNING
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180 LANEDA AVE.
MANZANITA, OR 97130
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4253A HWY 101 N.
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12771603.DWG

Oregon's Statewide Planning Goals & Guidelines

GOAL 18: BEACHES AND DUNES

OAR 660-015-0010(3)

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Coastal comprehensive plans and implementing actions shall provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, water resource, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation for development.

INVENTORY REQUIREMENTS

Inventories shall be conducted to provide information necessary for identifying and designating beach and dune uses and policies. Inventories shall describe the stability, movement, groundwater resource, hazards and values of the beach and dune areas in sufficient detail to establish a sound basis for planning and management. For beach and dune areas adjacent to coastal waters, inventories shall also address the inventory requirements of the Coastal Shorelands Goal.

COMPREHENSIVE PLAN REQUIREMENTS

Based upon the inventory, comprehensive plans for coastal areas shall:

1. Identify beach and dune areas; and
2. Establish policies and uses for these areas consistent with the provisions of this goal.

IDENTIFICATION OF BEACHES AND DUNES

Coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.

USES

Uses shall be based on the capabilities and limitations of beach and dune areas to sustain different levels of use or development, and the need to protect areas of critical environmental concern, areas having scenic, scientific, or biological importance, and significant wildlife habitat as identified through application of Goals 5 and 17.

IMPLEMENTATION REQUIREMENTS

1. Local governments and state and federal agencies shall base decisions on plans, ordinances and land use actions in beach and dune areas, other than older stabilized dunes, on specific findings that shall include at least:

- (a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;
- (b) Temporary and permanent stabilization programs and the planned

maintenance of new and existing vegetation;

(c) Methods for protecting the surrounding area from any adverse effects of the development; and

(d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

2. Local governments and state and federal agencies shall prohibit residential developments and commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if the findings required in (1) above are presented and it is demonstrated that the proposed development:

(a) Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

(b) Is designed to minimize adverse environmental effects.

3. Local governments and state and federal agencies shall regulate actions in beach and dune areas to minimize the resulting erosion. Such actions include, but are not limited to, the destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), the exposure of stable and conditionally stable areas to erosion, and construction of shore structures which modify current or wave patterns leading to beach erosion.

4. Local, state and federal plans, implementing actions and permit reviews shall protect the groundwater

from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies. Building permits for single family dwellings are exempt from this requirement if appropriate findings are provided in the comprehensive plan or at the time of subdivision approval.

5. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. Local comprehensive plans shall identify areas where development existed on January 1, 1977. For the purposes of this requirement and Implementation Requirement 7 "development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to (2) above has been approved. The criteria for review of all shore and beachfront protective structures shall provide that:

(a) visual impacts are minimized;

(b) necessary access to the beach is maintained;

(c) negative impacts on adjacent property are minimized; and

(d) long-term or recurring costs to the public are avoided.

6. Foredunes shall be breached only to replenish sand supply in interdune areas, or on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

7. Grading or sand movement necessary to maintain views or to prevent sand inundation may be allowed for structures in foredune areas only if

the area is committed to development or is within an acknowledged urban growth boundary and only as part of an overall plan for managing foredune grading. A foredune grading plan shall include the following elements based on consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion), and effects of beachfront protective structures and jetties. The plan shall:

- (a) Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion, or accretion as a result of dune grading;
- (b) Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is 4 feet above the 100 year flood elevation;
- (c) Identify and set priorities for low and narrow dune areas which need to be built up;
- (d) Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and
- (e) Prohibit removal of sand from the beach-foredune system.

The Commission shall, by January 1, 1987, evaluate plans and actions which implement this requirement and determine whether or not they have interfered with maintaining the integrity of beach and dune areas and minimize flooding and erosion problems. If the Commission determines that these measures have interfered it shall initiate Goal amendment

proceedings to revise or repeal these requirements.

GUIDELINES FOR GOAL 18

The requirements of the Beaches and Dunes Goal should be addressed with the same consideration applied to previously adopted goals and guidelines. The planning process described in the Land Use Planning Goal (Goal 2), including the exceptions provisions described in Goal 2, applies to beaches and dune areas and implementation of the Beaches and Dunes Goal.

Beaches and dunes, especially interdune areas (deflation plains) provide many unique or exceptional resources which should be addressed in the inventories and planning requirements of other goals, especially the Goals for Open Space, Scenic and Historic Areas and Natural Resources; and Recreational Needs. Habitat provided by these areas for coastal and migratory species is of special importance.

A. INVENTORIES

Local government should begin the beach and dune inventory with a review of Beaches and Dunes of the Oregon Coast, USDA Soil Conservation Service and OCCDC, March 1975, and determine what additional information is necessary to identify and describe:

- 1. The geologic nature and stability of the beach and dune landforms;
- 2. Patterns of erosion, accretion, and migration;
- 3. Storm and ocean flood hazards;

4. Existing and projected use, development and economic activity on the beach and dune landforms; and
5. Areas of significant biological importance.

B. EXAMPLES OF MINIMAL DEVELOPMENT

Examples of development activity which are of minimal value and suitable for development of conditionally stable dunes and deflation plains include beach and dune boardwalks, fences which do not affect sand erosion or migration, and temporary open-sided shelters.

C. EVALUATING BEACH AND DUNE PLANS AND ACTIONS

Local government should adopt strict controls for carrying out the Implementation Requirements of this goal. The controls could include:

1. Requirement of a site investigation report financed by the developer;
2. Posting of performance bonds to assure that adverse effects can be corrected; and
3. Requirement of re-establishing vegetation within a specific time.

D. SAND BY-PASS

In developing structures that might excessively reduce the sand supply or interrupt the longshore transport or littoral drift, the developer should investigate, and where possible, provide methods of sand by-pass.

E. PUBLIC ACCESS

Where appropriate, local government should require new developments to dedicate easements for public access to public beaches,

dunes and associated waters. Access into or through dune areas, particularly conditionally stable dunes and dune complexes, should be controlled or designed to maintain the stability of the area, protect scenic values and avoid fire hazards.

F. DUNE STABILIZATION

Dune stabilization programs should be allowed only when in conformance with the comprehensive plan, and only after assessment of their potential impact.

G. OFF-ROAD VEHICLES

Appropriate levels of government should designate specific areas for the recreational use of off-road vehicles (ORVs). This use should be restricted to limit damage to natural resources and avoid conflict with other activities, including other recreational use.

H. FOREDUNE GRADING PLANS

Plans which allow foredune grading should be based on clear consideration of the fragility and ever-changing nature of the foredune and its importance for protection from flooding and erosion. Foredune grading needs to be planned for on an area-wide basis because the geologic processes of flooding, erosion, sand movement, wind patterns, and littoral drift affect entire stretches of shoreline. Dune grading cannot be carried out effectively on a lot-by-lot basis because of these areawide processes and the off-site effects of changes to the dunes.

Plans should also address in detail the findings specified in Implementation Requirement (1) of this Goal with special emphasis placed on the following:

- Identification of appropriate measures for stabilization of graded areas and areas of deposition, including use of fire-resistant vegetation;
- Avoiding or minimizing grading or deposition which could adversely affect surrounding properties by changing wind, ocean erosion, or flooding patterns;
- Identifying appropriate sites for public and emergency access to the beach.

GOAL EXCEPTIONS

197.732 Goal exceptions; criteria; rules; review. (1) As used in this section:

(a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(b) "Exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(C) Complies with standards under subsection (2) of this section.

(2) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(3) The commission shall adopt rules establishing:

(a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

(b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and

(c) Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(6) Upon review of a decision approving or denying an exception:

(a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and

(c) The board or commission shall adopt a clear statement of reasons that sets forth the basis for the determination that the standards of subsection (2) of this section have or have not been met.

(7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303.

(8) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section. [1983 c.827 §19a; 1995 c.521 §3; 2005 c.67 §1; 2007 c.71 §68; 2011 c.354 §6]

ARTICLE IX

AMENDMENT

SECTION 9.010: AUTHORIZATION TO INITIATE AMENDMENTS

An AMENDMENT to a zoning map maybe initiated by the Board, the Commission, the Department, or by application of a property owner. Anyone may initiate proceedings to AMEND the text of this Ordinance.

SECTION 9.020: MAP AMENDMENT PROCEDURE AND CRITERIA

The following provisions shall govern the consideration of a MAP AMENDMENT request:

- (1) Review procedures shall be determined pursuant to Section 10.040; notice of a proposed AMENDMENT shall be distributed according to the provisions of a Type III or Type IV review.
- (2) The applicant or, if County initiated, the Department shall prepare an analysis of the site and the surrounding area in the form of a map and report, considering the following factors:
 - (a) Size, shape and orientation of the subject parcel.
 - (b) Surrounding parcel sizes.
 - (c) Topography, drainage, hazards, and other physical site characteristics.
 - (d) Parcel ownership and current use.
 - (e) Economic and population data for the affected area that may be contained in the Comprehensive Plan.
 - (f) Traffic circulation.
 - (g) Zoning history of the subject parcel.
 - (h) Compatibility of the proposed new zone with the surrounding zoning and land uses.
 - (i) Availability and feasibility for development of nearby properties in the proposed zone.
 - (j) Aesthetics.
 - (k) Availability of public facilities and services.
 - (l) Land use objectives of both the applicable and the proposed zoning.
- (3) The Commission shall consider an AMENDMENT request at the earliest practicable public hearing after it is proposed. In hearing the request to establish a new zoning designation, the Commission shall consider all of the following criteria. A zone MAP AMENDMENT may be approved only if all five criteria can be met.
 - (a) The proposed new zone is consistent with applicable Comprehensive Plan policies.
 - (b) The proposed new zone shall not result in the conversion of resource lands to non-resource use without an approved exception to applicable state resource protection Goals.

- (c) The site under consideration is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone.
 - (d) Development anticipated to result from the proposed zone shall not impair the actual or the legally designated uses of surrounding properties.
 - (e) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.
- (4) The Director shall report the Commission's recommendation to the Board. The Board shall conduct a public hearing on an AMENDMENT to modify or change an existing zone on a zoning map subsequent to receiving the report and recommendation of the Planning Commission. Zone MAP AMENDMENTS shall be adopted by the Board of County Commissioners by Ordinance.
 - (5) The Board's decision on a zone MAP AMENDMENT shall be final.
 - (6) A copy of all zone MAP AMENDMENTS shall be forwarded to the County Assessor's office.

SECTION 9.030: TEXT AMENDMENT PROCEDURE

- (1) A COMPREHENSIVE PLAN TEXT or ORDINANCE AMENDMENT may be requested by any person, subject to the requirements of a Type IV procedure and Article 10. The proponent of COMPREHENSIVE PLAN or ORDINANCE AMENDMENT shall arrange a pre-application conference with the Department, pursuant to Section 10.030.
- 2) The applicant or, if County initiated, the Department shall prepare an analysis of the proposed AMENDMENT, addressing such issues as the intent of the provisions being amended; the affect on land use patterns in the County; the affect on the productivity of resource lands in the County; administration and enforcement; and the benefits or costs to Departmental resources resulting from the proposed text.
- (3) Criteria. Commission review and recommendation, and Board approval, of an ordinance amending the Zoning Map, Development Code or Comprehensive Plan shall be based on all of the following criteria:
 - (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
 - (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
 - (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and
 - (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

SECTION 9.040: TRANSPORTATION PLANNING RULE COMPLIANCE

Proposals to amend the Comprehensive Plan, Zoning Map or Ordinance shall be reviewed to determine whether they significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the County, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the County shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

PLEASE PRINT ONE TIME ON MAY 11, 2021

NOTICE OF PUBLIC HEARINGS
TILLAMOOK COUNTY PLANNING COMMISSION
TILLAMOOK COUNTY BOARD OF COMMISSIONERS
GOAL 18 EXCEPTION REQUEST

Public hearings will be held by the Tillamook County Planning Commission at 7:30p.m. on Thursday, May 27th, 2021 and at 7:30pm on Thursday, June 24, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, and public hearings on this matter will also be held by the Tillamook County Board of Commissioners at 10:30a.m. on Wednesday, July 28, 2021 and at 2:00p.m. on Monday, August 16, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, to consider the following:

#851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a “committed” exception and/or a “reasons” exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary along with Floodplain Development Permit Request **#851-21-000086-PLNG** for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing has been mailed to all property owners within 250 feet of the exterior boundary of the subject properties for which application has been made at least 10 days prior to the date of the hearing.

The applicable criteria include Tillamook County Land Use Ordinance (TCLUO) Section 3.510: Flood Hazard Overlay Zone, TCLUO Article 9: Amendment, Oregon Statewide Planning Goal 18, Administrative Rule: OAR-660-015-0010(3), Oregon Revised Statutes ORS 197.732, Statewide Planning Goals 1 through 19 and the Tillamook County Comprehensive Plan. Only comments relevant to the approval criteria are considered relevant evidence.

Due to Governor Brown's Order limiting the number of persons allowed for public gatherings, the courthouse is not accessible to the public for these hearings. All hearings will take place virtually and will be livestreamed to ensure the public is able to participate. Oral testimony will be heard at the hearings on May 27, 2021 and July 28, 2021. For instructions on how to provide oral testimony at the May 27, 2021 and July 28, 2021 hearings, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Allison Hinderer, DCD Office Specialist, at ahindere@co.tillamook.or.us. The livestream link will be provided at the DCD homepage address as well as a dial in number for those who wish to participate via teleconference but are unable to participate virtually prior to the day of the initial Planning Commission hearing.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the May 27, 2021 Planning

Commission hearing and prior to 9:00am on the date of the July 28, 2021 hearing. If submitted by 4:00 p.m. on May 19, 2021 the testimony will be included in the packet mailed to the Planning Commission the week prior to the May 27, 2021 hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Sarah Absher, CFM, Director, Tillamook County Department of Community Development, sabsher@co.tillamook.or.us as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

The documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection on May 20, 2021. Please contact Allison Hinderer for additional information ahindere@co.tillamook.or.us or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan, Oregon Administrative Rules, Oregon Revised Statutes and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

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

If you need additional information, please contact Allison Hinderer, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email ahindere@co.tillamook.or.us.

Tillamook County Department of Community Development

Sarah Absher, CFM, Director

CERTIFICATE OF MAILING

I certify that I served the foregoing Notice regarding 851-21-000086-PLN67-01
851-21-000086-PLN67-01 shown on the
attached, and made a part hereof, on the 11 day of May, 2021, a true and correct copy
of the Notice of application, contained in a sealed envelope addressed to person as shown at
their last known address as shown in the latest records in the Tillamook County Assessor's Office,
and deposited in the official mail deposit of the Tillamook County Courthouse at Tillamook, Oregon,
on the 11 day of May, 2021, and that the postage thereon was prepaid to each
addressee.

By:

Allison Hinderer

5-11-21

Date

1N1007DD00120 17420 PINE BEACH WAY LLC 5012 DOGWOOD DR LAKE OSWEGO, OR 97035	1N1007DD00145 ARCHITECT CTRL CMTEE OF PINE B 5651 SW WINDFIELD LP LAKE OSWEGO, OR 97035	1N1007DD00136 ARCHITECTURAL CONTROL/PINE BEA 5651 SW WINDFIELD LP LAKE OSWEGO, OR 97035
1N1007DD00200 ARCHITECTURAL CONTROL/PINE BEA 5651 SW WINDFIELD LP LAKE OSWEGO, OR 97035	1N1007DD00214 BARCAN, CRISTIAN & MEGGAN A 16050 NORTHCLIFF SQ ELBERT, CO 80106	1N1007DD00144 BEAN, GEORGE M & KATHLEEN K PO BOX 1417 ROCKAWAY BEACH, OR 97136-1417
1N1007DA03203 BERG, MEGAN 1734 W YAMPA ST COLORADO SPRINGS, CO 80904	1N1007DA03205 BERGER, TRAVIS B & PAIGE H PO BOX 906 ROCKAWAY BEACH, OR 97136	1N1007DD00125 BUCKLES, CONRAD L III & KATIE PO BOX 1369 ROCKAWAY BEACH, OR 97136
1N10000001100 CHURCH, OREGON CONF OF METHODI 1505 SW 18TH AVE PORTLAND, OR 97201	1N1007DD00114 COGDALL, JOHN WILLIAM IV & LYN 39455 NW MURTAUGH RD NORTH PLAINS, OR 97133	1N1007DD00117 CREEDON, JONATHAN C 7501 SE 17TH ST VANCOUVER, WA 98664
1N1007DA03100 DANNO, EVAN F TRUSTEE 144 HIGHLAND RIDGE RD KALISPELL, MT 59901	1N1007DD00112 DERR, BENJAMIN G & ERIN K 7725 PINE BEACH AVE ROCKAWAY BEACH, OR 97136	1N1007DA03103 DIXON, DOUGLAS D & JANELL K 8005 NE 37TH AVE VANCOUVER, WA 98665
1N1007DA03202 DIXON, DOUGLAS DAVID & JANELL 8005 NE 37TH AVE VANCOUVER, WA 98665	1N1007DA03107 DONKIN, HAL O & JONNIE 12153 SE FLAVEL ST PORTLAND, OR 97266	1N1007DA03000 DOWLING, DAVID A & ANGELA M 19690 WILDWOOD DR WEST LINN, OR 97068
1N1007DD00123 ELLIS, MICHAEL LEON TRUSTEE 2614 Q ST VANCOUVER, WA 98663	1N1007DA03001 ERDMANN, MARK 21101 NW CANNES DR PORTLAND, OR 97229	1N1007DD00116 FARR, DAVID L & FRIEDA F 17340 PINE BEACH WAY ROCKAWAY BEACH, OR 97136
1N1007DA04800 FLANNERY, LOUIS W & IRENE M TR 10555 SW CLUTTER RD SHERWOOD, OR 97140	1N1007DA03101 FREEMAN, JAMES D & 15415 SE SUN PARK DR VANCOUVER, WA 98683	1N1007DD00216 GILKEY, JOHN P & JUDY L (TOD) 7730 PINE BEACH LP ROCKAWAY BEACH, OR 97136
1N1007DA02900 GOSSART, TOM J & MARY G 593 NW 94TH TERR PORTLAND, OR 97229-6368	1N1007DA02901 GOSSART, TOM J & MARY G 593 NW 94TH TERR PORTLAND, OR 97229-6368	1N1007DD00124 HATCH, MICHAEL D & KATHLEEN H 884 SE 25TH CT HILLSBORO, OR 97123
1N1007DD00215 HERBOTH, WILLIAM D CO-TRUSTEE 6006 NE RODNEY AVE PORTLAND, OR 97211	1N1007DD00122 HOLLAND, GLENNA M TRUSTEE & 3136 NE 45TH AVE PORTLAND, OR 97213	1N1007DD00213 HORTON, MARLON R & KIMBERLY C 31790 RAYMOND CREEK RD SCAPPOOSE, OR 97056

1N1007DA03201 JOHNSON, JOANIE M & 13084 SW ASCENSION DR TIGARD, OR 97223-5686	1N1007DA02500 JUNIPER RESIDENTIAL, LLC 52644 NE 1ST ST SCAPPOOSE, OR 97056	1N1007DA02600 JUNIPER RESIDENTIAL, LLC 52644 NE 1ST ST SCAPPOOSE, OR 97056
1N1007DD00121 KLEIN, JEFFREY S & TERRY 12230 SW RIVERVIEW LN WILSONVILLE, OR 97070	1N1007DA03207 KOLIN, KEVIN J TRUSTEE & 155 N CORAL ST ROCKAWAY BEACH, OR 97136	1N1007DD00109 LAYZELL, KAREN 7785 PINE BEACH ST ROCKAWAY BEACH, OR 97136
1N1007DA05000 LIMMEROTH, PAUL & VELMA 17495 OCEAN BLVD ROCKAWAY BEACH, OR 97136-9610	1N1007DA03104 LOCKWOOD, MARY ANN CO-TRUSTEE 2355 SW SCENIC DR PORTLAND, OR 97225	1N1007DD00119 MUNCH, MICHAEL T TRUSTEE 5012 DOGWOOD DR LAKE OSWEGO, OR 97035
1N1007DA03206 NETTINGA, TAMMY M & PO BOX 1100 ROCKAWAY BEACH, OR 97136	1N1007DD00217 POSTLETHWAITE, ANTHONY E & JAC 13887 NW MEADOWRIDGE DR PORTLAND, OR 97229-2451	1N1007DD00138 REED, ROBERT T TRUSTEE PO BOX 764 GARIBALDI, OR 97118-0764
1N1007DD00128 REED, RODNEY 22600 NW MEIER RD HILLSBORO, OR 97124	1N1007DD00207 RESLER, MARILYN 7262 SE TAMARACK CT MILWAUKIE, OR 97267	1N1007DD00206 RESLER, MARILYN 7262 SE TAMARACK CT MILWAUKIE, OR 97267
1N1007DD00205 RESLER, MARILYN 7262 SE TAMARACK CT MILWAUKIE, OR 97267	1N1007DD00118 ROBERTS, DONALD W 1/2 TRUSTEE 503 RHODODENDRON DR VANCOUVER, WA 98661	1N1007DD00208 ROBINSON, KENNETH A TRUSTEE & 20415 NW ROCK CREEK BLVD PORTLAND, OR 97229
1N1007DD00110 ROCKAWAY CABIN LLC 500 NE OCHOCO AVE PRINEVILLE, OR 97754-1229	1N1007DA03105 ROCKAWAY LOT1 LLC 2495 NW 133RD PL PORTLAND, OR 97229	1N1007DD00115 ROGERS, MICHAEL TRUSTEE & 17231 NW DAIRY CREED RD NORTH PLAINS, OR 97133
1N1007DA04701 ROLEN, ROGER & DENISE 1/3 & 282 AMANDA CT OREGON CITY, OR 97045	1N1007DD00127 SCHEELE, DONALD & PO BOX 1190 ROCKAWAY BEACH, OR 97136	1N1007DA03106 SCHULZ, MICHAEL M & 4304 MONTGOMERY LN PASCO, WA 99301
1N1007DD00113 STAVREV, SVETOSLAV & TSVETALIN 12930 NW TIGON LN PORTLAND, OR 97229	1N1007DD00126 STOCK, JULIE A & 4810 BIRCH RD PASCO, WA 99301	1N1007DD00111 SUSEE, MICHAEL J & STEPHANIE N 19420 SW POMONA DR BEAVERTON, OR 97007
1N1007DD00142 THIELMAN, BRENT & ERIN 1650 SE MCBROD AVE MILWAUKIE, OR 97222	1N1007DA03204 VON SEGGERN, HEATHER STECK 337 SOMERSET AVE SARASOTA, FL 34243	1N1007DA05100 WACKER, DALE & LISA M 17475 OCEAN BLVD ROCKAWAY BEACH, OR 97136

1N1007DA04900
ZINK, ROBERT DONALD 50%
3907 NE 98TH AVE
VANCOUVER, WA 98662

KURT HECKEROTH
PO BOX 140
NETARTS, OR 97143

GALE OUSELE
8105 SLAB CREEK ROAD
NESKOWIN, OR 97149

DON LAFRANCE
7730 TRASK RIVER ROAD
TILLAMOOK, OR 97141

MINUTE MASTER

JOEL STEPHENS

GUY SIEVERT
PO BOX 1031
NESKOWIN, OR 97149

MARK ROBERTS
P.O. BOX 546
MANZANITA, OR 97130

APPLICANT

SARAH ABSHER

MEGAN GILLAS
PO BOX 668
PACIFIC CITY, OR 97135

CHAD ALLEN
2935 OLD LATIMER ROAD
TILLAMOOK, OR 97141



Land of Cheese, Trees and Ocean Breeze

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

Notice to Property Owner

Date: May 11, 2021

***NOTICE OF PUBLIC QUASI-JUDICIAL HEARINGS
TILLAMOOK COUNTY PLANNING COMMISSION
TILLAMOOK COUNTY BOARD OF COMMISSIONERS REGARDING:***

GOAL 18 EXCEPTION & FLOODPLAIN DEVELOPMENT PERMIT

Notice is hereby given that public hearings will be held by the Tillamook County Planning Commission at 7:30p.m. on Thursday, May 27th, 2021 and at 7:30pm on Thursday, June 24, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, and public hearings on this matter will also be held by the Tillamook County Board of Commissioners at 10:30a.m. on Wednesday, July 28, 2021 and at 2:00p.m. on Monday, August 16, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, to consider the following:

#851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a “committed” exception and/or a “reasons” exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision and five oceanfront lots to the north located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary together with Floodplain Development Permit Request #851-21-000086-PLNG for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants.

Notice of public hearing, a map of the request area, applicable specific request review criteria as well as a general explanation of the requirements for submission of testimony is included in this letter and has been mailed to all property owners within 250 feet of the exterior boundary of the subject property for which application has been made at least 10 days prior to the date of the first evidentiary hearing.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website; <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

The Staff Report will be available for inspection 7 days prior to the hearing on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and will also be available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. The application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page.

PUBLIC HEARING INFORMATION

Due to Governor Brown's Order limiting the number of persons allowed for public gatherings and to adhere to social distancing requirements, the courthouse is not accessible to the public for these hearings. All hearings will take place virtually and will be livestreamed to ensure the public is able to participate. The hearings can be accessed via teleconference, attended via Microsoft Teams meetings and by live video through tctvonline.com.

Planning Commission Hearings: To access the live video and the Microsoft Teams virtual meeting link, please visit <https://www.co.tillamook.or.us/commdev> where links will be provided the evening of the hearings. **Microsoft Teams must be installed for virtual meeting access.* For teleconference access the evening of the hearing, please call 971-254-3149. Conference ID: 162 123 896#.

Board of County Commissioner Hearings: Please visit <https://www.co.tillamook.or.us/bocc/page/board-commissioners-meeting-schedule> for access information for Board of County Commissioner meetings.

Oral testimony can be heard at the hearings on May 27, 2021 at the Tillamook County Planning Commission first evidentiary hearing and July 28, 2021 at the Board of County Commissioner hearing. For instructions on how to provide oral testimony at the May 27, 2021 and July 28, 2021 hearings, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Allison Hinderer, DCD Office Specialist, at ahindere@co.tillamook.or.us.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the May 27, 2021 Planning Commission hearing and prior to 9:00am on the date of the July 28, 2021 hearing. If submitted by 4:00 p.m. on May 19, 2021 the testimony will be included in the packet mailed to the Planning Commission the week prior to the May 27, 2021 hearing.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Sarah Absher, CFM, Director, Tillamook County Department of Community Development, sabsher@co.tillamook.or.us as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

The applicable criteria include Tillamook County Land Use Ordinance (TCLUO) Section 3.510: Flood Hazard Overlay Zone, TCLUO Article 9: Amendment, Oregon Statewide Planning Goal 18, Administrative Rule: OAR-660-015-0010(3), Oregon Revised Statutes ORS 197.732, Statewide Planning Goals 1 through 19 and the Tillamook County Comprehensive Plan. Only comments relevant to the approval criteria are considered relevant evidence.

The documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection on May 20, 2021. Please contact Allison Hinderer for additional information ahindere@co.tillamook.or.us or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan, Oregon Administrative Rules, Oregon Revised Statutes and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

Sincerely,
Tillamook County Department of Community Development



Sarah Absher, CFM, Director

Enclosures: Request area maps

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

#851-21-000086-PLNG-01: GOAL EXCEPTION

TILLAMOOK COUNTY LAND USE ORDINANCE

SECTION 9.030(3) AMENDMENT CRITERIA

- (a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
- (b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- (c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and
- (d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

OREGON REVISED STATUTES

ORS 197.732

https://www.oregonlegislature.gov/bills_laws/ors/ors197.html

197.732 Goal exceptions; criteria; rules; review. (1) As used in this section:

- (a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.
- (b) "Exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(C) Complies with standards under subsection (2) of this section.

(2) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(3) The commission shall adopt rules establishing:

(a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

(b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and

(c) Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(6) Upon review of a decision approving or denying an exception:

(a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and

(c) The board or commission shall adopt a clear statement of reasons that sets forth the basis for the determination that the standards of subsection (2) of this section have or have not been met.

(7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303.

(8) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section. [1983 c.827 §19a; 1995 c.521 §3; 2005 c.67 §1; 2007 c.71 §68; 2011 c.354 §6]

OREGON ADMINISTRATIVE RULE

OREGON ADMINISTRATIVE RULE OAR-660-015-0010(3)

<https://secure.sos.state.or.us/oard/displayCompilation.action?compRsn=81>

***Large Document- Click of Division 660 to Download**

#851-21-000086-PLNG: FLOODPLAIN DP

TILLAMOOK COUNTY LAND USE ORDINANCE

SECTION 3.510(14)(b) DEVELOPMENT PERMIT REVIEW CRITERIA

(1) The fill is not within a Coastal High Hazard Area.

(2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) The fill is necessary for an approved use on the property.

(4) The fill is the minimum amount necessary to achieve the approved use.

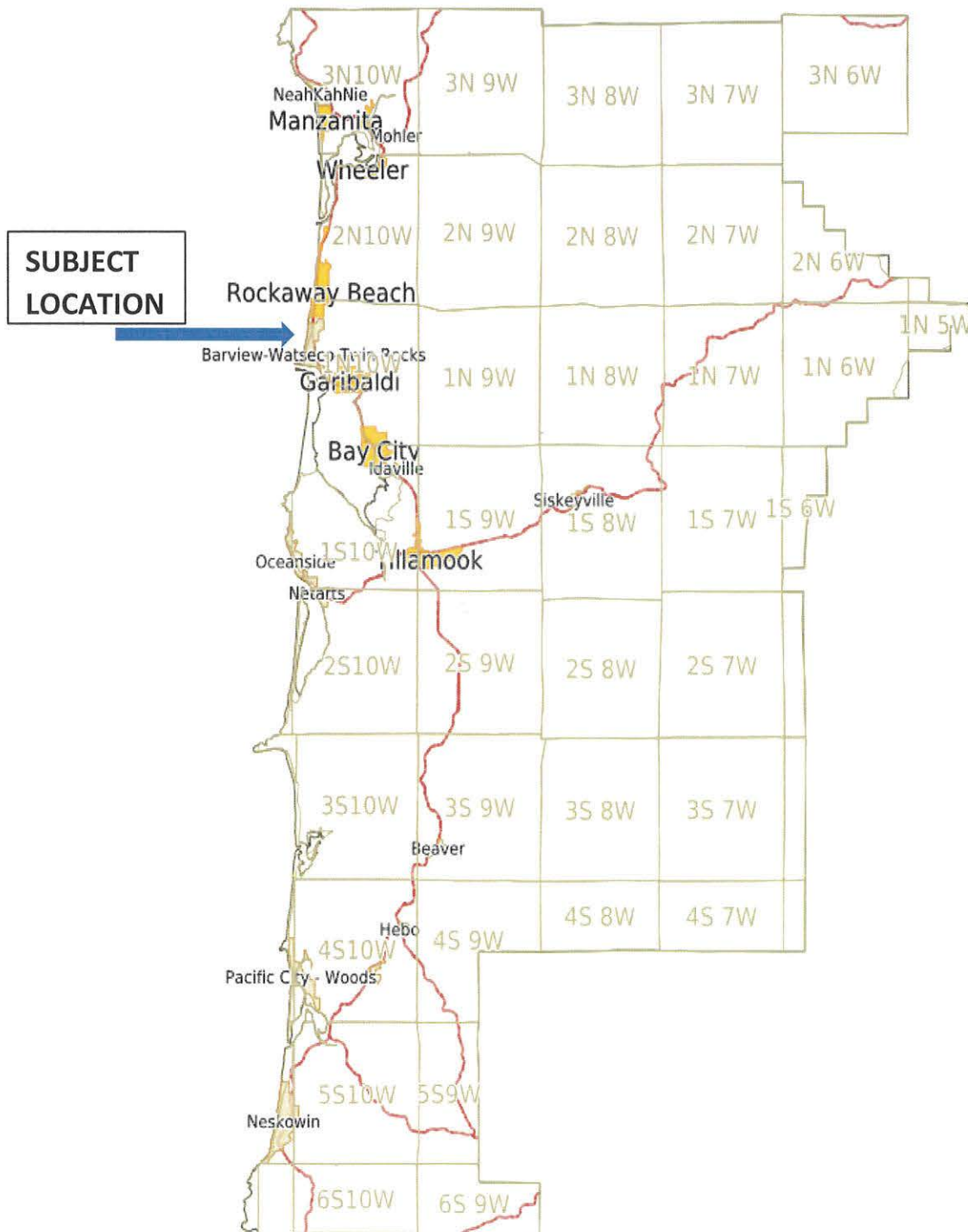
(5) No feasible alternative upland locations exist on the property.

(6) The fill does not impede or alter drainage or the flow of floodwaters.

(7) If the proposal is for a new critical facility, no feasible alternative site is available.

(8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5)... (N/A)

VICINITY MAP



#851-21-000086-PLNG & #851-21-000086-PLNG-01
GOAL EXCEPTION & DEVELOPMENT PERMIT REQUEST

Subject Area

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

S.E. 1/4 S.E. 1/4 SEC. 7 T.1N. R.10W. W.M.
Tillamook County

1" = 100'

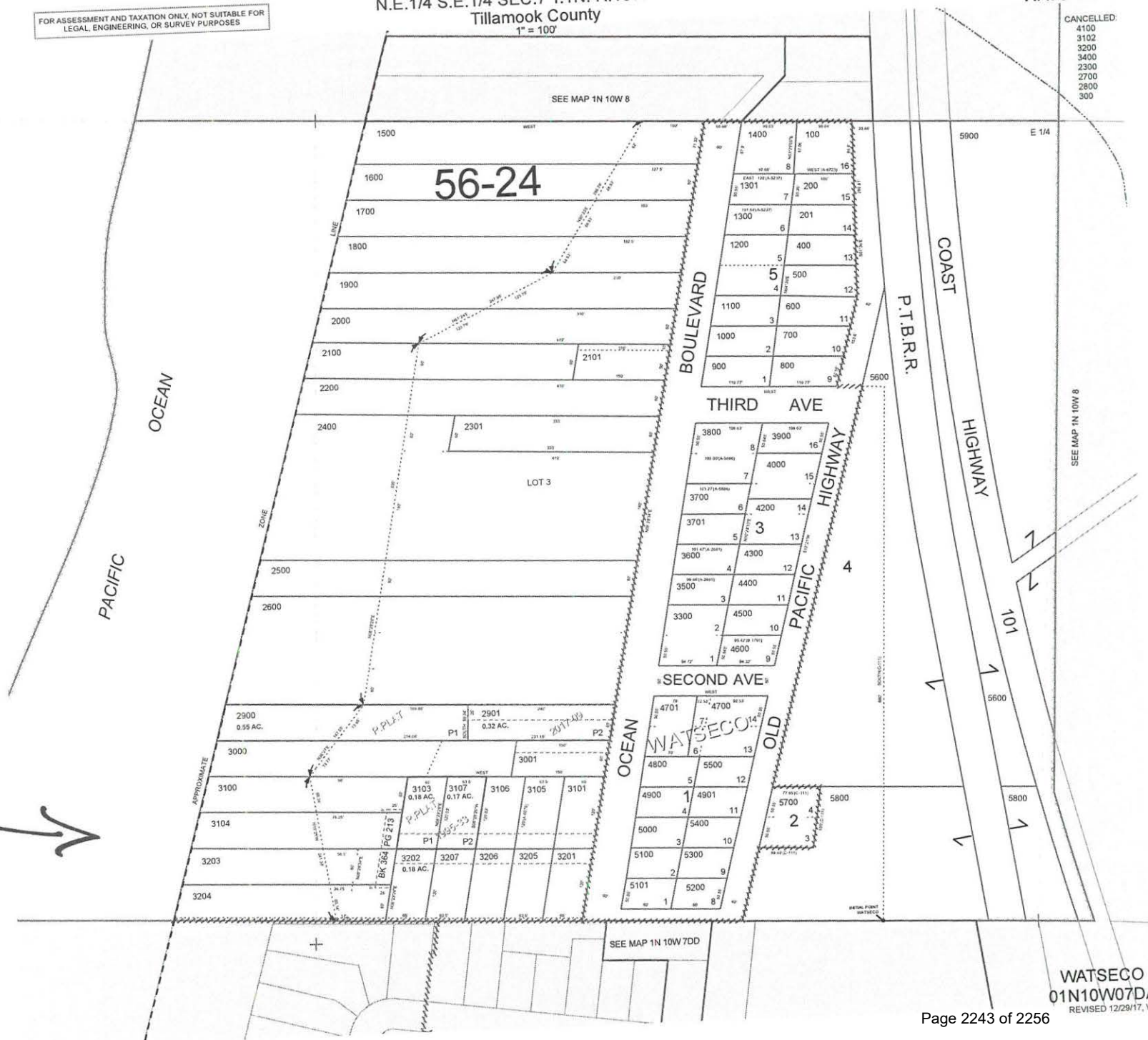
SEE MAP 1N 10W 7DA

01N10W07DD
WATSECO

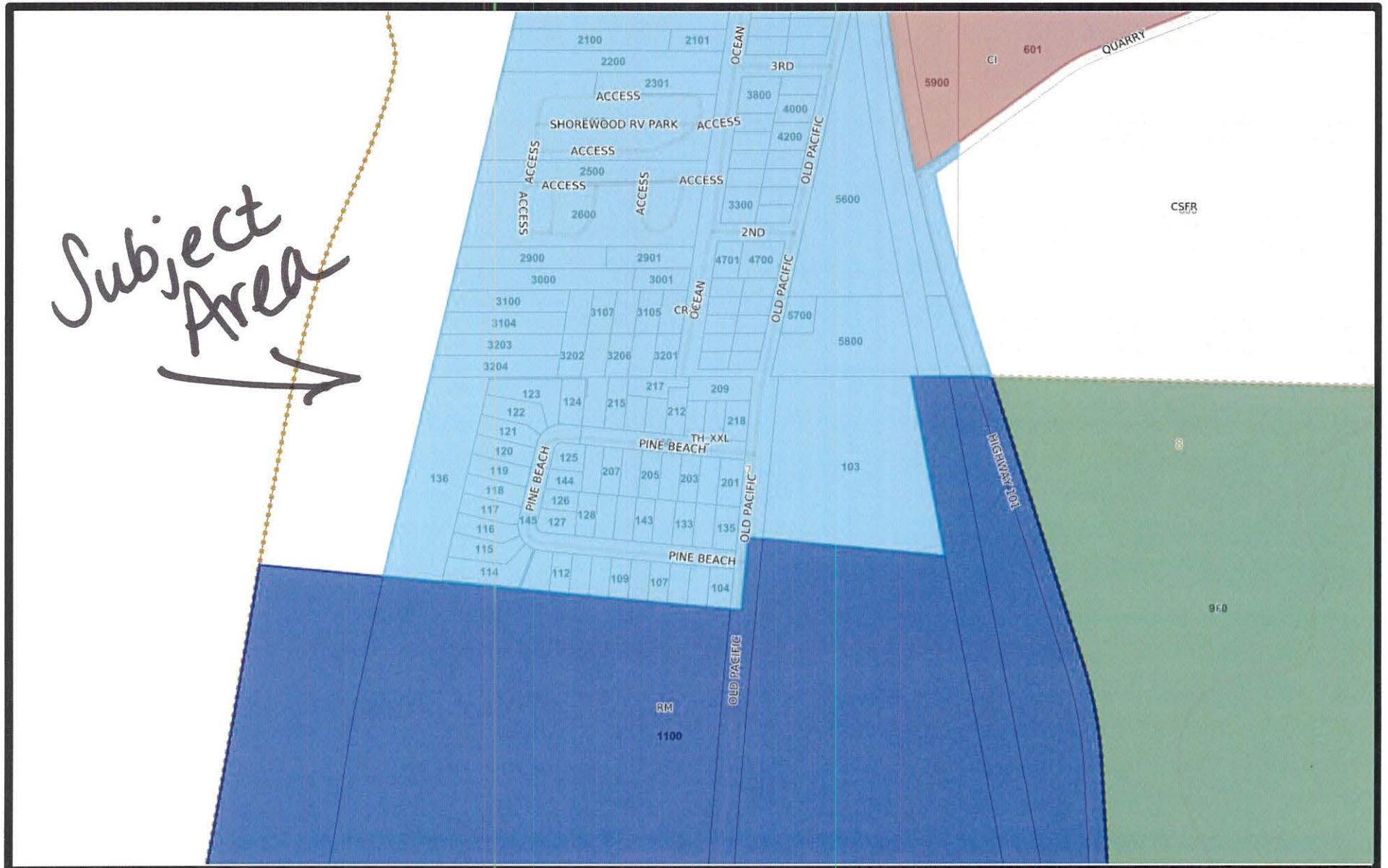


CANCELLED:
100
101
102
129
130
131
137
139
140
141
300

WATSECO
01N10W07DD
REVISED 3/8/13, WS



Map





NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FORM 1

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **Tillamook County**

Local file no.: **851-21-000086-PLNG**

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☒ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): Sarah Absher, CFM, Director, TC Dept. of Community Development

Phone: 503-842-3408 x3317 E-mail: sabsher@co.tillamook.or.us

Street address: 1510-B Third Street City: Tillamook Zip: 97141

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a “committed” exception and/or a “reasons” exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary

Date of first evidentiary hearing: May 27, 2021

Date of final hearing: August 16, 2021

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from to
Change from to
- ☐ New or amended land use regulation
- ☐ Zoning map amendment(s) – Change from to
Change from to

☒ An exception to a statewide planning goal is proposed – goal(s) subject to exception: Goal 18

☒ Acres affected by map amendment: See Attached Map

Location of property, if applicable (site address and T, R, Sec., TL): Multiple- See Attached Map

List affected state or federal agencies, local governments and special districts: Potential affected agencies and districts include USACE, DSL, DLCD, OPRD, Tillamook County Sheriff Office, Tillamook County Public Works Dept., Neahkahnie School District, Tillamook People's Utility District, Watseco/Barview Water District, Twin Rocks Sanitary District, Garibaldi Fire District, Rockaway Beach Fire District,

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- X Completed Form 1
 - X The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
 - X Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
 - X A map of the affected area showing existing and proposed plan and zone designations
 - X A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
 - X Any other information necessary to advise DLCD of the effect of the proposal
- Summary of Explanation of Emergency Included

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

S.E. 1/4 S.E. 1/4 SEC. 7 T.1N. R.10W. W.M.
Tillamook County

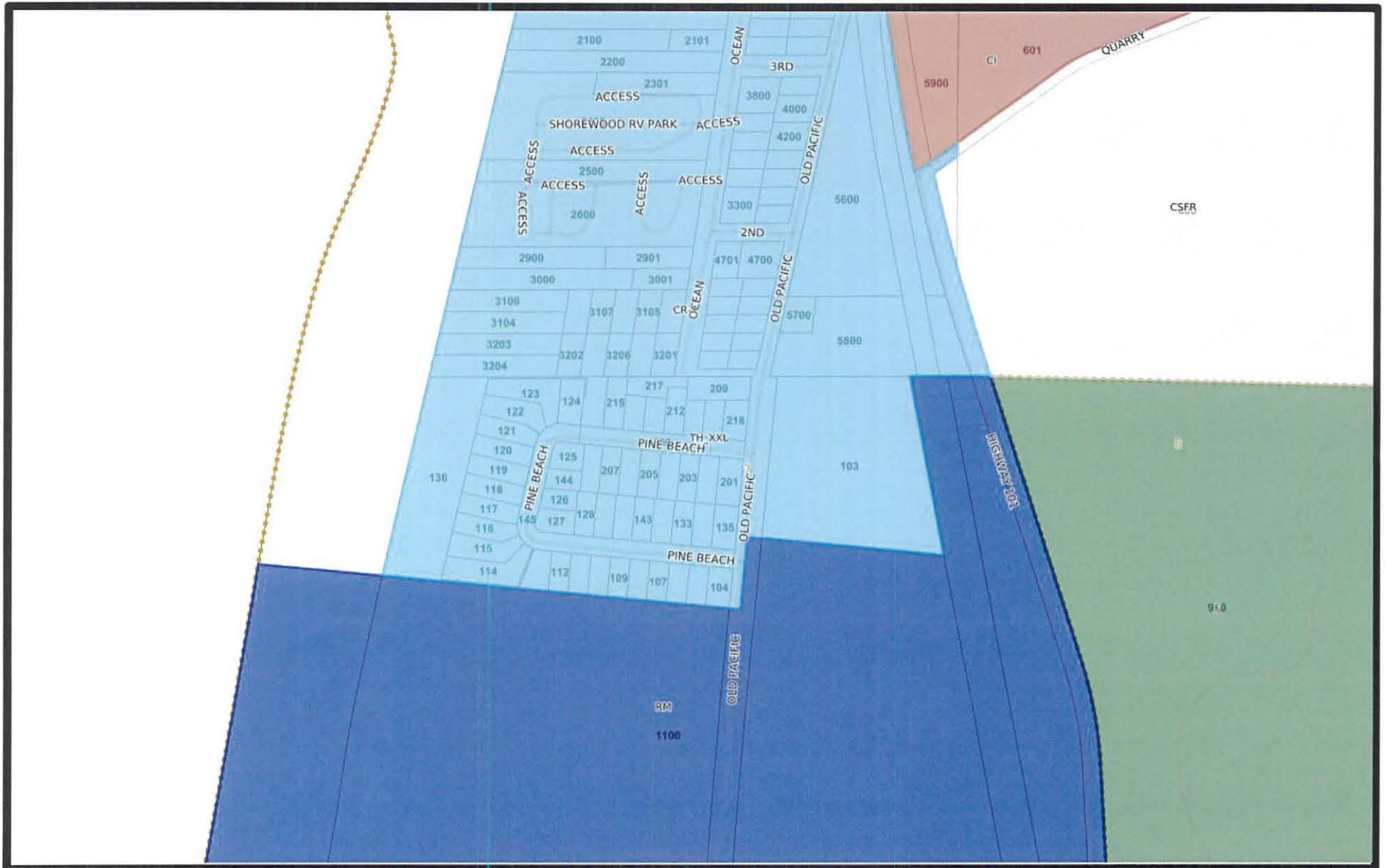
1" = 100'

SEE MAP 1N 10W 7DA

01N10W07DD
WATSECO



Map



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PLEASE PRINT ONE TIME ON MAY 11, 2021

NOTICE OF PUBLIC HEARINGS

TILLAMOOK COUNTY PLANNING COMMISSION

TILLAMOOK COUNTY BOARD OF COMMISSIONERS

GOAL 18 EXCEPTION REQUEST

Public hearings will be held by the Tillamook County Planning Commission at 7:30p.m. on Thursday, May 27th, 2021 and at 7:30pm on Thursday, June 24, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, and public hearings on this matter will also be held by the Tillamook County Board of Commissioners at 10:30a.m. on Wednesday, July 28, 2021 and at 2:00p.m. on Monday, August 16, 2021 in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141, to consider the following:

#851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a “committed” exception and/or a “reasons” exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary along with Floodplain Development Permit Request **#851-21-000086-PLNG** for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing has been mailed to all property owners within 250 feet of the exterior boundary of the subject properties for which application has been made at least 10 days prior to the date of the hearing.

The applicable criteria include Tillamook County Land Use Ordinance (TCLUO) Section 3.510: Flood Hazard Overlay Zone, TCLUO Article 9: Amendment, Oregon Statewide Planning Goal 18, Administrative Rule: OAR-660-015-0010(3), Oregon Revised Statutes ORS 197.732, Statewide Planning Goals 1 through 19 and the Tillamook County Comprehensive Plan. Only comments relevant to the approval criteria are considered relevant evidence.

Due to Governor Brown's Order limiting the number of persons allowed for public gatherings, the courthouse is not accessible to the public for these hearings. All hearings will take place virtually and will be livestreamed to ensure the public is able to participate. Oral testimony will be heard at the hearings on May 27, 2021 and July 28, 2021. For instructions on how to provide oral testimony at the May 27, 2021 and July 28, 2021 hearings, please visit the Tillamook County Community Development homepage at <https://www.co.tillamook.or.us/commdev> for instructions and protocol or email Allison Hinderer, DCD Office Specialist, at ahindere@co.tillamook.or.us. The livestream link will be provided at the DCD homepage address as well as a dial in number for those who wish to participate via teleconference but are unable to participate virtually prior to the day of the initial Planning Commission hearing.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the May 27, 2021 Planning

Commission hearing and prior to 9:00am on the date of the July 28, 2021 hearing. If submitted by 4:00 p.m. on May 19, 2021 the testimony will be included in the packet mailed to the Planning Commission the week prior to the May 27, 2021 hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Sarah Absher, CFM, Director, Tillamook County Department of Community Development, sabsher@co.tillamook.or.us as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

The documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection on May 20, 2021. Please contact Allison Hinderer for additional information ahindere@co.tillamook.or.us or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan, Oregon Administrative Rules, Oregon Revised Statutes and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

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

If you need additional information, please contact Allison Hinderer, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email ahindere@co.tillamook.or.us.

Tillamook County Department of Community Development

Sarah Absher, CFM, Director



Transaction Receipt
Record ID: 851-21-000086-PLNG-01
IVR Number: 851055208035

Tillamook County
1510 - B Third Street
Tillamook, OR 97141
(503) 842-3408
Fax: 503-842-1819
dtupper@co.tillamook.or.us

Receipt Number: 119898

Receipt Date: 4/16/21

www.co.tillamook.or.us/gov/ComDev

Worksite address: 17488 OCEAN BLVD, TILLAMOOK COUNTY, OR
Parcel: 1N10 07DA 03000

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/16/21	1.00 Ea	Zone change (with exception to statewide planning goals) - planning	010-01152-4317	\$3,070.00	\$3,070.00
4/16/21	15.00 Qty	Zone change (with exception to statewide planning goals) - affected ownership	010-01152-4317	\$2,150.00	\$2,150.00
4/16/21	1.00 Ea	Zone change (with exception to statewide planning goals) - public works	160-16003-4125	\$106.00	\$106.00
4/16/21	1.00 Ea	Development permit - Type I(New Construction or substantial improvements)	010-01152-4317	\$615.00	\$615.00
Payment Method: Check number: 1058 Payer: Kellington Law Group PC Payment Amount: \$615.00					
This payment is part of set: KELLINGTON LAW GROUP PC on set receipt: 48793					
Payment Method: Check number: 1058 Payer: Kellington Law Group PC Payment Amount: \$5,326.00					
This payment is part of set: KELLINGTON LAW GROUP PC on set receipt: 48793					
Cashier: Sheila Shoemaker				Receipt Total:	\$5,941.00