Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



1510 – B Third Street Tillamook, Oregon 97141 <u>www.tillamook.or.us</u> Building (503) 842-3407 Planning (503) 842-3408 Sanitation (503) 842-3409 FAX (503) 842-1819 Toll Free 1(800) 488-8280

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 OF PUBLIC HEARINGS TILLAMOOK COUNTY PLANNING COMMISSION SAHHALI SOUTH REPLAT

Date of Notice: January 26, 2022

Public hearings will be held by the Tillamook County Planning Commission at 6:30p.m. on Thursday, February 24, 2022, and at 6:30 p.m. on Thursday, April 14, 2022 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:

851-22-000003-PLNG: Request for replat of a subdivision plat approval for a portion of "Sahhali South" together with Conditional Use request #851-22-000003-PLNG-01, to amend the Planned Development Master Plan, on a property accessed off Highway 101 South, a state highway, through Heron View Drive and Proposal Point Drive, private roads, and located in the Unincorporated Community of Neskowin. The subject property is zoned Neskowin Rural Residential zone (NeskRR) and is designated as Tax Lots 1300, 1301, 1400, 1500, 1600, 1700, 1800, 1900, 4600, 4700, 4800, 4801 and 5900 of Section 24AB, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. The Property Owner is Sahhali South LLC. The Applicant is Richard Boyles.

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 property for which application has been made at least 28 days prior to the date of the hearing.

The applicable criteria include Tillamook County Land Division Ordinance (TCLDO) Section 070: Preliminary Plat Approval Criteria and Tillamook County Land Use Ordinance (TCLUO) Article 6 Section 6.040: Conditional Use Criteria. Applicable development standards include TCLUO Section 3.320: Neskowin Rural Residential (NeskRR) Zone and TCLUO Section 3.520: Planned Development Overlay (PD). Only comments relevant to the approval criteria are considered relevant evidence.

The hearings will take place virtually. Oral testimony will be heard at the virtual hearing on February 24, 2022. For instructions on how to provide oral testimony at the February 24, 2022 hearing, please visit the Tillamook County Community Development homepage at <u>https://www.co.tillamook.or.us/commdev</u> for instructions and protocol or email Lynn Tone, Office Specialist 2, at <u>ltone@co.tillamook.or.us</u>. The virtual meeting 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 evening of the 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 February 24, 2022, Planning Commission hearing. If submitted by 4:00 p.m. on February 15, 2022, the testimony will be included in the packet mailed to the Planning Commission the week prior to the February 24, 2022, 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 Melissa Jenck, Project Planner, Tillamook County Department of Community Development, <u>mjenck@co.tillamook.or.us</u> 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 (<u>https://www.co.tillamook.or.us/commdev/landuseapps</u>) 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 February 17, 2022. Please contact Lynn Tone for additional information ltone@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 Land Division Ordinance, Tillamook County Comprehensive Plan, 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 Lynn Tone, Office Specialist 2, at 1-800-488-8280 ext. 3423 or email linkabultone.co.tillamook.or.us.

Sincerely, Tillamook County Department of Community Development

Melissa Jenck, CFM, Project Planner

Sarah Absher, CFM, Director

Enc. Applicable Ordinance Criteria (Already in Record) Maps (Already in Record) Sahhali Shores Preliminary Plat (Already in Record) Tips for Citizen Testimony (Already in Record) Procedures for conduct at a public hearing (Already in Record)

REVIEW CRITERIA & DEVELOPMENT STANDARDS

TILLAMOOK COUNTY LAND USE ORDINANCE https://www.co.tillamook.or.us/commdev/page/land-use-ordinance-luo-zoning-ordinance

SECTION 6.040: REVIEW CRITERIA: Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

SECTION 3.520(3)(b)

- (1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
- (2) Resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area.
- (3) The plan can be completed within a reasonable period of time.
- (4) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
- (5) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- (6) The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.
- (7) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
- (8) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
- (9) Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development.

TILLAMOOK COUNTY LAND DIVISION ORDINANCE

https://www.co.tillamook.or.us/sites/default/files/fileattachments/community_development/page/27173/final_land_division_ordinance.pdf

Section 060: Preliminary Plat Submission Requirements, including Section 060(1)(a), Section 060(1)(b)(i)(1) through (7), Section 060(1)(b)(ii)(1) through (8), (10) and (11), Section 060(1)(b)(ii)(1) and (3) through (12), Section 060(1)(c)(ii) through (v), (vii) and (viii). And Section 060(1)(d).

Section 070: Preliminary Plat Approval Criteria, specifically Section 070(1)(a) through (i) and Section 070(2).

Section 150: Development Standards for Land Divisions, including Section 150(1) through (5), (7), (10) and (11).

Section 160: Street Improvements, including Section 160(1) through (3), (5), (7) and (8).

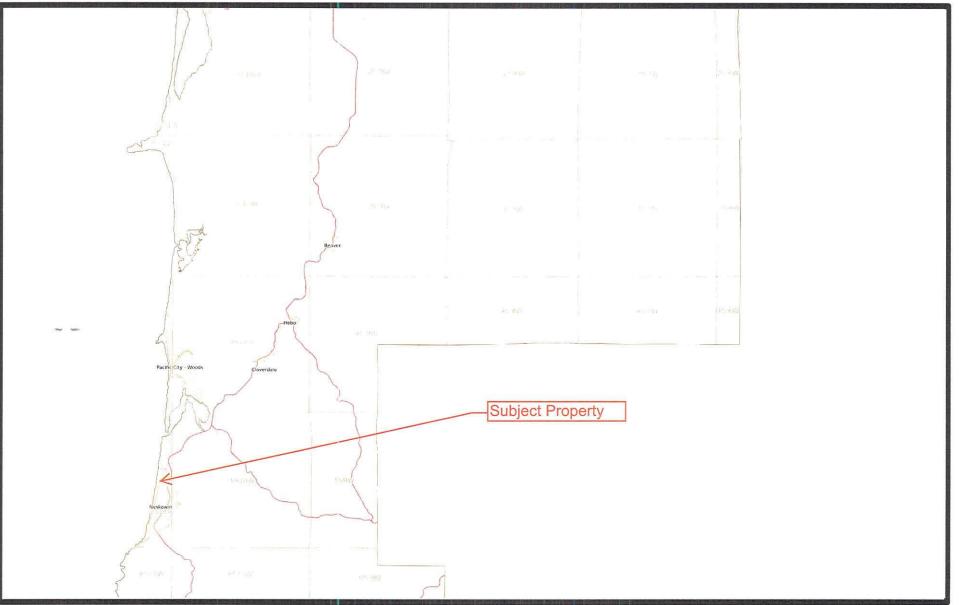
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EXHIBIT A

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Vicinity Map

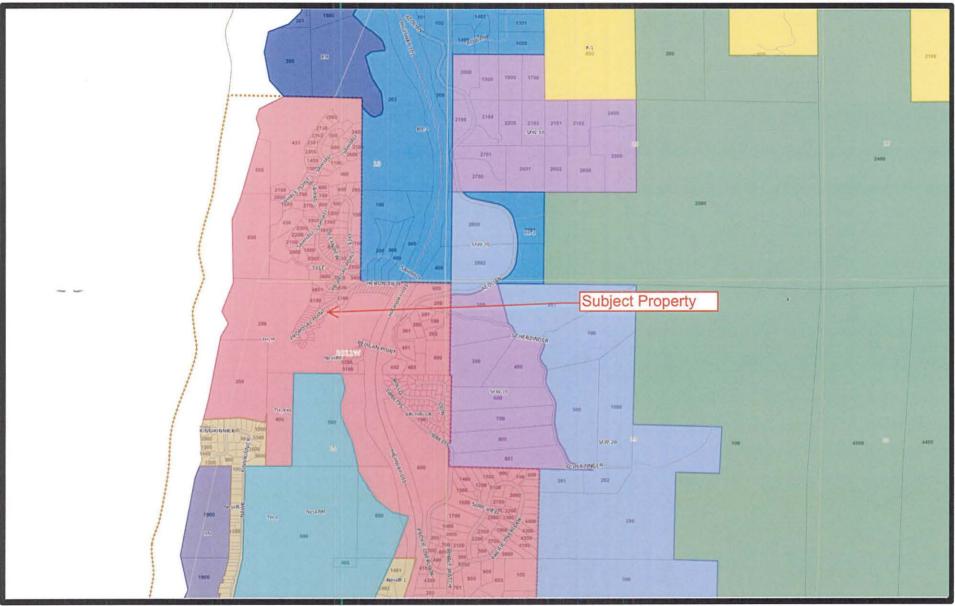
MOOSEMAPPING



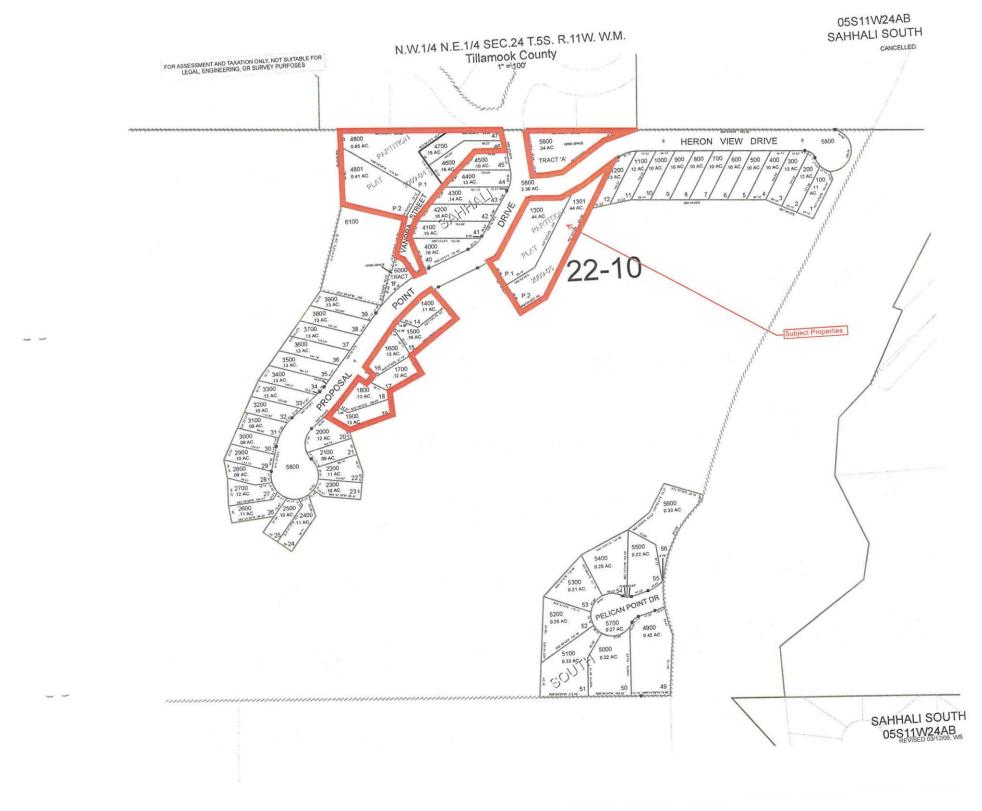
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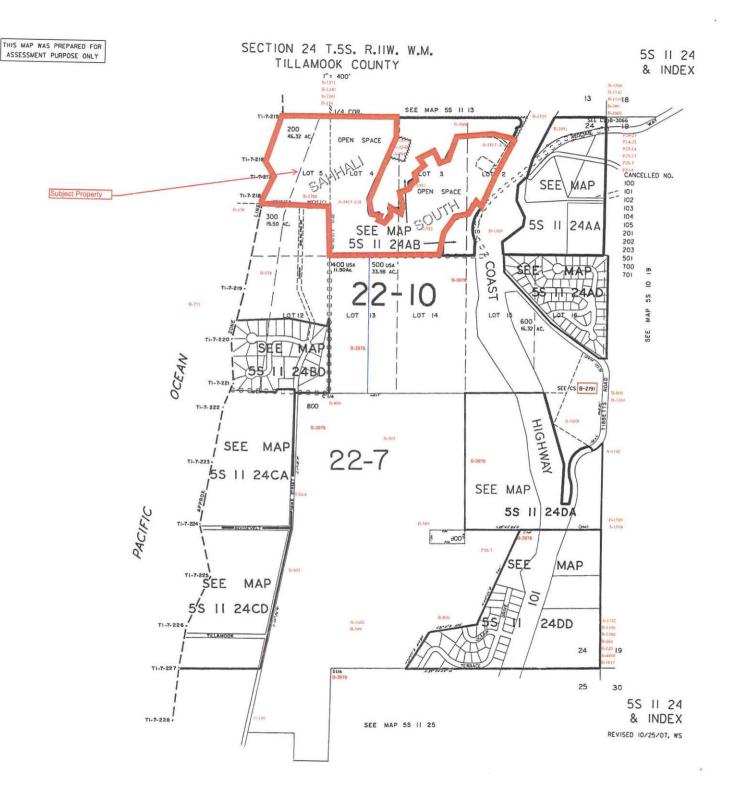
Zoning Map

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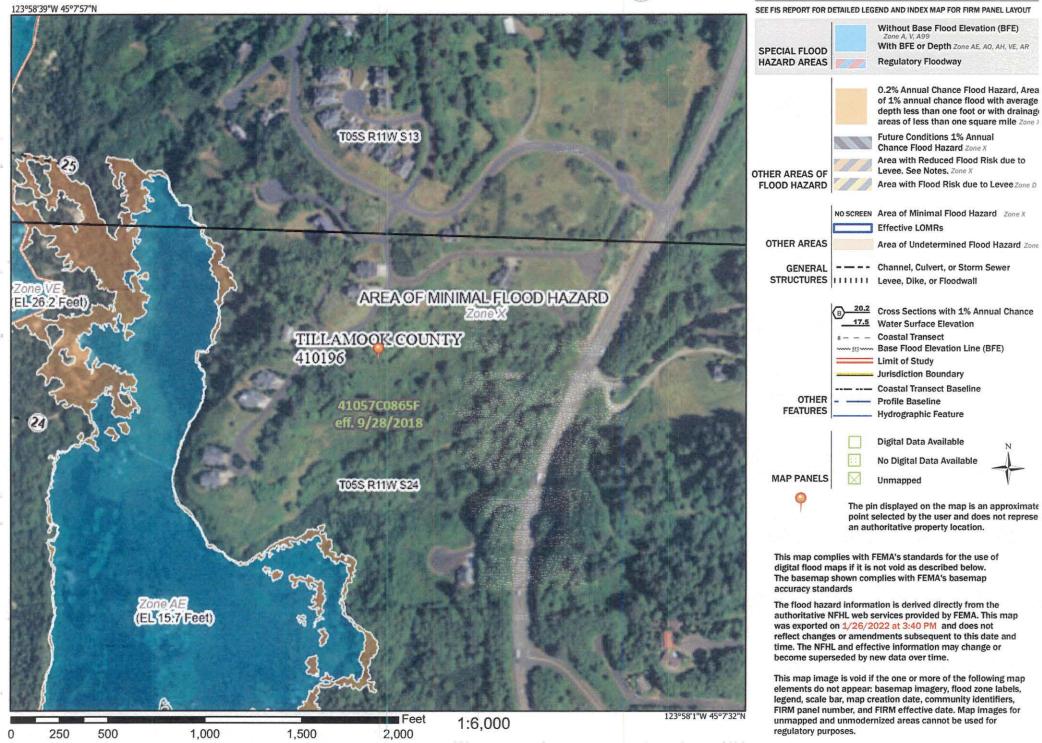


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National Flood Hazard Layer FIRMette



Legend





U.S. Fish and Wildlife Service National Wetlands Inventory

Sahhali South



January 26, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freehu
- Freshwater Forested/Shrub Wetland

Freshwater Emergent Wetland

Freshwater Pond

Lake

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Riverine

National Wetlands Inventory (NWI) This page was produced by the NWI mapper

EXHIBIT B

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Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 www.co.tillamook.or.us

LAND DIVISION APPLICATION

ac Proporty Owner) ack Day if Can

Applicant 🗆 (Check Box if Same as I	Email	
Name: Richard Boyles Ph	SY EFFICIT	
Address: 840 Beltline Rd.		□ Approved □ Denied
City: Springfield Sta	te: or Zip: 97477	Received by: MJ
Email: rboyles@meretehotels.com		Receipt #:
Property Owner		Fees:
	one: (541) 284-0613	Permit No:
Address: 840 Beltline Rd. Ste. 202.	0110: (041) 204 0010	851- <u>22 -00003</u> -PLNG
	te: OR Zip: 97477	
Email: rboyles@meretehotels.com	Ite: or Zip: sidin	
Location:		
Site Address: Sahhali South, Tract	A, Lots 13a, 13b, 14-19, 46, 47, 4	48a and 48b
Map Number: 5S 11W 24AB		
Township	Range Sec	tion Tax Lot(s)
Land Division Type: Partition (Tw		(Four or More Lots, Type III)
E rielininary r		rage 3)
E PRELIMINARY PLAT (LDO 060(1)(B))		
 For subdivisions, the proposed name. Date, north arrow, scale of drawing. Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site. 	 General Information Parcel zoning and overlays Title Block Clear identification of the drawing as "Preliminary Plat" and date of prepara Name and addresses of owner(s), developer, and engineer or surveyor Existing Conditions 	 Fifteen (15) legible "to scale" hard copies One digital copy ation
Existing streets with names, right-of-	Ground elevations shown by	Other information:
way, pavement widths, access points. Width, location and purpose of	contour lines at 2-foot vertical interval. Such ground elevations	Hazard Analysis by
existing easements The location and present use of all	shall be related to some established benchmark or other datum approved by the County Surveyor	qualified professional
structures, and indication of any that will remain after platting.	 The location and elevation of the closest benchmark(s) within or 	Statement of Consistency with
Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the parents are and how	adjacent to the site Natural features such as drainage	Applicable Criteria
 distance to the nearest one and how they will be brought to standards Location of all existing subsurface sewerage systems, including drainfields and associated easements 	 ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps 	
Land Division Permit Application	Rev. 9/11/15	Page 1

Fax: 503-842-1819

Date Stamp

OFFICE USE ONLY

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts

Proposed Development

- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided

- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

Additional Information Required for Subdivisions

- $\hfill\square$ Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction

- □ Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- □ If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

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

Certificates:

□ Title interest & consent

□ Dedication for public use □ Public Works

□ Engineering/Survey

□ Water

- □ Additional Information:

Authorization

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

DocuSigned by: Boylan	Sahhali South, LLC an Oregon limited liability company By: Sycan B Corp., an Oregon corporation Its Managing Member — By: Richard D. Boyles Its President	11/24/2021	
Property Charles and using the day:		Date 11/24/2021	
Applicant Signaturg3977ED316E2461		Date	

Rev. 9/11/15

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Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819 www.co.tillamook.or.us

PLANNING APPLI	CATION	OFFICE USE ONLY
Applicant □ (Check Box if Same as Prop	perty Owner)	
Name: Richard Boyles Phone:	(541) 284-0613	leveral and server a
Address: 840 Beltline Rd. Ste. 202.		Fimal
City: Springfield State: (DR Zip:97477	
Email: rboyles@meretehotels.com		Approved Denied
		Received by: MJ
Property Owner		Receipt #:
Name: Sahhali South, LLC Phone:	(541) 284-0613	Fees:
Address:840 Beltline Rd. Ste. 202.		Permit No:
City: Springfield State:(DR Zip:97477	851- <u>21-000003</u> -PLNG-01
Email:rboyles@meretehotels.com		
Request: Approve Six (6) Application Reque	ests as follows: (1) Property Line A	Adjustment Replat of Lots 14-19;
(2) Property Line Adjustment Replat (4) Lots	46, 47, 48a, 48b to (3) Lots 46, 4	7, 48. (3) Partition Tract A into (2) Lots.
(4) Replat Partition Lots 13a and 13b into (2)	Lots and (1) Open Space Tract.	(5) Adopt Consistent Setbacks.
Amend CCRs Section 10.13, Addendum to M		
Type II	Type III	Type IV
□ Farm/Forest Review	□ Appeal of Director's Decision	
Conditional Use Review	Extension of Time	Appeal of Planning Commission
□ Variance	Detailed Hazard Report	Decision
Exception to Resource or Riparian Setback	Conditional Use (As deemed	Ordinance Amendment
□ Nonconforming Review (Major or Minor)	by Director)	Large-Scale Zoning Map
Development Permit Review for Estuary	Ordinance Amendment	Amendment
Development	Map Amendment	Plan and/or Code Text
Non-farm dwelling in Farm Zone	Goal Exception	Amendment
Foredune Grading Permit Review		
Neskowin Coastal Hazards Area		
Location:		
Site Address: Sahhali South, Tract A, Lot 13	a, 13b, 14, 15, 16, 17, 18, 19, 46	, 47, 48a, 48b.
Site Address: Sahhali South, Tract A, Lot 13 Map Number: 5S 11W 24AB	a, 13b, 14, 15, 16, 17, 18, 19, 46	47, 48a, 48b.
		ection Tax Lot(s)
Map Number: 5S 11W 24AB		
Map Number: 5S 11W 24AB Township Range		
Map Number: 5S 11W 24AB Range Township Range Clerk's Instrument #:	s approval. The applicant and/or prop	ection Tax Lot(s)
Map Number: 5S 11W 24AB Township Range Clerk's Instrument #: Authorization	s approval. The applicant and/or prop d local permits. The applicant verifie	ection Tax Lot(s) erty owner shall be responsible for s that the information submitted is

Royly	Sahhali South, LLC an Oregon limited liability company	11/24/2021
Proggette of the sequired)	By: Sycan B Corp., an Oregon corporation Its Managing Member By: Richard D. Boyles	Date 11/24/2021
Applicant Signature ED316E2461	Its President	Date

Land Use Application	Rev. 2/22/17	*	Page 1



SAHHALI SOUTH PLANNED DEVELOPMENT

Replat Amendment Application

Application Narrative Findings of Fact

December 1, 2021

Prepared By: Plan Development, LLC

For Declarant: Richard Boyles. Record Owner: Sahhali South, LLC. Sahhali South Replat Amendment Request

Amend Master Plan, CCR Setbacks, Partition Tract A, Replat Lots 13a, 13b, 14-19, 46-48b.

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Contractor Information:

Goal	Contractor	Roles in each Goal:
1-6	<u>Planner</u> :	Application Preparation; Findings of Fact
1-6	Civil Engineer:	Tentative Plan Design, Hazard Analysis.
1-6	Geologist (CEG):	Hazard Analysis. Plan Review.
1-5	<u>Surveyor</u> :	Plats. Legal Descriptions. Monuments.

Project Planner: Plan Development, LLC.

Cell Phone: (503) 440-3015. Plandevelopmentllc@gmail.com.

Planner: Project Goals 1-9:

Application Preparation and Submittal Coordination. Author, Findings of Fact and Statement of Consistency with Applicable Criteria.

<u>Civil Engineer</u>: Jason Morgan, PE, Morgan Civil Engineering, Inc. Cell Phone: (503) 801-6016. <u>Jason@morgancivil.com</u>. PO Box 358. Manzanita, OR 97130. Application Goals 1 – 6. Replat Design. Hazard Analysis.

<u>Certified Engineering Geologist</u>: R. Warren Krager, CEG. Cell Phone: (360) 903-4861. <u>warrrenkrager@gmail.com</u>. Application Goals 1 – 6. Hazard Analysis Hazard Analysis of proposed design, setbacks, and land uses. Plan Review.

<u>Professional Land Surveyor</u>: Jack L. White, III. Cell Phone: (503) 683-7872. <u>jack.white@sflands.com</u>. Application Goals 1 – 5. Preliminary Plat. Final Plat. Legal Descriptions. Monuments.

<u>Community Septic Manager</u>: John L. Smits, REHS. Smits & Associates, Inc. Cell Phone: (541) 537-0392. 990 Newport Avenue. Imbler, OR 97841-9706. john.smits.associates@gmail.com

Applicable Criteria Addressed in this Application:

Record Decision Documents:

Tillamook County Planning Commission Decisions

- Conditional Use 05-03 for 56-Lot Sahhali South Planned Development Subdivision 05-13
- Conditional Use 07-13 to Amend Sahhali South to allow Partition of Lot 13 and Lot 48.
- Partition 2009-04 to Partition Lot 13 into Lots 13a and 13b. Survey Record P-937.
- Partition 2009-05 to Partition Lot 48 into Lots 48a and 48b. Survey Record P-936.

Record Decision Documents:

- Geologic Assessment Report. February 9, 2005. GH 05-11.
- Construction As-Builts. (2007) Lots 1 56.
- Construction Plans. (2008) Lots 13a, 13b, 48a, 48b.
- Wetland Delineation Report. DSL Concurrence.
- Certification of Water Capacity to Serve Development.
- Community Septic System Permit to Serve the Development #102860. Drain Fields on 5S 10W 19B Tax Lots 800 and 801.

Tillamook County Survey Records

- Survey Record C-552. Sahhali South Lots 1 56. PUD 05-13, CU 05-03, GH 05-11.
- Partition Record P-936. Partition 2009-04. Replat Sahhali South Lot 13 to 13a and 13b.
- Partition Record P-937. Partition 2009-05. Replat Sahhali South Lot 48 to 48a and 48b.

Tillamook County Assessor Records

- County Assessor Map 5S 11W 24AB
- Tax Lots 5000, 1300, 1301, 1400, 1500, 1600, 1700, 1800, 1900, 4600, 4700, 4800, 4801.
- Amend Sahhali South CCRs Recorded February 15, 2007. Instrument 2007-001308.

Agency Regulatory Documents:

- National Wetland Inventory Map. No Wetlands within subject Lot Boundaries.
- 2018 FEMA Flood Insurance Rate Map. No Flood Zone within subject Lot Boundaries.

New Documents:

- Application Narrative: Six Application Goals to Amend Sahhali South PD.
- Goals 1-4 Replat and Partitions: Civil Engineer Designs.
- Goal 5 Consistent Setbacks: Master Plan and CCRs Amendment Text.
- Goal 6 Attached Dwellings: Master Plan Amendment Text.
- Proposed Findings of Fact: Consistency with Applicable Criteria.

Documents Planned as Condition of Tentative Plan Approval:

- * Hazard Analysis Report supporting the replat request.
- * Replat Survey by Licensed Professional Surveyor.

Findings of Fact Address Consistency with:

Tillamook County Zoning Ordinance

Section 3.320	Neskowin RR Zone
Section 3.520	Planned Development
Section 4.130	Development Requirements for Geologic Hazard Analysis
Article 6	Conditional Uses
Article 10	Development Approval Procedures

Tillamook County Land Division Ordinance

Section 030:	General Provisions.
Section 040:	Preliminary Plat Approval Process.
Section 060:	Preliminary Plat Submission Requirements.
Section 070:	Preliminary Plat Approval Criteria.
Section 120:	Re-Platting and Vacation of Plats.
Section 130:	Property Line Adjustments.
Section 140:	Improvement Procedures.
Section 150:	Development Standards for Land Divisions.

Tillamook County Comprehensive Plan

Goal 1 The Planning Process Goal 2 The Land Use Plan Goal 5 Natural Resources Goal 6 Air, Water & Land Resources Quality Goal 7 Natural Hazards Goal 8 Recreation Goal 9 Population and Economy Goal 10 Housing Goal 11 Public Facilities Goal 12 Transportation Goal 13 Energy Conservation

STATEMENT OF INTENT

On behalf of the Declarant, Richard Boyles, Sabrina Pearson, Consultant for Plan Development, LLC, prepared an Application to Replat and Amend to the Sahhali South Planned Development Subdivision. This request involves 13 vacant lots controlled entirely by the Declarant.

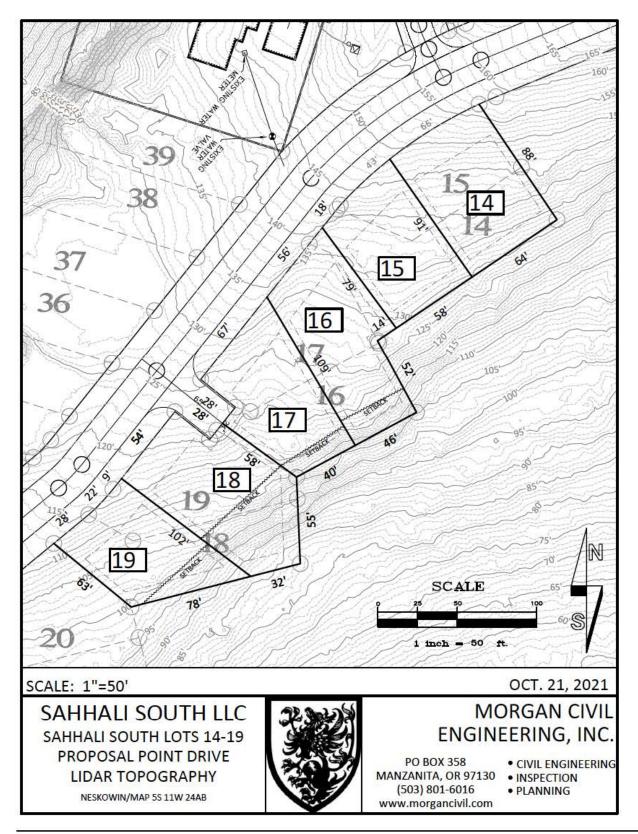
The Declarant received initial approval for the Sahhali South Planned Development on July 28, 2005, with three Planning Commission Decisions: (1) CUP 2005-03 Approving a Conditional Use Application; (2) GH 2005-11 Approving a Geologic Hazard Report, dated February 9, 2005, and (3) PD 05-13 Approving the 56-Lot Sahhali South Planned Development Subdivision.

On December 13, 2007, in Decision 07-13, the Planning Commission Approved an Amendment to Sahhali South Planned Development Subdivision Master Plan to add two lots through the Partition of Lot 13 into Lots 13a and 13b, and Lot 48 into Lots 48a and 48b.

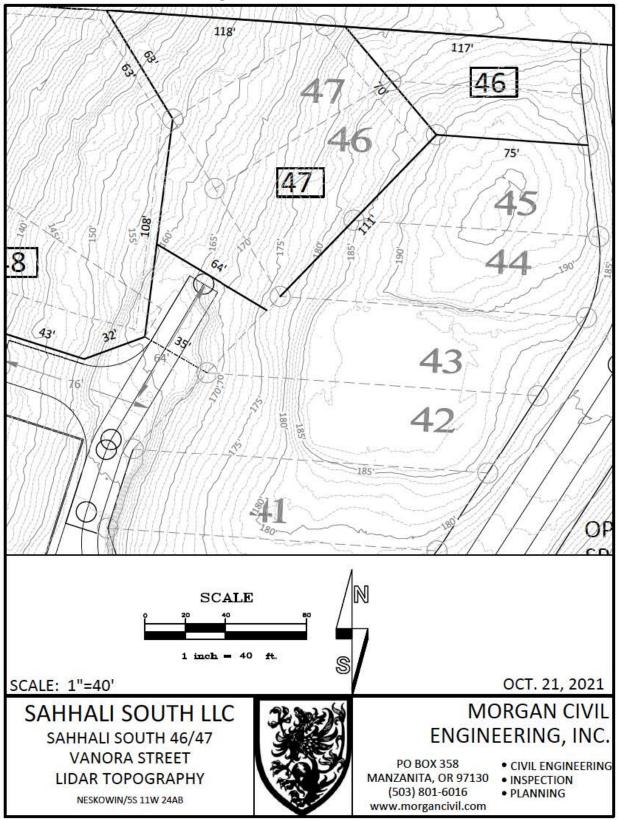
Adopt as an Addendum these Six (6) Application Goals to support development of 13 Lots and add one (1) net additional lot. A Hazard Analysis and Preliminary Plat are provided*.

- 1. <u>A Property Line Adjustment: Replat of Lots 14-19</u> (6 lots) into regular shapes oriented toward Proposal Point Drive to enhance design options consistent with the Sahhali South design aesthetic. Existing narrow lots add undesirable design complexities.
- 2. <u>A Property Line Adjustment: Replat (4) of Lots: 46, 47, 48a 48b, to (3) Lots: 46, 47, 48</u> to: Recreate Lot 46 as the east portion of Lots 46, 47 with Proposal Point Drive access. Recreate Lot 47 as the west portion of Lots 46, 47 with Venora Street access. Combine Lot 48a and 48b with Venora Street access Maintain Venora Street Access density.
- **3.** <u>Partition Tract A: Open Space into (2) Lots</u> to create two development lots with Ocean View potential. Open Space will be replaced in Goal 4 Lot 13a-13b the Replat Request.
- **4.** <u>Replat Partition Lots 13a and 13b into two (2) Lots and (1) Open Space Tract A</u>: to provide suitable building lots and to protect steep slopes from private development.
- 5. <u>Consistent Setbacks</u>: <u>Master Plan and CCR Section 10.13 Amendment Language</u> to provide for consistent setback requirements throughout the development: "For attached two-unit single family dwellings, interior side yard setbacks shall be 10 feet one side and zero feet on the shared lot line. For detached single family dwellings, interior side yard setbacks shall be 5 feet. Street side yard setbacks shall be 15 feet, front yard setbacks shall be 20 feet, and rear yard setbacks shall be 10 feet. Setbacks shall be increased where recommended by a qualified hazard analysis professional. The Architectural Review Board may approve a proposal that does not comply with these setback requirements pursuant to CCR Section 11 Architectural Review Board."</u>
- 6. <u>Allowed Land Uses</u>: <u>Master Plan Amendment Language</u>: Consistent with the recorded Sahhali South CCRs: "Pursuant to CCR Section 11 Architectural Review Board, each lot shall be eligible for placement of one attached or detached single family dwelling and a private garage or carport where consistent with Applicable Criteria and the Sahhali South Planned Development decisions."

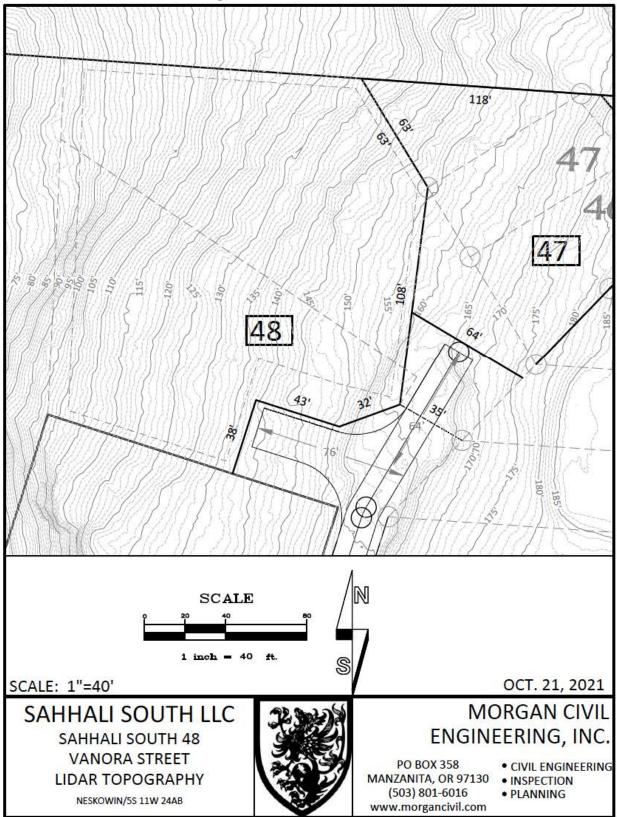
APPLICATION GOAL 1: Figure 1.



APPLICATION GOAL 2: Figure 1 of 2.

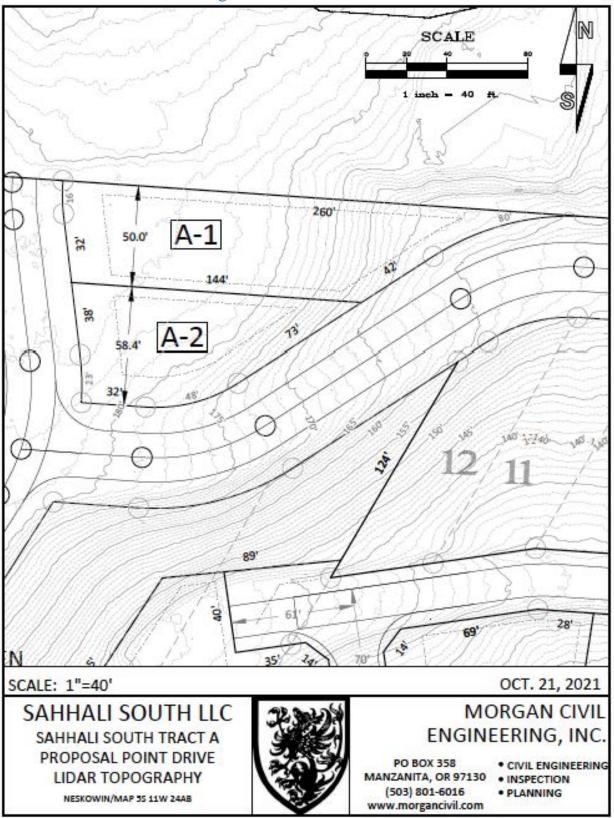


APPLICATION GOAL 2: Figure 1 of 2.

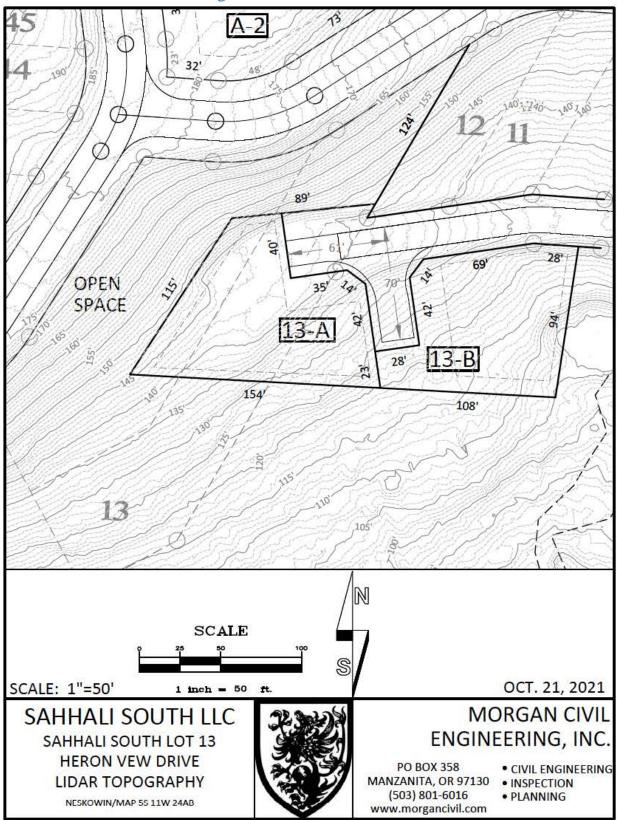


Declarant: Richard Boyles, Sahhali South LLC. Narrative Date: December 1, 2021; Plan Development, LLC.

APPLICATION GOAL 3: Figure 3.



APPLICATION GOAL 4: Figure 4.



APPLICATION GOAL 5: CONSISTENT SETBACKS

Narrative Explanation

Amend Recorded CCRs and adopt a Master Plan Addendum (2) to support consistent setbacks. Currently, net side yard setbacks for attached dwellings are 10 feet of the lot width, while net side yard setbacks for detached dwellings are 30 feet of the lot width. Amendment is proposed to add Addendum Language to the Sahhali South Master Plan and to replace CCR Section 10.13.

Recorded CCRs with Addendums, August 2, 2011, Section 10.13 states that:

"Except for attached living units permitted under Section 10.3.1., no building or fencing shall be located closer than 15 feet to an interior lot line. Except for attached living units permitted under Section 10.3.1, eaves, steps, open porches, and balconies shall not be permitted to extend closer than 10 feet to an interior lot line. The Architectural Review Board map approve a proposal that does not comply with these requirements pursuant to CCR Section 11."

Sahhali South Master Plan, approved July 28, 2005, states:

"For attached structures, side yard setbacks would be 10 feet one side and zero feet on the shared lot line."

Proposed Amendments

Proposed Sahhali South Master Plan Addendum (5 of 6):

"For attached two-unit single family dwellings, interior side yard setbacks shall be 10 feet one side and zero feet on the shared lot line. For detached single family dwellings, interior side yard setbacks shall be 5 feet. Street side yard setbacks shall be 15 feet, front yard setbacks shall be 20 feet, and rear yard setbacks shall be 10 feet. Setbacks shall be increased where recommended by a qualified hazard analysis professional. The Architectural Review Board may approve a proposal that does not comply with these setback requirements pursuant to CCR Section 11 Architectural Review Board."

Proposed Amendment to Recorded CCR Section 10.13:

Replace Section 10.13 language cited above with the following:

"For attached two-unit single family dwellings, interior side yard setbacks shall be 10 feet one side and zero feet on the shared lot line. For detached single family dwellings, interior side yard setbacks shall be 5 feet. Street side yard setbacks shall be 15 feet, front yard setbacks shall be 20 feet, and rear yard setbacks shall be 10 feet. Setbacks shall be increased where recommended by a qualified hazard analysis professional. The Architectural Review Board may approve a proposal that does not comply with these setback requirements pursuant to CCR Section 11 Architectural Review Board."

APPLICATION GOAL 6: CLARIFY ALLOWED LAND USES

Narrative Explanation

Adopt a Sahhali Master Plan Addendum (6 of 6) to bring consistency between the Sahhali South Master Plan and the recorded CCRs.

Recorded CCRs with Addendums, August 2, 2011, Section 10.3.1 states that:

"No building shall be erected, altered, placed, or permitted to remain on a Lot other than one attached or detached single family dwelling and a private garage or carport and except as are made more restrictive by these covenants, shall be maintained in full compliance with the zoning restrictions of Tillamook County."

Proposed Amendment

Proposed Master Plan Amendment:

Consistent with the recorded Sahhali South CCRs: "Pursuant to CCR Section 11 Architectural Review Board, each lot shall be eligible for placement of one attached or detached single family dwelling and a private garage or carport where consistent with Applicable Criteria and the Sahhali South Planned Development decisions." Sahhali South Planned Development Master Plan Amendment: December 16, 2021 To integrate the (2005) approval, the (2007) Amendment, and this (2021) Amendment.

Property Location:

Sahhali South is a 75.3-acre site located on the west side of US Highway 101 approximately 1.5 miles north of the incorporated community of Neskowin in Tillamook County, Oregon. Of the 75.3-acre site, 29.16 acres are devoted to residential development and 56.14 acres are devoted to Open Space.

Property Description:

Sahhali South is characterized by three distinct features: a gently sloping long ridge that runs generally northeast to southeast through the center of the property, a significant marsh with wetlands that surrounds the base of the ridge to the west, south and southeast; and sand dunes and beach area between the development and the Pacific Ocean to the west.

The Sahhali South Planned Development:

The Neskowin Rural Residential (Nesk RR), allows a Planned Development as a Conditional Use. As a Planned Development, lot sizes and setbacks are established by and to accomplish the goals of the Planned Development, to preserve geographic features as Open Space. Density and land uses must be consistent with those allowed in the underlying zone. The Neskowin RR Zone allows a residential density of 2.18 dwelling units per acre, allows detached single-family dwellings, as a use permitted outright, and allows two-unit dwellings as a Conditional Use. Sahhali South is within the allowed density, and provides for outright allowed detached singlefamily dwellings, and attached two-unit dwellings with an approved Conditional Use Permit.

Sahhali South Administration

The recorded Conditions, Covenants, and Restrictions (CCRs) provide Declarant, Applicant Richard Boyles, sole right to apply to Amend Sahhali South Planned Development.

2005 Sahhali South Master Plan Initial Approval

In 2005, on July 28, the Tillamook County Planning Commission approved Sahhali South as a 56-Lot Planned Development Subdivision with three applications PC-05-13 Planned Development, Conditional Use Permit CU-05-03, and Geologic Hazard Report GH-05-11.

Lots are distributed between two distinct areas, and three distinct lot types. Lots 1 - 48 are in Area 1. Lots 49 - 56 are in Area 2. Area 1 Lots 1-12 and 14 - 47 have an average lot area of 5,180 square feet, 0.12 acres, and are initially planned for two-unit attached single family townhomes. Area 2 Lots 49 - 56 have an average lot area of 0.25 acres and are planned for

detached single family dwellings. Lot 13 and Lot 48 are each approximately 1 acre each and are planned for detached single family dwellings. The 2005 density is 1.92 dwelling units per acre, 88% of the maximum allowed density of 2.18 dwelling units per acre.

2007 Amendment to Sahhali South Planned Development

In 2007, on December 13, the Tillamook County Planning Commission approved two Partitions. Partition of Lot 13, into Lots 13a and 13b, and Lot 48, into Lots 48a and 48b. Each Parcel was allowed a detached single-family dwelling. This addition of net two development lots to 58 lots in 29.16 usable acres increased density to 1.99 dwelling units per acre, 91% of the maximum allowed density of 2.18 dwelling units per acre.

2021 Amendment to Sahhali South Planned Development

In 2021, a Replat proposes to consolidate the 2005, 2007, and 2021 Sahhali South Amendments into one updated Sahhali South Plat. The resulting density will be a net addition of one dwelling to 59 lots in 29.16 usable acres, 2.02 dwelling units per acre, 93% of the maximum allowed density of 2.18 dwelling units per acre.

The 2021 Amendment Six (6) Application Goals:

- 1. <u>A Property Line Adjustment: Replat of Lots 14-19</u> (6 lots) into regular shapes oriented toward Proposal Point Drive to enhance design options consistent with the Sahhali South design aesthetic. Existing narrow lots add undesirable design complexities.
- 2. <u>A Property Line Adjustment: Replat (4) of Lots: 46, 47, 48a 48b, to (3) Lots: 46, 47, 48</u> to: Recreate Lot 46 as the east portion of Lots 46, 47 with Proposal Point Drive access. Recreate Lot 47 as the west portion of Lots 46, 47 with Venora Street access. Combine Lot 48a and 48b with Venora Street access Maintain Venora Street Access density.
- **3.** <u>Partition Tract A: Open Space into (2) Lots</u> to create two development lots with Ocean View potential. Open Space will be replaced in Goal 4 Lot 13a-13b the Replat Request.
- **4.** <u>Replat Partition Lots 13a and 13b into two (2) Lots and (1) Open Space Tract A</u>: to provide suitable building lots and to protect steep slopes from private development.
- 5. <u>Consistent Setbacks</u>: <u>Amend Master Plan and CCR Section 10.13 Setbacks</u>: to provide for consistent setback requirements throughout the development: To read: "For attached two-unit single family dwellings, interior side yard setbacks shall be 10 feet one side and zero feet on the shared lot line. For detached single family dwellings, interior side yard setbacks shall be 5 feet. Street side yard setbacks shall be 15 feet, front yard setbacks shall be 20 feet, and rear yard setbacks shall be 10 feet. Setbacks shall be increased where recommended by a qualified hazard analysis professional. The Architectural Review Board may approve a proposal that does not comply with these setback requirements pursuant to CCR Section 11 Architectural Review Board."</u>
- 6. <u>Allowed Land Uses</u>: <u>Amend Master Plan Amendment Language</u>

Amend Master Plan consistent with the recorded Sahhali South CCRs Section 10.3.1: to read: "Pursuant to CCR Section 10.3.1 Structures on Lots, each lot shall be eligible for placement of one attached or detached single family dwelling and a private garage or carport where consistent with Applicable Criteria and the Sahhali South Planned Development decision documents."

Geologic Hazards

In 2005, in Planning Commission Decision GH 05-11, Tillamook County approved Sahhali South Geologic Hazard Report dated February 9, 2005, as suitable to meet the requirements of Section 4.130 Development Requirements for Hazard Analysis. Geologic Hazard Report GH 05-11 recommends development specific Geologic Reports for Oceanfront Lots 28-39, 48A and 48B, and 51-52, and for lots with slopes greater than 19% as a condition of development. In addition, the Tillamook County Department of Community Development may require development specific Geologic Hazard Reports. The 2021 Sahhali South Amendment Application is designed by a Civil Engineer and do not affect the decision for GH 05-11.

Infrastructure Plans

For the 2005 Decisions, Lots 1-56, Infrastructure Construction Plans for the 2005 Decisions, are dated January 2, 2007. for 2007 Decisions, Lots 13a, 13b, 48a, 48b, Infrastructure Construction Plans, are dated June 11, 2008. For the 2021 Amendments to Lots A-1, A-2, 13a, 13b, 14-19, 46, 47, and 48, Infrastructure Construction Plans to be provided with the Final Plat are limited.

Roads

Sahhali South (2005) platted two roads that provide access from US Highway 101. Pelican Point Drive provides access to Area 2 Lots 49-56. Heron View Drive provides access to Area 1 Lots 1-49, direct access to Lots 1-13a and 13b, and access to Thalassa Drive and Proposal Point Drive. Thalassa Drive provides rear access to Lots 1-12 and level access to Lots 13a and 13b. Proposal Point provides direct access to Lots 14 – 46 as well as Lot A-1 and Lot A-2 with this application, and access to Venora Street. Venora Street provides direct access to Tax Lot 6100, Lot 47 (with this application) and Lot 48(combining Lot 48a and 48b with this application). This application transfers Venora Street from an easement to a Tract for improved collaborative management.

Sanitary Service

A Community Septic System provides sanitation for the area under Department of Environmental Quality (DEQ) Water Pollution Control Facilities Permit #102860. Drain fields are located at 5S 10W 19B Lots 800 and 801, Lat: 45.1281, Long: -123.9706. Permit #102860 received its most recent update on 8/10/2015, though the permit is the outcome response of the Land Use Compatibility signed by Tillamook County on 10/3/2005 and Application #963452 received on 9/12/2011. The updated permit update limits use to flow calculations rather than specifying a limit to the number of lots. According to the consultant working with the project, the system has adequate capacity to serve the requested development increase to 59 lots.

Water

Neskowin Regional Water District provides water. Water service is available to serve Sahhali South including the 2021 replat. The Neskowin Regional Water District will review the final plat construction plans.

Fire Protection

The Neskowin Rural Fire District provides fire protection services. The Fire Chief finds that the design of Sahhali South including the 2021 replat meets the applicable fire code. The Fire Chief will review the final plat and construction plans.

Cable

Charter Communications provides cable and internet service to the site. Charter communications finds that the design of Sahhali South including the 2021 replat meets applicable codes. Charter will review the final plat and construction plans.

Power

The Tillamook (PUD) provides electrical power to the site. PUD finds that the design of Sahhali South including the 2021 replat meets the applicable electrical codes. PUD will review the final plat and construction plans.

Telephone

Telephone lines are owned by Sprint. Sprint finds that the design of Sahhali South including the 2021 replat meets the applicable communication codes. Sprint will review the final plat and construction plans.

Public Schools

Nestucca School District, Cloverdale Elementary and Nestucca High provide school service to Sahhali South. Nestucca School District finds that they can provide service to Sahhali South including the 2021 replat.

Lot #	Acres	Sq. Ft.	Uses	Frt. Yd	Rear Yd	Side Att./Det.	St. Side
A-1	0.21	9285	Attached/Detached	20	10	0', 10' / 5'	15
A-2	0.13	5745	Attached/Detached	20	10	0', 10' / 5'	
1	0.11	4792	Attached/Detached	20	10	0', 10' / 5'	15
2	0.12	5227	Attached/Detached	20	10	0', 10' / 5'	
3	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
4	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
5	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
6	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
7	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
8	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
9	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
10	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
11	0.12	5227	Attached/Detached	20	10	0', 10' / 5'	
12	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
13a	0.28	12007	Detached	20	10	5	
13b	0.24	10336	Detached	20	10	5	
14	0.14	4792	Attached/Detached	20	10	0', 10' / 5'	
15	0.12	5227	Attached/Detached	20	10	0', 10' / 5'	
16	0.14	4792	Attached/Detached	20	GHR	0', 10' / 5'	
17	0.12	5227	Attached/Detached	20	GHR	0', 10' / 5'	
18	0.16	6970	Attached/Detached	20	GHR	0', 10' / 5'	
19	0.11	4792	Attached/Detached	20	GHR	0', 10' / 5'	
20	0.11	4792	Attached/Detached	20	10	0', 10' / 5'	
21	0.09	3920	Attached/Detached	20	10	0', 10' / 5'	
22	0.11	4792	Attached/Detached	20	10	0', 10' / 5'	
23	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
24	0.11	4792	Attached/Detached	20	10	0', 10' / 5'	
25	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
26	0.11	4792	Attached/Detached	20	10	0', 10' / 5'	
27	0.12	5227	Attached/Detached	20	10	0', 10' / 5'	
28	0.09	3920	Attached/Detached	20	10	0', 10' / 5'	
29	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
30	0.09	3920	Attached/Detached	20	10	0', 10' / 5'	
31	0.09	3920	Attached/Detached	20	10	0', 10' / 5'	
32	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
33	0.12	5227	Attached/Detached	20	10	0', 10' / 5'	
34	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
35	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
36	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	

Table 1. Lot Areas, Setbacks and Allowed Uses:

Declarant: Richard Boyles, Sahhali South LLC. Narrative Date: December 1, 2021; Plan Development, LLC.

Sahhali South Replat Amendment Request

Amend Master Plan, CCR Setbacks, Partition Tract A, Replat Lots 13a, 13b, 14-19, 46-48b.

37	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
38	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
39	0.13	5663	Attached/Detached	20	10	0', 10' / 5'	
40	0.16	6970	Attached/Detached	20	10	0', 10' / 5'	
41	0.15	6534	Attached/Detached	20	10	0', 10' / 5'	
42	0.16	6756	Attached/Detached	20	10	0', 10' / 5'	
43	0.14	5893	Attached/Detached	20	10	0', 10' / 5'	
44	0.13	5745	Attached/Detached	20	10	0', 10' / 5'	
45	0.10	4356	Attached/Detached	20	10	0', 10' / 5'	
46	0.11	4792	Detached	20	10	0', 10' / 5'	15
47	0.37	16153	Detached	20	10	0', 10' / 5'	
48	0.76	33323	Detached	20	10	0', 10' / 5'	
49	0.42	18295	Detached	20	15	15	15
50	0.32	13939	Detached	20	15	15	
51	0.33	14375	Detached	20	15	15	
52	0.25	10890	Detached	20	15	15	
53	0.21	9148	Detached	20	15	15	
54	0.25	10890	Detached	20	15	15	
55	0.22	9583	Detached	20	15	15	
56	0.33	14375	Detached	20	15	15	15

Lot	Current Ac	Proposed Ac	Current sf	Proposed sf
Tract A	0.34	0.34	15,030	15,030
A – 1		0.21		9,285
A – 2		0.13		5,785
13a	0.44	0.28	19,166	12,007
13b	0.44	0.24	19,166	10,336
14	0.11	0.14	4,792	5 <i>,</i> 893
15	0.16	0.12	6,970	5,075
16	0.13	0.14	5,662	6,183
17	0.12	0.12	5,227	5,394
18	0.13	0.16	5,663	6,756
19	0.13	0.11	5,663	4,784
46	0.16	0.11	6,970	4,752
47	0.15	0.37	6,534	16,153
48a	0.65	See 48(a, b)	28,314	See 48(a, b)
48b	0.41	See 48(a, b)	17,860	See 48(a, b)
48(a, b)	1.06	0.76	46,174	33,323

2021 Application to Amend Sahhali South Planned Development Applicant Summary Statement of Consistency with Applicable Criteria

Tillamook County Zoning Ordinance

Section 3.320 Neskowin Rural Residential (RR) Zone

<u>Response: Criteria met</u>. The Neskowin Rural Residential Zone Section 3.320(3) Conditional Uses (a) allows a Planned Development and Section 3.320(3)(b) allows two-family dwellings as a Conditional Use; Section 3.320(2) Outright Permitted (a) Single family dwellings are allowed as an outright permitted use. In a Planned Development, density must be consistent with the underlying zone while dimensional standards are set by the Planned Development. Section 3.320(4)(a) establishes the underlying zone density as 2.18 dwelling units per acre.

Section 3.520 Planned Development.

A Planned Development allows uses at densities consistent with the underlying zone with dimensional standards established through the Planned Development process for the purpose of planning development that preserves natural features and amenities such as and not limited to views, water frontage, wetlands, sloping topography, geologic features, and drainage areas. Land division requests are allowed after review within the context of the approved Planned Development. Building permits can only be issued based on the Approved Planned Development. Any changes to the approved Planned Development require Planning Commission approval.

The 2021 Application to Amend the Planned Development is required to address the Land Division Ordinance and <u>Section 3.520(3) Planned Development Procedure (a)</u>: (1) Proposed land uses, building locations, and housing unit densities; (2) Proposed circulation pattern indicating the status of street ownership; (3) Proposed open space uses; (4) Proposed grading and drainage pattern; (5) Economic justification of any commercial development; (6) Relationship of the proposed development to the surrounding area and the comprehensive plan.

Section 3.520(3)(a):

(1) Proposed land uses, building locations and housing unit densities:

<u>Response: Criteria met</u>. With the addition of one lot, the 2021 Application increases housing unit densities from 1.99 dwelling units per acre to 2.02 dwelling units per acre, 93% of the allowed housing unit density of 2.18 dwelling units per acre. No change to the approved land uses detached and two-unit-attached single-family dwellings is proposed, although the Application clarifies that both attached and detached dwellings are allowed on Lots 1-45, A-1 and A-2, and detached dwellings are allowed on Lots 46 – 56.

(2) <u>Proposed circulation pattern indicating the status of street ownership</u>:

<u>Response: Criteria met</u>. The 2021 Amendment Application proposes to amend the circulation pattern that serves Lots 13a and 13b, 47 and 48. Lots 13a and 13b will be served by Thalassa Drive and include the plat of a turnaround consistent with the applicable 2019 Oregon Fire Code Appendix D. The turnaround will be constructed when either Lot 13a or 13b are developed; until then, a turnaround on Thalassa Drive is not required by the applicable fire code. Lots 47 and 48 will take access from Venora Street which will now include the plat of a turnaround consistent with the applicable 2019 Oregon Fire Code Appendix D; this is not a change to the density of lots using Venora Street, it is a change to the turnaround to meet Appendix D. The Venora Street turnaround will be constructed when either Lot 47 or 48 are developed; until then, a turnaround on Venora Street is not required by the applicable fire code.

(3) <u>Proposed open space use</u>:

<u>Response: Criteria met</u>. The 2021 Amendment Application will not change the use of dedicated Open Space as undeveloped. It does relocate the Tract A: Open Space from nearly level ground to protect the steep slopes formerly located on Lots 13a and 13b. It does relocate open space from lower slope land to more steeply sloped land formerly located on Lots 13a and 13b.

(4) Proposed grading and drainage pattern:

<u>Response: Criteria met</u>. The 2021 Amendment Application utilizes the same drainage pattern with simplified access for Lots 14-19 and 47. Drainage will be provided with the design of Venora Street and Thalassa Drive.

(5) Economic justification of any commercial development:

<u>Response: Criteria met</u>. The 2021 Amendment to Sahhali South does not include any commercial development.

(6) <u>Relationship of the proposed development to the surrounding area and the comprehensive plan.</u>

<u>Response: Criteria met</u>. The 2021 Amendment to Sahhali South does not change the relationship of the proposed development to the surrounding area and the comprehensive plan. Sahhali South is a Planned Development of detached and attached two-unit single-family-dwellings.

<u>North</u> of Sahhali South is Sahhali Shores at Neskowin, a 90 residential lot Planned Development Subdivision that provides for detached and attached two-unit single family dwellings.

<u>South</u> of Sahhali South are wetlands preserved as Sahhali South open space and beach access. <u>East</u> of Sahhali South, is US Highway 101 and vacant and developed parcels in the Neskowin RR Zone and RR-2 Zone.

<u>West</u> of Sahhali South is the Pacific Ocean. Application relationship to and Consistency with the Comprehensive Plan is addressed in the response to Section 6.040(2) The application is consistent with the goals and policies of the Comprehensive Plan.

Section 4.130 Development Requirements for Geologic Hazard Analysis:

Response: Criteria met. A Geologic Report prepared for Sahhali South, GH 05-11 dated February 9, 2005, addresses Section 4.130 and applies to the 2021 Amendment to Sahhali South Planned Development Subdivision. Geologic Hazard Report GH 05-11 recommends Development Specific Analysis for oceanfront lots and for lots where slope exceeds 19% anywhere on the lot, consistent with the requirements of Section 4.130(6). The County is authorized to impose additional report requirements at the time of development application. The 2021 Amendment to Sahhali South to replat Lots 14-19, Tract A: Open Space, Lots 13a and 13b, Lots 46, 47, 48a and 48b is designed by Jason Morgan, PE, Morgan Civil Engineering, a Civil Engineer with experience preparing Hazard Analysis reports for local geographic conditions.

Article 6 Conditional Uses

Because a Planned Development is a Conditional Use that requires Planning Commission approval, revision to an approved Conditional Use Permit requires Planning Commission approval. The application must address <u>Section 6.040 Review Criteria</u> to determine that: (1) The use is listed as a Conditional Use in the underlying zone.

(2) The use is consistent with the goals and policies of the Comprehensive Plan.

(3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.

(4) The proposed use will not alter the character of the surrounding area in a manner which substantively limits, impairs, or prevents use of surrounding properties for the permitted uses listed in the underlying zone.

(5) The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems, or windmills.

(6) The proposed use is timely, considering the adequacy of public facilities or services existing or planned in the area affected by the use.

Section 6.040 Review Criteria

(1) <u>The use is listed as a Conditional Use in the underlying zone</u>.

<u>Response: Criteria met</u>. The Neskowin Rural Residential Zone Section 3.320(3) Conditional Uses (a) Planned Development allows a Planned Development as a Conditional use and Section 3.320(3)(b) two-family dwellings allows two-family attached single-family-dwellings as a Conditional Use.

(2) The use is consistent with the goals and policies of the Comprehensive Plan.

<u>Response: Criteria met</u>. The Application Goals are consistent with the Goals and Policies of the Tillamook County Comprehensive Plan:

<u>Goal 1 The Planning Process</u>: Citizen involvement for this planning decision is provided through the Planning Commission.

<u>Goal 2 The Land Use Plan</u>: The proposed amendments are for uses allowed in Sahhali South and the Neskowin RR Zone.

<u>Goal 5 Natural Resources</u>: The proposed amendments will continue the Sahhali South protection of Goal 5 wetlands.

<u>Goal 6 Air, Water, & Land Resources Quality</u>: The design protects water by simplifying lot access to Stormwater Drainage facilities, protects land by continuing current County Ordinance Section 4.130 and Sahhali South Geologic Assessment Report GH 05-11 requirements for development specific geologic analysis, and has proposes no changes that would affect air quality.

<u>Goal 7 Natural Hazards</u>: Natural Hazards mitigation is ensured by the County Zoning Ordinance Section 4.130 and Sahhali South Geologic Assessment GH 05-11 requirement for development specific Geologic Hazard Reports.

<u>Goal 8 Recreation</u>: Sahhali South provides access to recreation opportunities at ocean beach from an elevated and protected beach access across the protected Sahhali South Open Space. <u>Goal 9 Population and Economy</u>: The Rural Recreation Zone provides a beneficial economic location for these homes.

<u>Goal 10 Housing</u>: The proposed amendments facilitate housing flexibility for either detached or attached two-unit single-family-dwellings commensurate with the market demand.

<u>Goal 11 Public Facilities</u>: The proposed amendments do not affect the adequate capacity of available public facilities.

<u>Goal 12 Transportation</u>: The proposed amendments improve capacity of existing streets, specifically by platting Fire Truck turnarounds consistent with the 2019 Oregon Fire Code Appendix D at the end of Venora Street and Thalassa Drive.

<u>Goal 13 Energy Conservation</u>: The proposed amendments improve energy conservation and reduce development impacts by simplifying access to stormwater drainage facilities and reducing the need to excavate steep slopes for development by transferring development rights from steep slopes to low and lower slope areas and dedicating the steep slopes to protected undeveloped open space.

(3) <u>The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features</u>.

<u>Response: Criteria met</u>. The 2021 Amendment to Sahhali South Planned Development Subdivision is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. The 2021 Amendment simplifies the design of the lots A-1, A-2, 13a, 13b, 14-19, 46-48 and uses the improvements provided by the 2005 and 2007 Sahhali South decisions with the only addition 2019 Oregon Fire Code Appendix D, consistent Fire Truck turnarounds at the end of Thalassa Drive and Venora Street.

(4) <u>The proposed use will not alter the character of the surrounding area in a manner which</u> <u>substantively limits, impairs, or prevents use of surrounding properties for the permitted uses</u> <u>listed in the underlying zone</u>.

<u>Response: Criteria met</u>. The 2021 Amendment to Sahhali South Planned Development Subdivision does not alter the character of the surrounding area in any way that substantively limits, impairs, or prevents use of surrounding properties for the permitted uses listed in the underlying zone. The 2021 Amendment to Sahhali South continues the development character of detached and attached two-unit single-family-dwellings approved with the Sahhali South 2005 and 2007 decisions.

(5) <u>The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems, or windmills</u>.

<u>Response: Criteria met</u>. The 2021 Amendment to Sahhali South Planned Development will not have a detrimental effect on existing solar energy systems, wind energy conversion systems, or windmills. The replatted lots locates development in substantially the same location as prior to the replat, with the exception that development is relocated from steep slopes on Lots 13a and 13b to low slopes on Tract A and low and lower slopes on Lots 13a, 13b, and Open Space adjacent to Lot 13b.

(6) <u>The proposed use is timely, considering the adequacy of public facilities or services existing</u> <u>or planned in the area affected by the use</u>. <u>Response: Criteria met</u>.

Article 10 Development Approval Procedures

Section 10.020 Applications

Response: Criteria met.

<u>Consistent with Section 10.020(1)</u> Applications for Type III Planning Actions may be initiated by (a) the owner of the property that is the subject of the application; and

(g) by the representative or agent of any of the above upon submittal of written authorization to make such application.

Applicant Richard Boyles is the Sahhali South Declarant, the only party authorized by the Recorded CCRs (2007) Section 10.1.4. Combination, Division, Status, to apply for these 2021 amendments to the Sahhali South Planned Development. Under Section 10.020(3), (a) when an applicant applies for more than one type of land use, the proceedings may be consolidated if and as has been requested by the applicant for review and decision, (b) at the highest type, Type III Planning Commission Quasi-Judicial Review, (c) with findings for each application.

Consistent with Section 10.020(6), (b) Application submittal requirements:

Application is submitted in electronic format including:

(i) Two signed application forms for Conditional Use and Land Division. Amendment to a Planned Development is a Conditional Use. The Land Divisions include Property Line Adjustments for Lots 13a, 13b, 14-19, 46-48, Vacation of Lot Line to combine Lots 48a and 48b and Partition of Tract A.

(ii) Payment of applicable review fees.

(iii) Proof of ownership.

(iv) Detailed description of all existing and proposed uses and structures, including a summary of all information included in the included civil plans.

(v) Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards.

(vi) Civil engineering plans prepared by a qualified civil engineer, preliminary plat, and final plat to be provided as a condition of approval.

(vii) Information demonstrating compliance with prior decisions and conditions of approval for the subject site as applicable. The application includes electronic copies of decision documents for the original 2005 Sahhali South approval and 2007 Amendment to Sahhali South.

<u>Consistent with Section 10.030 Pre-Application Conference</u> multiple meetings have been held with the Community Development Department and applicable decision personnel to discuss design standards, improvement requirements, and procedures for the review and approval of the proposed land use actions.

<u>Consistent with Section 10.040 Review Types</u>, as a Planned Development, these consolidated applications will be reviewed by the Planning Commission as a Type III Quasi-Judicial decision.

<u>Section 10.080 Type III Procedures</u> provides procedures for Planning Commission review of these applications.

Tillamook County Land Division Ordinance

Section 060: Preliminary Plat Submission Requirements. Response: Criteria met. Consistent with Land Division Ordinance Section 060:

Section 060(1)(a) General Preliminary Plat Requirements: The application addresses Article 10 Section 10.070, Partitions.

<u>Section 060(1)(b) Preliminary Plat Information</u>: The application consists of drawings and supplementary material adequate to provide the following information:

(i) General Information:

(2) Date, north arrow, scale of drawing.

(3) Location of the development sufficient to define its location, boundaries, and a legal description of the site.

(4) Zoning of parcel to be divided including any overlay zones.

(5) A title block including the names, addresses and telephone numbers of the owners of the property, and as applicable, the name of the engineer and surveyor and the date of the survey.(6) include Land Division Application includes a design prepared by a Civil Engineer to support Replat preparation by the project Land Surveyor.

(7) Name and addresses of the owner, developer, engineer, and surveyor.

(ii) Existing Conditions: Existing conditions are described by approved Construction Plans, County Decision Documents, and Recorded Surveys that identify:

(1) Existing streets or roads including location, names, right-of-way, and pavement widths on and abutting the site, and location of existing access points.

(2) Width, location, and purpose of existing easements, of record and abutting the site.

(3) Lots affected by the replat are vacant. Lots affected by the setback clarification include development that will meet the use and setback standards.

(4) Location and identity of all utilities and abutting the site will not change. An easement will be provided from the utilities in Heron View Drive to provide for Lots 13a and 13b.

(5) The location of the existing Community Septic System including drain fields and easements is known, not proposed to be amended; and diagrams are provided in the record.

(6) Ground elevations are shown by contour lines at 2-foot vertical interval, provided by the Civil Engineer using Lidar as a source.

(7) The location and elevation of the closest benchmark is provided with the recorded Subdivision Plat, C-522, Partitions P-936, and P-937.

(8) Natural features such as drainage ways, wetlands and marshes are identified by National Wetland Inventory. No wetlands or marsh are within the affected lots.

(9) Flood Data is provided by the FEMA Flood Insurance Rate Maps. Lots affected by the Replat are outside of the regulated Flood Hazard Overlay Zone.

(10) North Arrow and Scale are provided.

(11) No additional studies were required by the Tillamook County Department of Community Development.

(iii) Proposed Development. The proposed development identifies:

 (1) Proposed re-platted lots 13a, 13b, 14-19, 46-48, proposed Partition of Tract A, 13a, 13b, Proposed Vacation of Lots 48a and 48b to create Lot 48. Approximate design of street improvements to provide Fire Code Turnarounds at the terminus of Venora Street to serve Lots 47 and 48, and Thalassa Drive, to serve Lots 13a and 13b, to be installed with the first permit.
 (2) City boundary lines do not cross or adjoin the subdivision.

(3) Easements to provide Lot 13a and Lot 13b access to utilities in Heron View Drive.

(4) Proposed CCR amendment.

(5) Lots and private tracts (Venora Street, Thalassa Drive) approximate dimensions, area calculation in square feet, and identification of numbers for all proposed lots and tracts.

(6) Proposed uses of the property for detached and attached single family dwellings and open space.

(7) On slopes exceeding an average of 10% the Civil Engineer recommends in an assessment report that development can meet proposed build area designations and the recommendations of the GH 05-11 Geologic Assessment.

(8) Sewer, water, and storm drainage are shown on approved existing infrastructure plans.

(9) The location and identity of other utilities, including the locations of street lighting fixtures as applicable is provided on approved existing infrastructure plans.

(10) The Flood Insurance Rate Map (FIRM) identifies that the affected property is not located in regulated flood hazard overlay zone.

(11) No new road connections are proposed. The applicant and representatives met with the Fire Chief and Public Works Director to discuss the street connections. The Fire Chief requested the plat of a Fire Truck Turnaround at the terminus of Venora Street, to serve Lots 47 and 48, and Thalassa Drive, to serve Lots 13a and 13b, to be installed with the first applicable permit. (12) Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development. Oregon DEQ provided an email confirming that the community septic has adequate capacity to serve the additional lot and the proposed replat. The Neskowin Regional Water District has provided recommendation that the additional lot will not exceed capacity of water resources. The Tillamook People's Utility District has provided a letter stating that the electrical service installed in Sahhali South has capacity to serve the replat and the additional lot.

(d) A portfolio collection of the application documents and fifteen hard copies are provided for distribution to the authorities identified in (e).

Section 070: Preliminary Plat Approval Criteria.

Response: Criteria met.

(1) Approval Criteria: requires that:

(a) The land division application shall conform to the requirements of this Ordinance.

(b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance, Article 3 Zone Regulations, and the standards in Section 150 of this Ordinance.

(c) Access to individual lots and public improvements necessary to serve the development, including but not limited to water, sewer, and streets shall conform to the standards in Section 150 of this ordinance.

(d) The proposed plat name is not proposed to be changed.

(e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within unincorporated community boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.

(f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument.

(g) Provision for access to and maintenance of off-right-of-way drainage, if any.

(h) Evidence that any required State and Federal permits, as applicable have been obtained or can reasonably be obtained prior to development.

(i) Evidence that improvements, or conditions required by the road authority, Tillamook County, special districts, utilities, and / or other service providers, as applicable to the project have been or can be met, including but not limited to:

i. Water Department / Utility District Letter which states that the partition is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.

ii. Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

Section 120 Replatting and Vacation of Plats: Response: Criteria met:

(1) The replat is requested by the owner.

(2) The same procedure and standards that apply to the creation of a plat (preliminary plat followed by a final plat) is being used to replat a recorded plat.

- (3) Limitations on replatting include, but are not limited to, the following:
 - (a) The replat is for a recorded plat.
 - (b) The replat does not vacate any public street or road.
 - (c) The replat does not act to vacate any recorded covenants or restrictions.
- (4) The replat meets applicable County Standards and does not abridge any public rights.

(6) Vacation of Lot Lines, owner authorized, that separate Lot 48 into Lot 48a and 48b is proposed by the owner.

Section 130: Property Line Adjustments.

Response: Criteria met:

(1) A Property Line Adjustment requests the modification of lot boundaries, Lots 13a, 13b, 14-19, 46-48, where no parcel or lot is created.

(a) <u>Submission Requirements</u>: The application includes:

* A preliminary property line map drawn to scale identifies existing and proposed lot lines and dimensions.

- * No structures are affected by the Property Line Adjustments.
- * Location and Dimensions of public and private streets within and abutting the subject lots.
- * A FEMA FIRMette identifying that the affected lots are not within the regulated Flood Zone.
- * No fences or walls are affected by the application.
- * Applications are signed by all owners on the deeds of the subject lots.

(b) <u>Approval Criteria</u>:

- i. No additional parcel or lot is created.
- ii. Consistent with Lot Standards:
 - 1. All lots and parcels conform to applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage...

4. As applicable, all lots and parcels conform to the Tillamook County Flood Hazard Overlay Zone.

iii. Consistent with Access and Road authority standards: All lots and parcels conform to the standards or requirements of Section 10.150 Development Standards for Land Divisions and all applicable road authority requirements. Roads are made conforming to road authority standards by the property line adjustment.

(2) Property Line Adjustments in Subdivisions and Partitions:

(a) Proposed property line adjustments are proposed as replat consistent with Section 120 Replatting and Vacation of Plats.

(b) Proposed property line adjustments are applied for under Section 130 because:

i. The property line adjustment will not result in a substantial reconfiguration of the affected lots, where determined so by the director.

ii. All other requirements for property line adjustment set forth in Section 130 are met.

Section 150 Development Standards for Land Divisions:

Response: Criteria met. Consistent with Section 150:

(1) <u>Water Supply</u>: All lots are served by a public water system.

(2) <u>Sewage</u>: All lots are served by a community septic system.

(3) <u>Streets</u>, <u>General</u>: All lots are served by Sahhali South Streets. The only additional improvement is the plat of two Fire Truck Turnarounds, consistent with the 2019 Oregon Fire Code Appendix D. The first at the terminus of Venora Street to serve Lots 47 and 48 and the second at the terminus of Thalassa Drive to serve Lots 13a and 13b, required to constructed with the first of those lots to be developed.

(4) <u>Access</u>: All lots abut a public road or private easement for at least 25 feet at a width approved by the Public Works Department.

(5) <u>Storm Drainage System</u>: The stormwater system was improved with the 2005 and 2007 construction of Sahhali South and the first amendment. Additional stormwater facilities approved by the Public Works Department will be provided to serve the new turnarounds at the terminus of Venora Street and Thalassa Drive and to improve stormwater drainage to serve Lots 13a and 13b.

(6) <u>Blocks</u>: The length, width and shape of blocks considers the need for adequate lot size and width and recognizes the limits of topography.

(7) <u>Building Lines</u>: Building setback lines are shown on the affected lots and dedicated in the CCR amendments. Special setbacks are recommended by the project Civil Engineer for lots 16 – 19 (4 lots).

(10) Easements:

(a) Utility Lines: Utility easements to serve Lots 13a and 13b are proposed.

(11) <u>Lots</u>:

(a) <u>Size</u>: Lot sizes conform to the Tillamook County Zoning Ordinance, established for a Planned Development, as density consistent with the underlying zone. The proposed replat retains the current average lot size and is within the lot minimum and maxim.
(b) (<u>Septic</u>): Oregon DEQ confirmed that the current community septic permit supports the replat and the addition of one lot.

(c) <u>Access</u>: Each lot abuts upon a street or private road other than an alley for a width of at least 25 feet.

(d) <u>Through Lots</u>: No new through lots are provided.

(e) Lot Side Lines: The replat revises lots so that the side lines of lots run ar right angles to the street upon which they face.

TEXT OF APPLICABLE CRITERIA ADDRESSED BY THIS APPLICATION

Tillamook County Zoning Ordinance

Section 3.320 Neskowin Rural Residential Zone (NeskRR):

- . . .
- (2) Uses Permitted Outright:
- (a) Single-family dwelling.
- . . .
- (3) Uses Permitted Conditionally:
- Planned Development ... including only uses allowed in (a) Neskowin Zones and excluding commercial development, resorts, hotels, and motels. The number of attached single family dwelling units shall be established in the Planned Development approval process... Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating gross area available for density allowed in a clustered development.
- Two-family dwelling. (b)
- . . .
- Standards: (4)
- (a) The minimum lot size is 20,000 square feet ...
- . . .

Section 3.520 Planned Development Overlay (PD)

The purpose of the Planned Development is to permit greater (1) flexibility and creativity in the design of land development than is presently possible through the strict interpretation of conventional zoning and land division ordinances. The intent is to encourage development designs that preserve and take advantage of the natural features and amenities of a property such as, but not limited to, views, water frontage, wetlands, sloping topography, geologic features, and drainage areas. A Planned Development should be compatible with the established and proposed surrounding land uses. A Planned Development should accrue benefits to the County and the general public in terms of need, convenience, and service sufficient to justify any necessary exceptions to the zoning and land division ordinances.

- (2) <u>Standards and Requirements</u>: The following standards and requirements shall govern the application of a Planned Development in an area in which it is permitted.
- •••
- (c) The density of a planned development will be based on the density of the underlying zone.
- (d) The height limit may be increased to not more than 35 feet by the Planning Commission in approving a specific Planned Development project. If the applicant is requesting a height increase, this request shall be noted in the notice to affected property owners. The Planning Commission may allow an increase in the height if there is a reasonable basis for the additional height such as topography of the site, clustering of units, preservation of open space, staggering of building sites, and view corridors between oceanfront dwelling units.
- (e) Dimensional standards for lot area, depth, width, and all yard setback standards of the underlying zone shall not apply, and these standards shall be established through the Planned Development approval process in order to fulfill the purpose set forth in Section 3.520(1). ...
- (f) The development standards of the Land Division Ordinance shall provide the basic guide for the design of a Planned Development. Variances may be permitted through the Planned Development approval process in order to fulfill the purposes set forth in Section 3.520(1). ...
- (3) <u>Planned Development Procedure</u>: The following procedures shall be observed for and acting on a planned development:
- (a) An applicant shall submit a preliminary development plan to the Planning Department for review. The preliminary plan shall include the following information:
 - Proposed land uses, building locations, and housing unit densities.
 - (2) Proposed circulation pattern indicating the status of street ownership.
 - (3) Proposed open space uses.
 - (4) Proposed grading and drainage pattern.
 - (5) Economic and supporting data to justify any proposed commercial development in an area not so zoned.

- (6) Relation of the proposed development to the surrounding area and the comprehensive plan.
- (b) <u>During its review</u>, the Planning Commission shall distribute copies of the proposal to County agencies for study and comment. In considering the plan, the Planning Department shall seek to determine that:
 - (1) There are special physical circumstances or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
 - (2) Resulting development will not be incompatible with the comprehensive plan provisions or zoning objectives of the area.
 - (3) The plan can be completed within a reasonable period of time.
 - (4) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 - (5) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
 - (6) The parcel is suitable for the proposed use, considering the size, shape, location, topography, existence of improvements, and natural features.
 - (7) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
 - (8) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
 - (9) Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development.
- (c) The Planning Department shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied within further plan review.
- (d) ...
- (e) If the property is to be divided under the provisions of the Land Division Ordinance, a request according to the requirements of the Ordinance shall be included as part of the Planning Commission's review.

- (f) The filing fee for a planned development is the total of all fees for the action requested.
- (g) In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purposes of this ordinance.
- (h) Planned Development shall be identified on the zoning map with the letters "PD" in addition to the abbreviated designation of the existing zone.
- (i) Building permits in a planned development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for approval in accordance with the procedures for approval of a conditional use request.
- (j) In an existing PD overlay zone, lots on parcels of record as of the date of adoption of this ordinance which are less than one acre in size may be built upon in accordance with all other requirements of the zone in which the lot or parcel is located and of this ordinance.

Section 4.130 Development Requirements for Geologic Hazard Analysis:

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(4) A report written for a subdivision, planned development, or partition pursuant to the requirements of this Section, may be used to satisfy these requirements for subsequent building ...permits providing that the original report provided recommendations on building placement and construction and that these recommendations are followed. The Geologic Hazard report shall be prepared, stamped, and signed by both an Oregon Certified Engineering Geologist and a qualified Oregon Registered Engineer. ... The Planning Director or designee shall determine the boundary limits of the study area. The Geologic Hazard Report shall be prepared and submitted on forms deemed acceptable by the County and shall include plan and section al diagrams of the area showing property boundaries and the geographic information required by (6) below.

- •••
- (6) The Geologic Hazard Analysis for (a) slopes 19% or greater shall include the following: (i) Soils and bedrock types; (ii) Slope; (iii) Orientation of bedding planes in relation to the dip of the surface slope; (iv)Soil depth; (v) Other relevant soils engineering data; (vi) Water drainage patterns; (vii) Identification of visible landslide activity in the immediate area.

Sahhali South Replat Amendment RequestDecember 1, 2021Amend Master Plan, CCR Setbacks, Partition Tract A, Replat Lots 13a, 13b, 14-19, 46-48b.

- (7) The Geologic Hazards report shall recommend development standards that will protect the development ton the property and surrounding properties. These should include standards for: (a) Development density (when more than one use is possible); (b) Locations for structures and roads; (c) Land grading practices, including standards for cuts and fills; (d) Vegetation removal and re-vegetation practices; (e) Foundation design (f special design is necessary); (f) Road design (if applicable); (g) Management of stormwater runoff during and after construction.
- (8) The Geologic Hazard report shall include the following summary findings and conclusions: (a) The type of use proposed and the adverse effects it might have on adjacent areas; (b) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; (c) Methods for protecting the surrounding area from any adverse effects of the development; (d) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; (e) The proposed development is adequately protected from any foreseeable hazards including but not limited to geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; (f) The proposed development is designed to minimize adverse environmental effects."

Article 6 Conditional Use Procedures and Criteria

Section 6.010 Purpose:

The purpose of a Conditional Use is to provide for uses that are not allowed by right in certain zone because of potentially adverse impacts on uses permitted by right in that zone. Such uses may be made or deemed compatible through the review process contained in this article.

Section 6.020 Procedure

The following procedure shall be observed in submitting and acting on a Conditional Use request:

(1) A request may be initiated for a conditional use or the modification of an approved conditional use by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed use and its relationship to surrounding properties.

Sahhali South Replat Amendment RequestDecember 1, 2021Amend Master Plan, CCR Setbacks, Partition Tract A, Replat Lots 13a, 13b, 14-19, 46-48b.

- (2) The Director shall act administratively [Type II Review] according to the procedure set forth in Article 10 or shall refer to the Commission for a public hearing and decision [Type III review]. The application shall be referred to the Commission if the director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the application requests otherwise.
- (3) No Conditional Use permit shall be invalidated because of failure to receive notice provided for in Section 10.070.

Section 6.030: General Requirements

A Conditional Use shall be authorized pursuant to the procedures set forth in Section 6.020, if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements of this Ordinance, including the review criteria contained in Section 6.040... and the following general requirements.

- (1) A Conditional Use shall be subject to the standards of the zone in which it is located except as those standards have been modified in authorizing the Conditional use. ...
- (2) A Conditional Use may be enlarged or altered pursuant to the following:
 - (a) Major alterations of a Conditional Use, including changes to or deletions of any imposed conditions, shall be processed as a new Conditional Use application.

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Section 6.040 Review Criteria

Any Conditional Use authorized according to this Article shall be subject to the following criteria, where applicable: (1) The use is listed as a Conditional Use in the underlying zone...

- (2) The use is consistent with the Goals and Policies of the Comprehensive Plan.
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents use of surrounding properties for the permitted uses listed in the underlying zone.
- (5) The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems, or windmills.
- (6) The proposed use is timely, considering the adequacy of public facilities or services existing or planned in the area affected by the use.

Section 6.070 Conditions of Approval:

In approving a Conditional Use or a modification of a Conditional Use, any conditions which are considered necessary to protect the area surrounding the proposed use, and to preserve the basic purpose and intent of the underlying zone may be imposed. These may include, and are not limited to, the following:

- (1) Increasing the required parcel size or yard dimensions.
- (2) Limiting the height, size, or location of buildings and structures.
- (3) Modifying the location and number of off-street parking and loading spaces.
- (4) Controlling the location and number of vehicle access points.
- (5) Limiting the number, size, and location of signs.
- (6) Requiring diking, fencing, screening, landscaping, or other measures to protect adjacent or nearby properties from the effects of the use.
- (7) Prescribing a time limited within which to fulfill any established conditions.

Section 6.080 Compliance with Conditions

Adherence to the approved plot plan and compliance with conditions imposed in approving a conditional use shall be required. Any departure from the conditions of approval or approved plans constitutes a violation of this Ordinance.

Section 6.090 Time Limit

All Conditional uses except those approved for a Health Hardship may be approved for a 24-month period. If construction has not begun on the approved development, such approvals may be extended beyond 24 months only if the Director determines that a review would be unlikely to reveal new information which could lead to different conclusions than those reflected in the original staff report. For purposes of such a determination, the Director may rely on such things as:

- (1) Changes in Ordinance requirements or the requirements of State Law.
- (2) The extent and character of new development in the vicinity of the request.
- (3) The adequacy of the review upon which the original was based.
- (4) Any other circumstances which could change the substance of the original staff report.

If the Director determines that a new review is warranted, then the applicant shall provide all information and fees required by this Article.

Article 10 Development Approval Procedures

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Section 10.020 Applications

- (1) Applications for ... Type III planning actions may be initiated by the following:
 - (a) The owner of the property that is the subject of the application.
 - • •
 - (g) By the representative or agent of any of the above upon submittal of written authorization to make such application.
- (3) <u>Consolidated Review</u>. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings may be consolidated if requested by the applicant for review and decision.

- (a) Under a consolidated review, required notices may also be consolidated, provided the notice shall identify each application to be decided.
- (b) The applications shall be processed according to the highest numbered review type required for any part of the application. For example, a concurrent review of a Type II review and a Type III review would be processed through a Type III review.
- (c) When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- (d) The application shall submit an application form and application fee for each type of application being reviewed.
- (4) Decision deadlines and time limits.
- (a) The County shall take final action on Administrative and Quasi-Judicial land use applications, including the resolution of all appeals, within the following time limits:
 - • •
 - ii. For all other applications: 150 days from the date the application is deemed complete.
 - iii. Upon written request of the applicant, the decision period may be extended for a specified period of time. The total of all extensions shall not exceed 215 days (unless a dispute concerning the application will be mediated per ORS 214.427(10)).
- •••
- (c) In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- •••
- (6) <u>Application forms and checklists</u>. Application forms provided by the County must be used for all applications. The County shall supply application forms pursuant to the standards contained in applicable State laws, Comprehensive Plan policies, and Ordinance provisions. The County shall also supply checklists or information sheets that specify the information that must be contained in the application including format and number of copies.

- (a) <u>Application Types</u>. Table 10.1 ... provides a list of all application types and their associated review procedure, review authority and appeal authority. Type 1. Ministerial Review. Decision: Director. Type II. Administrative Review. Decision: Director.
 Type III. Quasi-Judicial Review. Decision: Planning Commission.
- (b) <u>Application submittal requirements</u>. An Application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. In addition to required hard copies, all materials must be submitted electronically or in a format that does not exceed 11 inches by 17 inches in size. A complete application is one which contains the information required to address the rele3evant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan specified by this Ordinance. At minimum, a complete application must contain the following items:
 - i. Application form with applicable signatures.
 - ii. Payment of applicable review fees.
 - iii. Deed, title, or other proof of ownership.
 - iv. Detailed description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings or 3D models.
 - v. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards.
 - vi. Site plan(s), preliminary plat, or final plat as applicable.
 - vii. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable.
 - viii. Any other information identified on the specific application form or submittal checklist.
 - ix. Copy of the pre-application summary, if applicable.

Section 10.030 Pre-Application Conference

(1) <u>Purpose</u>. The purpose of a pre-application conference is to acquaint the applicant with the substantive and procedural requirements of the Ordinance; provide for an exchange of information regarding the applicable elements of the

Comprehensive Plan and development requirements; arrange such technical and design assistance as will aid the applicant; and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

The Department shall make available such background information as may be on file relating to the general area of the subject parcel or parcels, and any plans the County may have, or information related to past activity or development in the area upon the request of the developer. The Department shall advise the applicant of the design standards, improvement requirements, and procedures established by the County for the review and approval of the proposed land use action.

- (2) Applicability.
- (d) Type III decisions require a pre-application meeting with the Department for the purpose of informing the Department of the proposal. A pre-application conference may not be waived.

Section 10.040 Review Types

All land use applications will be reviewed by the County using one of the following review types. Specific applications and their associated review types are listed in Table 10.1.

- • •
- (3) <u>Type III Quasi-Judicial</u>. Type III decisions ...are made by the Planning Commission after a public hearing, with an opportunity to appeal to the Board of Commissioners... Quasi-Judicial decisions involve the exercise of discretion and judgement when applying applicable land use and development criteria but implement established policy.

•••

Section 10.050 General Noticing Requirements

The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested entities, local, state, and federal agencies, County departments, and County designated Citizen Advisory Committees. A list of applicable local, state, and federal agencies and entities shall be maintained by the Director.

10.080 Type III Procedures

- (1) Notice for Type III Decisions.
- (a) <u>Notice of Review</u>. The County shall provide notice of a public hearing on a Quasi-Judicial application at least 28 days prior to the first hearing date. If two or more hearings are allowed, then notice shall be provided at least 10 days prior to the first hearing. The County Planning Director shall prepare the affidavit of notice, which shall be made part of the file. This affidavit shall state the date that the notice was mailed. Notice of the public hearing shall be provided to the following parties:
- ii. Property owners within 250 feet of subject property if the subject property is outside UBG and not in farm or forest zone.
- •••

viii. Other persons as may be affected by the proposal.

- (b) Notice of a public hearing shall include the following information:
 - i. A summary of the proposal and the relevant approval criteria.
 - ii. The general location of the subject property and, when available, street address, legal description, or other easily understandable reference to the location of the proposed use or development.
 - iii. The date, time and location of scheduled hearing and the name of the hearing body.
 - iv. The name of a local government representative to contact and the telephone number where additional information may be obtained.
 - v. A disclosure statement indicating that if any person fails to address the relevant approval criteria in sufficient detail, in person or at a hearing or by written statement letter, they may not be able to appeal to the Board of Commissioners, plan D sort of appeals, or Circuit Court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence.
 - vi. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable costs.

- vii. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable costs.
- viii. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (c) <u>Newspaper notice</u>. Notice of the public hearing shall be published in a newspaper of general circulation in the county at least 10 calendar days prior to the date of a quasi-judicial public hearing. An affidavit or other formal certification of publication shall be made part of the record.
- (d) Notice of decision.
 - i. The notice of decision shall include the following information:
 - A description of the applicant's proposal and the County's decision, including conditions of approval if applicable.
 - The street address or other easily understood geographical description of the subject site, including a map of the property in relation to the surrounding area.
 - 3. The date the decision shall become final, unless appealed, and the due date for an appeal (12 days from the date the decision notice was mailed).
 - 4. A statement that the County's decision, including findings and conclusions and conditions of approval, if any, is available for review at the county.
 - 5. A statement that persons entitled to appeal pursuant to section 10.110 may appeal the planning commission's decision to the county Board of Commissioners or may appeal the Board's decision to Land Use Board of Appeals, as applicable.
- (2) Conduct of the Public Hearing.
 - (a) <u>Staff Report</u>.

At least seven days prior to the hearing, the Department shall provide to the hearing body and make available to the public for inspection or purchase a report detailing the nature of the request and findings based on the applicable criteria of this chapter. (b) Application materials.

All application materials, documents, or other evidence submitted by or on behalf of the applicant for any land use approval shall be provided and made available for public review.

(c) <u>Hearings Procedure</u>.

At the commencement of the hearing, the Chairperson of the Commission or his or her designee, shall sate to those in attendance all of the following information and instructions:

- i. The applicable approval criteria by Code chapter that apply to the decision.
- ii. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision.
- iii. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to that issue may preclude appeal to the State Land Use Board of Appeals on that issue.
- iv. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See Subsection (6) Record of the Public Hearing.
- v. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing or leave the record open for additional written evidence or testimony provided in Subsection (5).
- (3) <u>Procedural Rights</u>.

An impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte (outside the hearing) contacts as reasonably possible shall be a procedural entitlement provided at the public hearing.

(a) Where questions related to ex-parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex-parte contacts contained in ORS 227.180.

- (b) Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where State law provides otherwise.
- (c) Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.
- (4) Presenting and receiving evidence.
 - (a) The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence.
 - (b) No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this Section.
 - (c) Members of the hearing body may visit the property and the surrounding area and may use information obtained during the site visit to support their decision if the information relied upon is this close to the beginning of the hearing and an opportunity is provided to dispute the evidence.
 - (d) after the conclusion of the initial evidentiary hearing any participant may request an opportunity 2% additional evidence or testimony regarding the application. The review authority shall grant such a request by continuing the public hearing or leaving their record open for additional written evidence or testimony pursuant to subsection 5 below.
- (5) Continuance.

All documents or evidence relied upon by the applicant shall be submitted to the local government and made available to the public. If additional documents or evidence are provided by any parties, to review authority may allow a continuance or leave the record open for at least seven days to allow the parties a reasonable opportunity to respond. Any continuance for extension of the records requested by the applicant shall result in a corresponding extension of time limitations of ORS 215.428.

- (a) If the review authority granted continuance, the hearing shall be continued to add date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony period if new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to new written evidence.
- (b) If the review authority leaves the record open for additional written evidence or testimony the record shall be left open for at least seven days. Any participant may file a written request with the review authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the review authority shall reopen the record and any person may raise new issues that relate to the new evidence, testimony, or criteria for decision making which applied to the matter at issue.
- (c) A continuance or extension granted pursuant to Subsection 6 shall be subject to the limitations of ORS 215.428.
- (d) Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record but shall not include any new evidence.
- (6) <u>Record of the Public Hearing</u>.
 - (a) The official public hearing record shall include all of the following information:
 - i. All materials considered by the hearing body.
 - ii. All materials submitted by the County Planning Official to the hearings body regarding the application.
 - iii. The minutes of the hearing.
 - iv. The final written decision.

- v. Copies of all notices given as required by this Article, and correspondence regarding the application that the County mailed or received.
- (b) The meeting minutes shall be filed in hardcopy form with the County Planning Official. The minutes and other evidence presented as part of the hearing shall be part of the record.
- (c) All exhibits received and displayed shall be marked to provide identification and shall be part of the record.
- (7) Effective Date of Decision.

Quasi-Judicial Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial decision becomes effective ten business days after the County mails the decision notice unless the decision is appealed pursuant with Section 10.110.

Land Division Ordinance Approval Procedures.

Section	010:	Purpose.
Section	020:	Definitions.
Section	030:	General Provisions.
Section	040:	Preliminary Plat Approval Process.
Section	060:	Preliminary Plat Submission Requirements
Section	070:	Preliminary Plat Approval Criteria.
Section	120:	Re-Platting and Vacation of Plats.
Section	130:	Property Line Adjustments.
Section	140:	Improvement Procedures.
Section	150:	Development Standards for Land Divisions

Land Division Ordinance Approval Procedures.

Section 010: Purpose

- (1) The purpose of this Ordinance is to establish standards for property line adjustments for the division of land by way of partition or subdivision and for the development of improvements for areas of Tillamook County outside the urban growth boundaries of incorporated cities.
- (2) These regulations are necessary:
 - (a) In order to provide uniform procedures for the division of land.
 - (b) To coordinate proposed developments with development plans for highways, utilities, and other public facilities.

- (c) To provide for the protection, conservation, and proper use of land, water, and other natural resources.
- (d) To carry out the policies and intent of the County Comprehensive Plan.
- (e) To ensure adequate lot and parcel sizes for homesites.
- (f) To encourage safe and convenient access for vehicles, pedestrians, and bicyclists.
- (g) To ensure adequate sanitation and water supply services.
- (h) for the equitable allocation of costs for improvements such as roads, sewers, water, and other service facilities.
- (i) For the protection of the public from pollution, flood slides, fire and other hazards to life and property.
- (j) To provide for energy efficient land use and the use of renewable resources.
- (k) To provide for the accurate and timely recording in the office of the County Clerk all newly created property boundaries, street, roads, rights-of-ways, and easements.
- (1) To protect in other ways, the public health, safety, and general welfare.
- (3) It is expressly not the purpose or intent of this Ordinance to encourage the division of land or the provision or extension of roads or sewer lands into lands designated for resource use by the Tillamook County Land Use Ordinance. Thus, Subdivisions shall be limited to those zones designated for residential, commercial, or industrial use. All references to sewer lines in this Ordinance apply only to lands where such services conform to the intent and purposes of the County Comprehensive Plan.

Section 020: Definitions

Partition:

The division of a tract of land into not more than three parcels of land within one calendar year when such land exists as a single unit or contiguous units of land under single ownership at the beginning of the same year.

Partition does not include:

- •••
- (2) Adjusting a property line as property line adjustment is designed in this section.

• • •

Section 040: Preliminary Plat Approval Process.

- (1) <u>Review Procedures</u>. Preliminary Plats for partitions shall be processed using the Type II procedure under Article 10. Preliminary Plats for subdivisions shall be processed using the Type III procedure under Article 10 Section 10.080. All preliminary plats are subject to the approval criteria in Section 10.070 of this ordinance.
- (2) <u>Approval Period</u>. Preliminary plats approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided within the two-year period. ...
- (3) <u>Extensions</u>. The County may, upon written request of the applicant and payment of the required fee, grant written extensions of the approval period that all of the following criteria are met:
 - (a) All requests for extensions of preliminary plat approval shall be received in the Department at least 30 days prior to the expiration date of the approval.
 - (d) No preliminary plat shall be approved for a period greater than 4 years.

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Section 060: Preliminary Plat Submission Requirements.

- (1) Applications for Preliminary Plat approval shall contain the following information:
- (a) <u>General Preliminary Plat Requirements</u>. Information required for a Type II Review (for Partitions) ..., pursuant to Article 10 Section 10.070 and Section 10.080 respectively.
- (b) <u>Preliminary Plat Information</u>. In addition to the general information described in Subsection (a) above, the Preliminary Plat application shall consist of drawings and supplementary material adequate to provide the following information:
- i. General Information:
 - •••
 - 2. Date, north arrow, scale of drawing.

- 3. Location of the development sufficient to define its location, boundaries, and a legal description of the site.
- 4. Zoning of parcel to be divided, including any overlay zones.
- 5. A title block including the names, addresses and telephone numbers of the owners of the subject property, and, as applicable, the name of the engineer and surveyor and the date of the survey.
- 6. Clear identification of the drawing as a "Preliminary Plat" and the date of preparation.
- 7. Name and addresses of the owner(s), developer, and the engineer or surveyor.
- ii. <u>Existing Conditions</u>: Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions:
 - Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the site, and location of existing access points.
 - 2. Width, location, and purpose of existing easements of record on and abutting the site.
 - 3. The location and present use of all structures on the site and indication of which, if any, structures are to remain after platting.
 - 4. Location and identify of all utilities on and abutting the site. ...
 - 5. Location of all existing subsurface sewage systems, including drain fields and associated easements on the site.
 - 6. Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10 percent.
 - 7. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes.)
 - Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, and tide flats.

- Any plat that is five (5) acres or larger, or proposes 50 lots or greater, shall include the Base Flood Elevation, per FEMA Flood Insurance Rate Maps.
- 10. North arrow and scale.
- 11. Other information, as deemed necessary by the Planning Director for review of the application. The County may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- iii. <u>Proposed Development</u>. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development.
 - Proposed lots, streets, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves and approximate finished street center line grades ... All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified.
 - City boundary lines when crossing or adjoining the subdivision.
 - 3. Easements: location, width, and purpose of all proposed easements.
 - 4. Proposed deed restrictions, if any, in outline form.
 - 5. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts.
 - 6. Proposed uses of the property, including all areas proposed to be dedicated as public rights-of-way or preserved as open space for the purpose of surface water management, recreation, or other use.
 - 7. On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards.
 - 8. Preliminary utility plans for sewer, water, and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat map provided all information is legible.

- The approximate location and identify of other utilities, including the location s of street lighting fixtures, as applicable.
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) Zone.
- 11. Evidence of contact with the applicable road authority for proposed new street connections.
- 12. Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.
- (d) Fifteen (15) legible "to scale" hard copies, or a lesser amount as deemed necessary by the Director, and one digital copy of the preliminary plat and all supplementary materials shall be submitted to the Department.
- (e) Upon receipt of the preliminary plat and supplementary material, the Department shall furnish one copy each to the County Surveyor, the County Health Department, the County Sanitarian, the County Public Works Department, the County Assessor, and the appropriate school and fire districts. ... When the Department determines that it is necessary to do so, it shall furnish a copy of the plans to the Tillamook County Soil and Water Conservation District (SWCD), the appropriate water and sewer districts, the telephone service and electric service companies, and appropriate state or federal resource protection agencies.

Section 070: Preliminary Plat Approval Criteria.

(1) Approval Criteria.

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

- (a) The land division application shall conform to the requirements of this ordinance.
- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance, Article 3 Zone Regulations, and the standards in Section 150 of this Ordinance.

- (c) Access to individual lots and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Section 150 of this ordinance.
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name.
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within unincorporated community boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications.
- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument.
- (g) Provision for access to and maintenance of off-rightof-way drainage, if any.
- (h) Evidence that any required State and Federal permits, as applicable have been obtained or can reasonably be obtained prior to development.
- (i) Evidence that improvements, or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project <u>have been or can be met</u>, including but not limited to:
 - i. <u>Water Department / Utility District Letter</u> which states that the partition or subdivision is either entirely excluded from the district or is

included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.

- ii. Subsurface sewage permit(s) or site evaluation
 approval(s) from the appropriate agency.
- (2) Conditions of Approval.

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

Section 120: Replatting and Vacation of Plats

- Any plat or portion thereof may be re-platted or vacated upon receiving an application signed. By all of the owners appearing on the deed or vacated pursuant to subsection (5) or (6).
- (2) The same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat a recorded plat.
- (3) Limitations on replatting include, but are not limited to, the following:
 - (a) A replat shall apply only to a recorded plat.
 - (b) A replat shall not vacate any public street or road.
 - (c) A replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.
- (4) A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys, or if it fails to meet any applicable County standards.
- (5) <u>Vacation of lot lines: Quasi-Judicial</u>. One or more interior lot lines in a recorded plat may be vacated either by private petition or by public resolution as prescribe din ORS 368. A lot line vacation under this provision is a quasi-judicial action subject to an established fee, petition / application, notice and hearing before the Planning Commission.
- (6) <u>Vacation of lot lines: Owner Consent</u>: Notwithstanding the above provision, and as authorized by ORS 368, one or more

interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent shall be obtained from 100 percent of property owners abutting the public property proposed to be vacated.

- (a) A pre-application conference and administrative action fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Those owners whose consent signature is required shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified property owner.
- (b) The line vacation shall be approved:
 - i. Upon verification of the required consent signatures.
 - ii. After the Director or the Public Works Director file a written report finding that the action:
 - 1. Complies with applicable land use regulations.
 - 2. Facilitates development of the private property subject to the vacation.
 - 3. Any vacation of public property is in the public interest.

Section 130: Property Line Adjustments.

- (1) A Property Line Adjustment is the modification of a parcel or lot boundary when no parcel or lot is created. The Director reviews applications for Property Line Adjustments pursuant with the Type I procedure under <u>Section 10.060</u> [Preliminary Plat Submission Requirements]. The application submission and approval process for Property Line Adjustments is as follows:
 - (a) Submission Requirements.

All applications for Property Line Adjustments shall be made on forms provided by the County and shall include information required for a Type I review, pursuant to <u>Section 10.060</u> [Preliminary Plat Submission Requirements].

The application shall include:

• A preliminary property line map drawn to scale and based on the Director's determination, may be

required to identify all existing and proposed lot lines and dimensions.

- Footprints and dimensions of existing structures (including accessory structures).
- Location and dimensions of driveways and public and private streets within or abutting the subject lots.
- A FEMA FIRM-ette identifying the subject properties and demonstration of compliance to <u>Section 3.060</u> [Flood Hazard Overlay (FH) Zone].
- Tillamook County Flood Hazard Overlay Zone; existing fences and walls; and
- Any other information deemed necessary by the Director for ensuring compliance with County codes.
- The application shall be signed by all the owners as appearing on the deeds of the subject lots.
- (b) <u>Approval Criteria</u>. The Director shall approve or deny a request for a property line adjustment in writing based on the following criteria:
 - i. <u>Parcel creation</u>. No additional parcel or lot is created by the lot line adjustment.
 - ii. Lot standards.
 - All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2 or 3 applies.
 - 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.
 - 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after the property line adjustment.

- As applicable, all lots and parcels shall conform the Tillamook County Flood Hazard Overlay Zone.
- iii. Access and Road authority standards. All lots and parcels conform to the standards or requirements of <u>Section 10.150</u> [Development <u>Standards for Land Divisions</u>] and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.
- (c) <u>Recording Property Line Adjustments</u>.
 - i. All property line adjustments shall comply with ORS Chapter 92 and be executed by deed.
 - ii. All deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Clerk's office.
- (2) Property Line Adjustments in Subdivisions and Partitions.
 - (a) Except as provided in subsection (b), all property line adjustments within recorded plats shall be accomplished by replatting in accordance with <u>Section</u> 10.120 [Replatting and Vacation of Plats].
 - (b) Property lines within a recorded plat may be adjusted in accordance with the procedure for property line adjustments set forth in <u>Section 10.130</u> [Property Line <u>Adjustments</u>], rather than replatting when the director determines that:
 - i. The property line adjustment will not result in a substantial reconfiguration of the affected lots or parcels, as determined by the Director.
 - ii. All of the other requirements for property line adjustments set forth in <u>Section 10.130</u> [Property <u>Line Adjustments</u>] will be met.

Section 150: Development Standards for Land Divisions The following requirements shall apply to all land divisions:

- (1) <u>Water Supply</u>: All lots or parcels shall either be served by a public domestic water supply system conforming to State of Oregon specifications.
- (2) <u>Sewage</u>: All lots or parcels shall either be served by a public or community sewage disposal system conforming to state specifications and policies and intent of the Comprehensive Plan, ... Such systems shall be approved by the County Sanitarian considering soil and water conditions and the nature of the water supply.
- The developer shall grade and improve Streets, General: (3) all streets in the subdivision or partition and shall extend such streets to the paving line of existing streets, in conformance with the standards contained in this Ordinance. Street improvements shall be provided consistent with the standards in Sections 150 and 160 and shall include curbs and shoulders to the extent that they are required by the density or character of the development. Improvements may be required by the Public Works Department on streets serving but not within the boundaries of the Subdivision or through Partition of a parcel with a buildout potential of 5 or more parcels. Such improvements which are required in areas not within the plat perimeter shall be limited to the extent required to serve the proposed Subdivision or Partition.
- (4) Access:

(a) All parcels created by a partition shall abut a public road or private easement for at least 25 feet for access. All private easements serving four or fewer lots shall be at least 25 feet wide unless a lesser width is approved by the Public Works Department.

(5) Storm Drainage System:

Such grading shall be performed, and drainage facilities installed confirming to Tillamook County Public Works Department specifications as are necessary to provide proper drainage within the development and other affected areas in order to secure safe, healthful, and convenient conditions for the residents of the Subdivision and the general public. When feasible, and when such off-site drainage facilities have the capacity to carry the increased drainage flow, drainage facilities in the development shall be connected to drainage facilities outside the development. Areas subject to inundation shall comply with the applicable provisions of the Tillamook County Land Use Ordinance. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right of way shall be provided as required in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.

- (a) Design exceptions to these standards may be approved by the Tillamook County public works director. For subdivisions, such approval is subject to approval ratification by the Planning Commission. The county engineer may, in concurrence with the community development department, approved design exceptions to these standards for petitions. Design exceptions may only be approved if the provisions of section 110: minor revisions to preliminary approved land divisions are met.
- (b) When lot sizes are increased to provide separation of water sources and sewage disposal systems but are likely to be capable of further division as described in section 050 of this ordinance, the requirements of section 050 must be met.
- (6) <u>Blocks</u>:
 - (a) <u>General</u>: The length comment width and shape of blocks shall take into account the need for adequate lot size and width and shall recognize the limitations of the topography.
 - (b) <u>Size</u>: No block shall be more than 1000 feet in length between street corner lines unless it is adjacent to an arterial street or unless topography or the location of adjoining streets requires otherwise. ...
- (7) <u>Building Lines</u>:
 - (a) If special building set back lines are to be established in the subdivision, they shall be shown on the preliminary subdivision plat. If setbacks are proposed which are less than the minimum requirements contained in either the land use ordinance or in Section 100 of this ordinance, the Planning Commission may approve such special setbacks only in accordance with the requirements of Section 080 of this ordinance. Special set back lines shall not be established

which would preclude the use of insulation for alternative energy production on adjacent blocks.

(9) Dedications:

. . .

The Commission may require as a condition of approval the dedication to the public rights of way for public purposes. All dedications must appear on the final plat and be approved by the county prior to recording.

- (10) <u>Easements</u>:
 - (a) Utility Lines:

Easements for utilities shall be dedicated whenever necessary.

- (b) <u>Pedestrian Ways</u>: When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- (11) Lots:
 - (a) <u>Size</u>: Lot sizes shall conform to standards contained in the Tillamook County Land Use Ordinance. ...
 - (b) In areas that will not be served by public water supply or public sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal.
 - (c) Access: each lot shall abut upon a street or private road, other than an alley, for a width of at least 25 feet.
 - (d) <u>Through lots</u>: ...
 - (e) Lot Side Lines: where possible, the side lines of lots shall run at right angles to the street upon which they face, unless a different angle is required to provide optimum solar orientation or is necessary to conform to topography or road orientation.



PLANNING APPLICATION				OFFICE USE ONLY	
			Date Stamp		
Applicant (Check Box if Sar	ne as Property O	wner)			
Name: Richard Boyles	Phone: (541)	284-0613			
Address: 840 Beltline Rd. Ste	. 202.		-		
City: Springfield	State: OR	Zip:97477		ed	
Email: rboyles@meretehotels	s.com		Received by:		
Property Owner			Receipt #:		
Name: Sahhali South, LLC	Phone: (541)	284-0613	Fees:		
Address:840 Beltline Rd. Ste	()		Permit No:		
City: Springfield	State:OR	Zip:97477	– 851- <u>-</u> -PLN	١G	
Email:rboyles@meretehotels	.com		_		
, `					

Request: Approve Six (6) Application Requests as follows: (1) Property Line Adjustment Replat of Lots 14-19;

(2) Property Line Adjustment Replat (4) Lots 46, 47, 48a, 48b to (3) Lots 46, 47, 48. (3) Partition Tract A into (2) Lots.

(4) Replat Partition Lots 13a and 13b into (2) Lots and (1) Open Space Tract. (5) Adopt Consistent Setbacks,

Amend CCRs Section 10.13, Addendum to Master Plan. (6) Clarify Land Uses Allowed, Addendum to Master Plan.

Type II	Type III	Type IV
□ Farm/Forest Review	Appeal of Director's Decision	
Conditional Use Review	Extension of Time	Appeal of Planning Commission
□ Variance	Detailed Hazard Report	Decision
Exception to Resource or Riparian Setback	Conditional Use (As deemed	Ordinance Amendment
Nonconforming Review (Major or Minor)	by Director)	Large-Scale Zoning Map
Development Permit Review for Estuary	Ordinance Amendment	Amendment
Development	Map Amendment	Plan and/or Code Text
Non-farm dwelling in Farm Zone	Goal Exception	Amendment
Foredune Grading Permit Review		
Neskowin Coastal Hazards Area		
Location:		
Site Address: Sahhali South, Tract A, Lot 13	a, 13b, 14, 15, 16, 17, 18, 19, 46	i, 47, 48a, 48b.
Map Number: 5S 11W 24AB		
Township Range		Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)	Date
Applicant Signature	Date

Land Use Application

Page 1



Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819

www.co.tillamook.or.us		OFFICE USE ONLY
	N APPLICATION	Date Stamp
Applicant (Check Box if Same as I	Property Owner)	
Name: Ph	ione:	
Address:		□ Approved □ Denied
City: Sta	ate: Zip:	Received by:
Email:	·	Receipt #:
Property Owner		Fees:
		Permit No:
	ione:	851PLNG
Address:		
1	ate: Zip:	
Email:		
Location:		
Site Address:		
Map Number:		
Township	Range Se	ection Tax Lot(s)
PRELIMINARY PLAT (LDO 060(1)(B))	-	
	General Information	_
For subdivisions, the proposed name.	Parcel zoning and overlays	□ Fifteen (15) legible "to
Date, north arrow, scale of drawing.	Title Block Clean identification of the denuine of	scale" hard copies
□ Location of the development sufficient to development sufficient to	Clear identification of the drawing as "Preliminary Plat" and date of prepa	
define its location, boundaries, and a	□ Name and addresses of owner(s),	Tation
legal description of the site.	developer, and engineer or surveyor	
	Existing Conditions	
□ Existing streets with names, right-of-	Ground elevations shown by	Other information:
way, pavement widths, access points.	contour lines at 2-foot vertical	
Width, location and purpose of existing easements	interval. Such ground elevations shall be related to some established	
□ The location and present use of all	benchmark or other datum	
structures, and indication of any that	approved by the County Surveyor	
will remain after platting.	\square The location and elevation of the	
$\hfill\square$ Location and identity of all utilities on	closest benchmark(s) within or	
and abutting the site. If water mains	adjacent to the site	
and sewers are not on site, show	□ Natural features such as drainage	
distance to the nearest one and how they will be brought to standards	ways, rock outcroppings, aquifer recharge areas, wetlands, marshes,	
□ Location of all existing subsurface	beaches, dunes and tide flats	
sewerage systems, including	□ For any plat that is 5 acres or larger,	
drainfields and associated easements	the Base Flood Elevation, per FEMA	
	Flood Insurance Rate Maps	

Land Division Permit Application

Rev. 9/11/15

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- □ Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts

Proposed Development

- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
- On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
- Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided

- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

Additional Information Required for Subdivisions

- □ Preliminary street layout of undivided portion of lot
- Special studies of areas which appear to be hazardous due to local geologic conditions
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction

- □ Profiles of proposed drainage ways
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- □ If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

□ FINAL PLAT (LDO 090(1))

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

Certificates:

□ Title interest & consent

□ Dedication for public use □ Public Works

□ Engineering/Survey

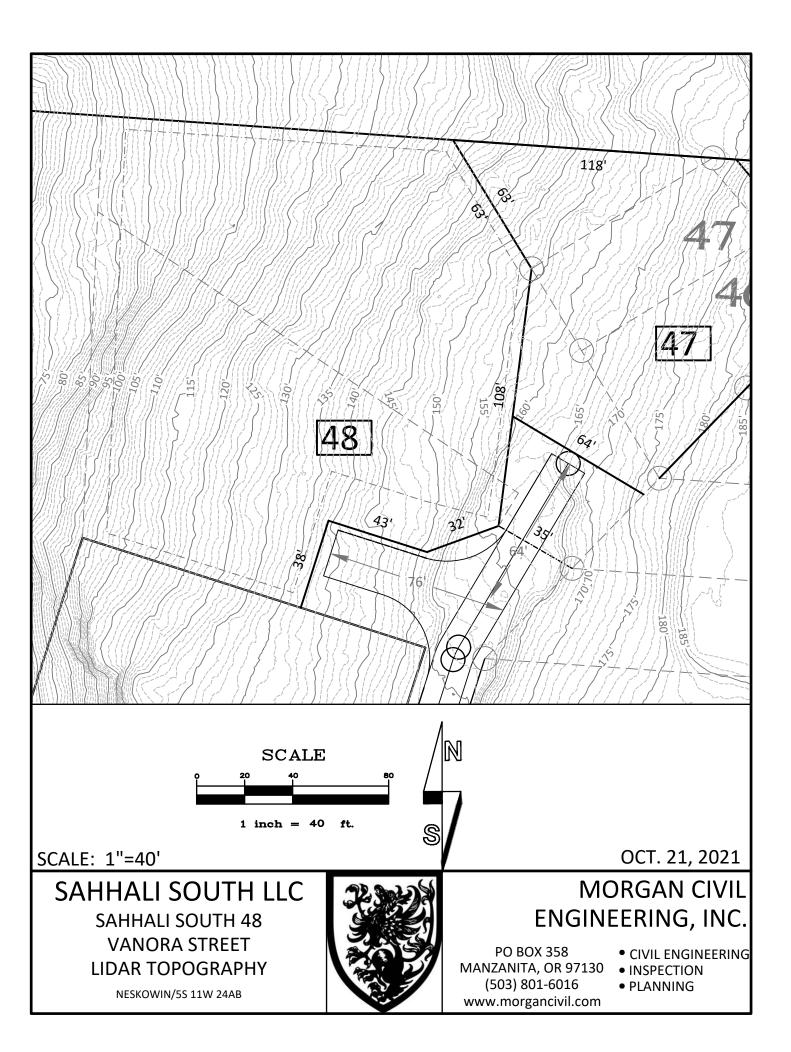
□ Additional Information:

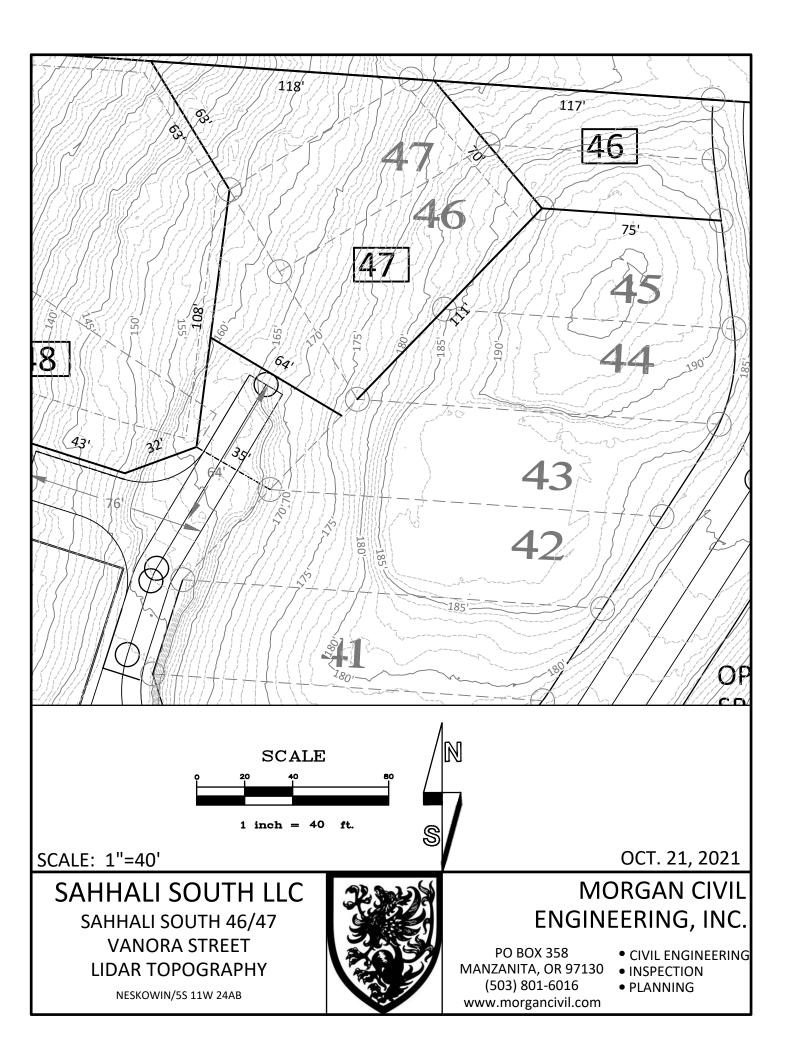
□ Water

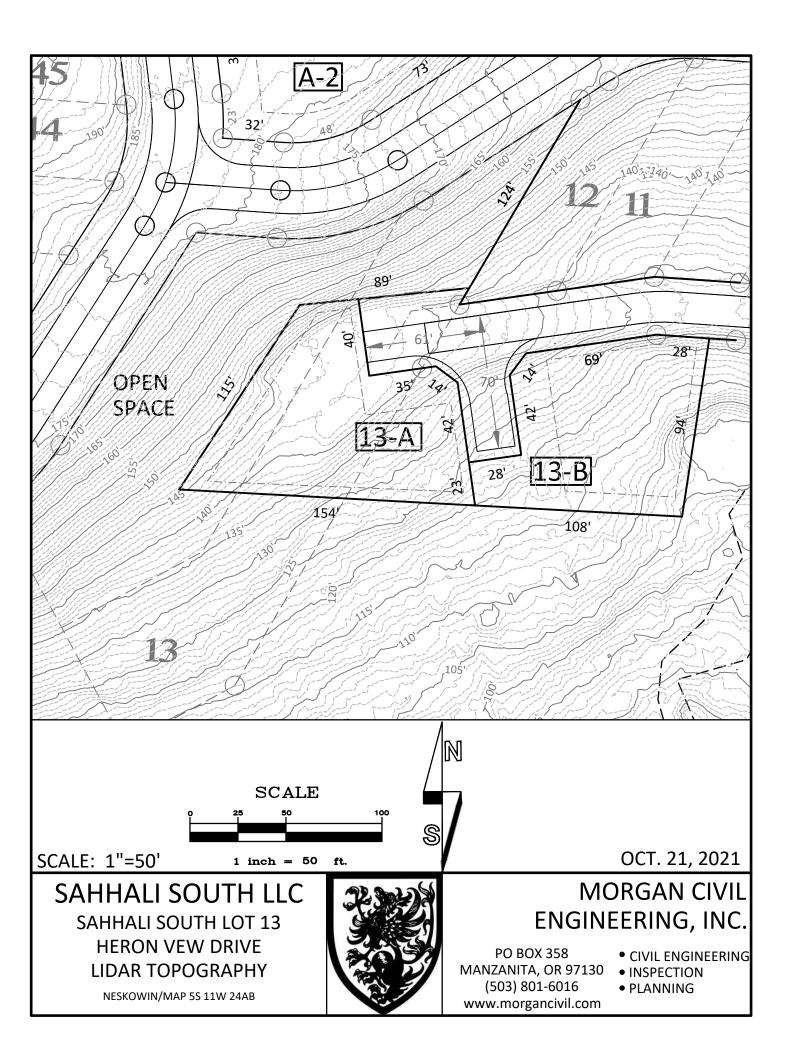
Authorization

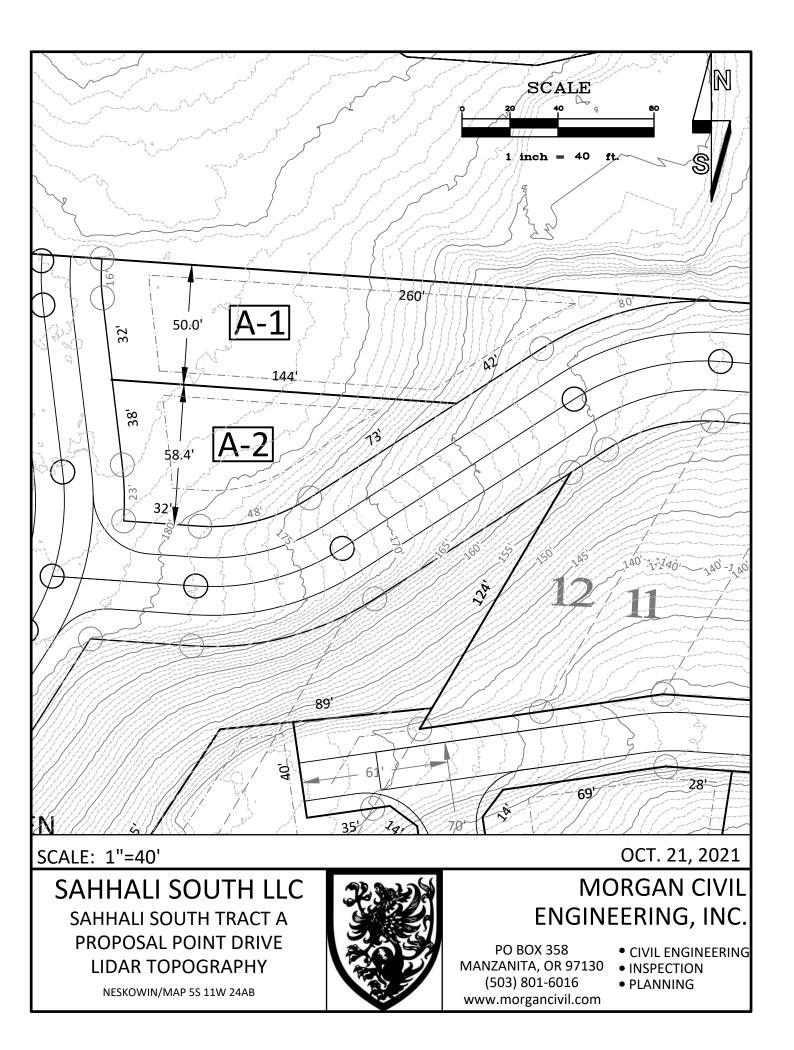
This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with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

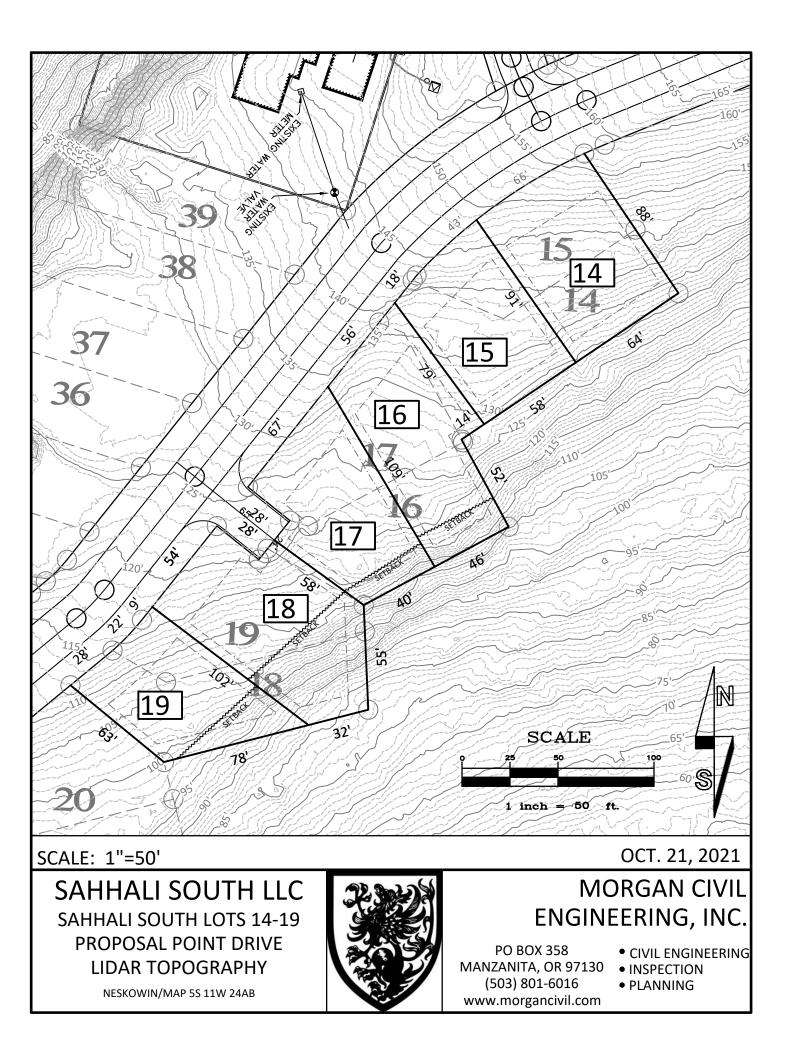
Property Owner (*Required)		Date	
Applicant Signature		Date	
Land Division Permit Application	Rev. 9/11/15		Page 3






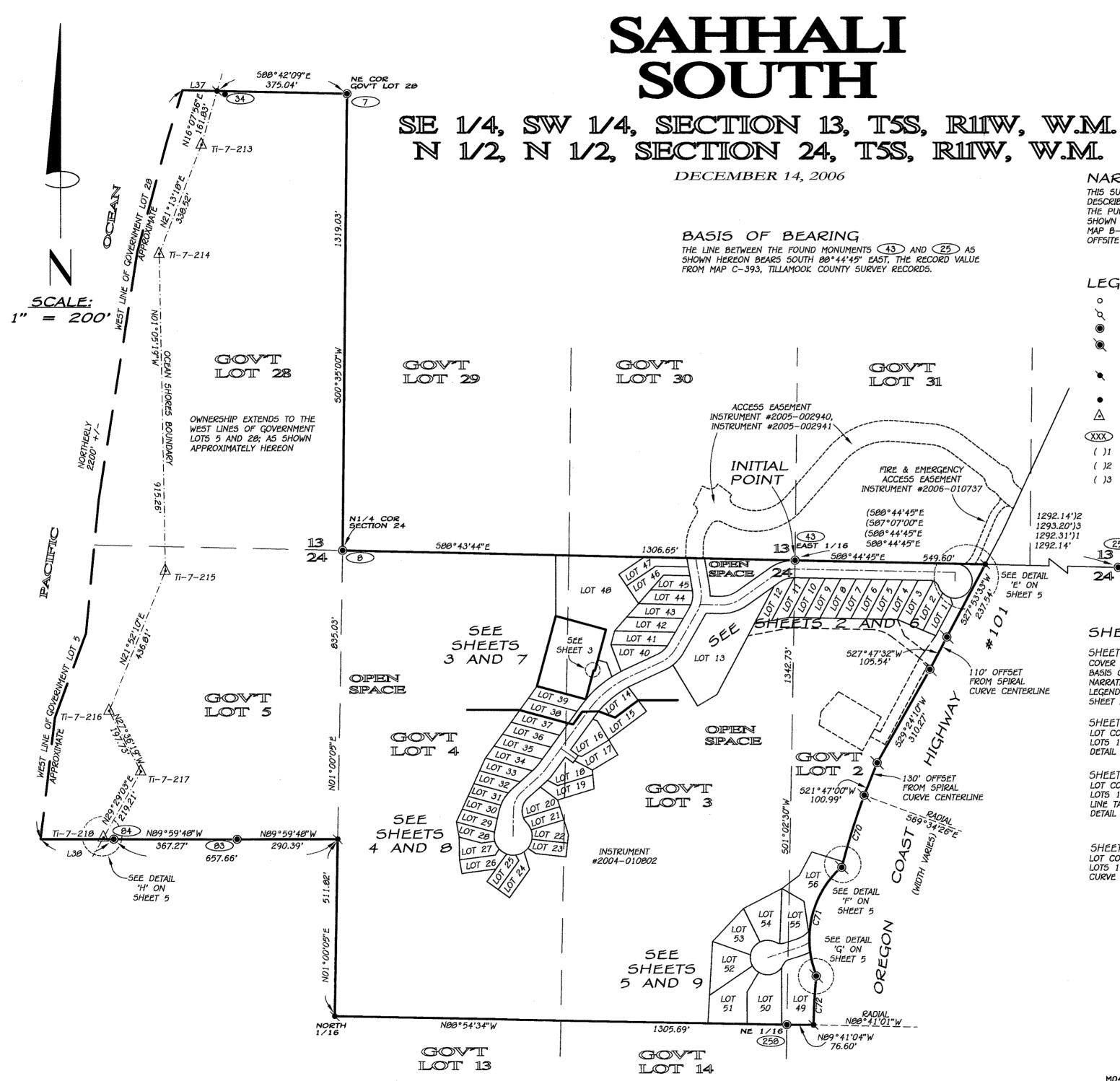








C - 225



SHEET 1 of 11

NARRATIVE

THIS SURVEY WAS CONDUCTED AS AN ORIGINAL SURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN INSTRUMENT #2004-010802, TILLAMOOK COUNTY DEED RECORDS, THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE SUBJECT PROPERTY INTO THE 56 LOTS AS SHOWN HEREON AS PER THE CLIENT'S REQUEST. FOR DETAILED BOUNDARY INFORMATION, SEE MAP B-3051, TILLAMOOK COUNTY SURVEY RECORDS. SEE AS-BUILT DRAWINGS FOR ADDITIONAL OFFSITE EASEMENT INFORMATION.

LEGEND

- INDICATES SET 5/0" X 40" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC".
- INDICATES SET BRASS TACK WITH BRASS WASHER STAMPED "HLB AND ASSOC". b
- INDICATES MONUMENT FOUND AS NOTED HEREON, HELD FOR CONTROL
- INDICATES FOUND 5/8" REBAR WITH ALUMINUM CAP STAMPED "OREGON STATE HIGHWAY Ò DIV". HELD FOR POSITION FOR THE RELOCATED OREGON COAST HIGHWAY #101. SEE MAP B-1525, TILLAMOOK COUNTY SURVEY RECORDS.
- INDICATES FOUND 5/0" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC", IN POSITION. SEE MAP B-3051, TILLAMOOK COUNTY SURVEY RECORDS.
- INDICATES MONUMENT FOUND AS NOTED HEREON.

INDICATES POSITION OF OCEAN SHORES BOUNDARY AS CALCULATED BY STATE PLANE \triangle COORDINATES AND ROTATED TO LOCAL BASIS OF BEARING.

- (XXX) INDICATES MONUMENT NUMBER.
- ()1 INDICATES RECORD VALUE FROM MAP C-393, TILLAMOOK COUNTY SURVEY RECORDS.
- ()2 INDICATES RECORD VALUE FROM MAP C-490, TILLAMOOK COUNTY SURVEY RECORDS.
- () 3 INDICATES RECORD VALUE FROM MAP B-574, TILLAMOOK COUNTY SURVEY RECORDS. NO () INDICATES MEASURED VALUE.

SHEET INDEX

SHEET 1 COVER SHEET BASIS OF BEARING NARRATIVE LEGEND SHEET INDEX

25 13 18

19

24~

SHEET 2 LOT CONFIGURATION LOT5 1-13

SHEET 3 LOT CONFIGURATION LOTS 14 & 38-48 LINE TABLE DETAIL 'C' & 'D'

DETAIL 'A' & 'B'

SHEET 4 LOT CONFIGURATION LOTS 14-37 CURVE TABLE

SHEET 5 LOT CONFIGURATION LOT5 49-56 DETAIL 'E', 'F', 'G' & 'H'

SHEET 6 EASEMENT MAP EASEMENT DETAILS DETAIL 'I' & 'J'

SHEET 7 EASEMENT MAP EASEMENT DETAILS EASEMENTS OF RECORD EASEMENTS BEING CREATED

HLB

otał

SHEET 8 EASEMENT MAP EASEMENT DETAILS DETAIL 'K'

SHEET 9 EASEMENT MAP

SHEET 10 EASEMENT MAP

• SURVEYING • CIVIL ENGINEERING • PLANNING • WATER RIGHTS

WETLAND CONSULTING

CLATSOP COUNTY

4253-A HWY 101 N. GEARHART, OR 97138 (503) 730-3425 FAX: (503) 730-7455

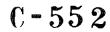
SHEET 11 SURVEYOR'S CERTIFICATE CONDITIONS AND RESTRICTIONS MONUMENT NOTES ACKNOWLEDGMENT DECLARATION APPROVALS CERTIFICATE OF COUNTY CLERK COPY STATEMENT

REGISTERED PROFESSIONAL LAND SURVEYOR Honald X X alson OREGON RONALD G. LARSON RENEWAL DATE: DEC 31, 2008

PACIFIC COUNTY 1715-B N. PACIFIC AVE. LONG BEACH, WA 98631 (360) 642-4454 FAX: (360) 642-4054

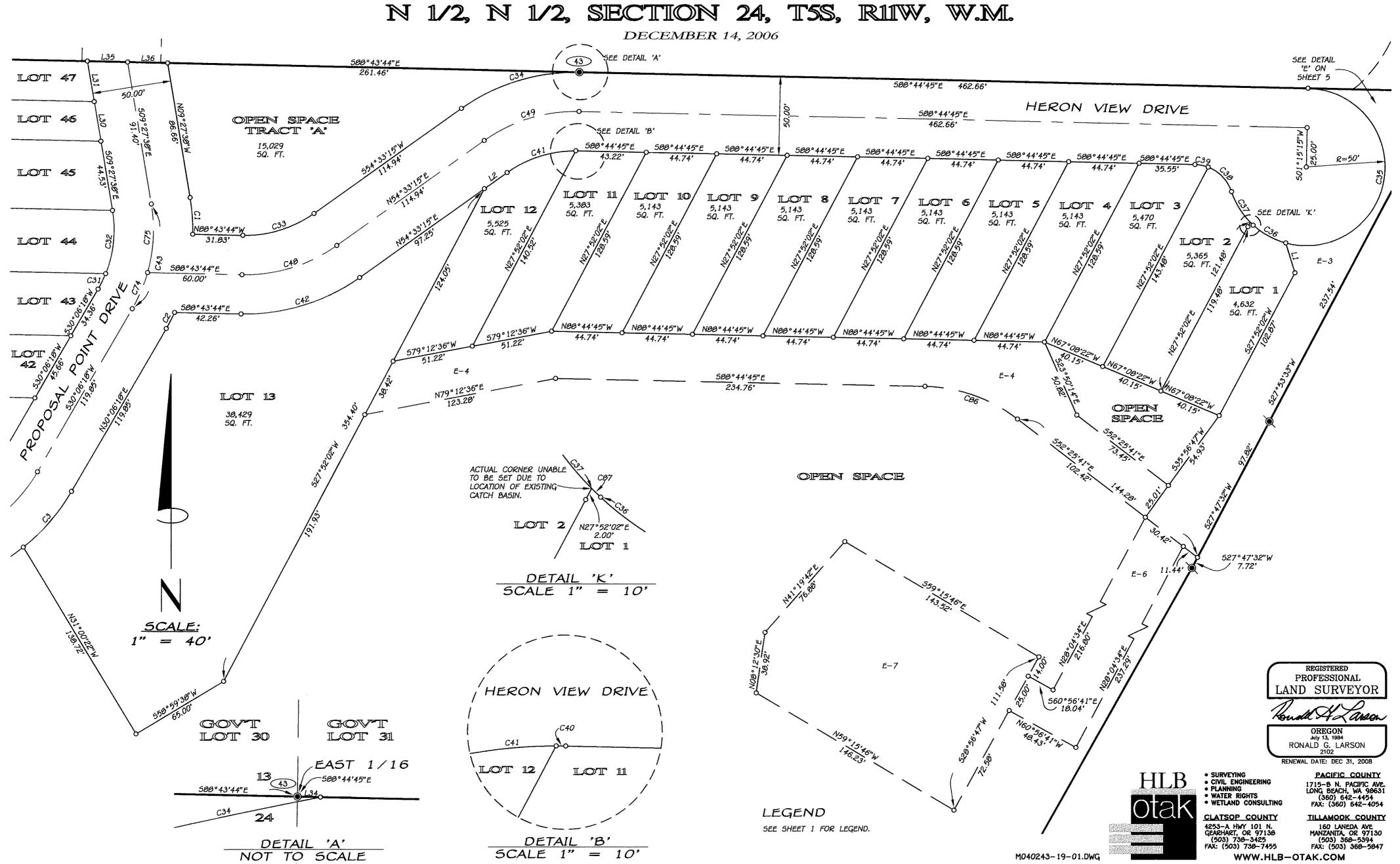
TILLAMOOK COUNTY 160 LANEDA AVE MANZANITA, OR 97130 (503) 360-5394 FAX: (503) 360-5047 WWW.HLB-OTAK.COM

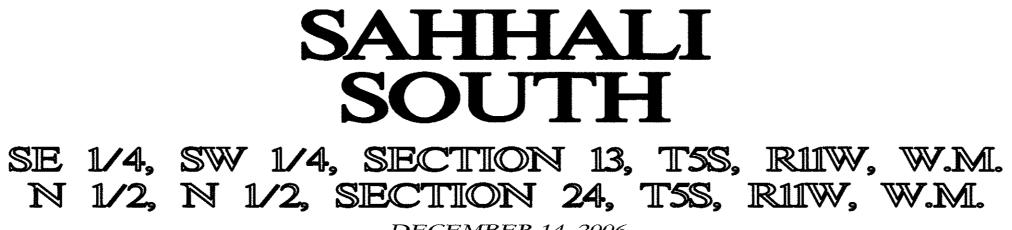
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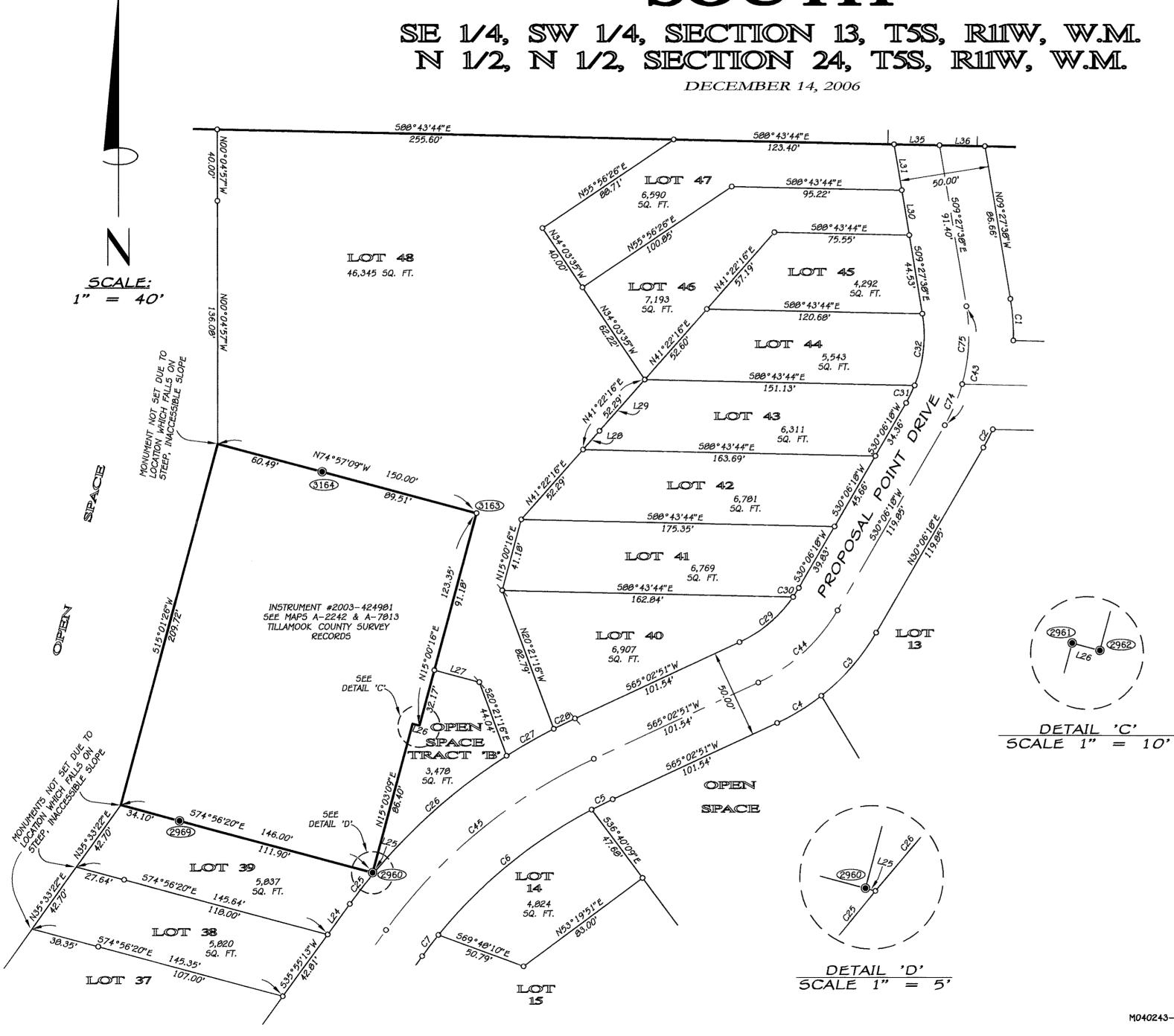
SAHHALI SOUTH





SHEET 2 of 11

SAHHALI SOUTH



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HLB otak

SHEET 3 of 11

LEGEND SEE SHEET 1 FOR LEGEND.

LINE TABLE			
LINE	BEARING	LENGTH	
L1	517°08'02"E	19.83'	
L2	N54°33'15"E	17.69'	
 L3	569°48'10"E	14.06'	
L4	N35°55'13"E	13.19'	
L5	531°02'27"E	1.68'	
 L6	575°48'38'E	9.89'	
L7	N54°04'47"W	28.00'	
LB	N35°55'13"E	13.00'	
L9	N35°55'13"E	5.81'	
L10	N35°55'13"E	7.19'	
L11	535°55'13"W	26.00'	
L12	505°10'14"E	13.67'	
L13	554°04'47"E	28.00'	
L14	N47°54'08"E	24.51'	
L15	517°01'35"E	19.94'	
L16	506°12'42"W	24.26'	
L17	N55°37'16"W	26.67'	
L18	N30°34'10"W		
L19	N31°56'18"E	20.54'	
L20	512°00'03"W	19.48'	
L21	547°54'08"W	31.05'	
L22	547°54'08"W	10.02'	
L23	535°55'13"W	18.85'	
L24	535°55'13"W	21.15'	
L25	N74°56'20"W	0.73'	
L26	575°04'43"E	4.01'	
L27	574°59'44"E	26.01'	
L28	N41°22'16"E	13.98'	
L29	N41°22'16"E	38.31'	
L30	509°27'38'E	25.55'	
L31	509°27'38"E	26.06'	
L32	NBB°54'34"W	15.14'	
L33	547°03'28"W	6.36'	
L34	588°44'45"E	0.37'	
L35	588°43'44"E	25.45'	
L36	588°43'44"E	25.45'	
L37	588°42'09"E		
L38	N89°59'48"W	200'+/-	

CLATSOP COUNTY

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

REGISTERED PROFESSIONAL LAND SURVEYOR Ronald A Lawon OREGON July 13, 1984 RONALD G. LARSON RENEWAL DATE: DEC 31, 2008 • SURVEYING • CIVIL ENGINEERING • PLANNING • WATER RIGHTS PACIFIC COUNTY 1715-B N. PACIFIC AVE. LONG BEACH, WA 98631 (360) 642-4454 FAX: (360) 642-4054 WETLAND CONSULTING

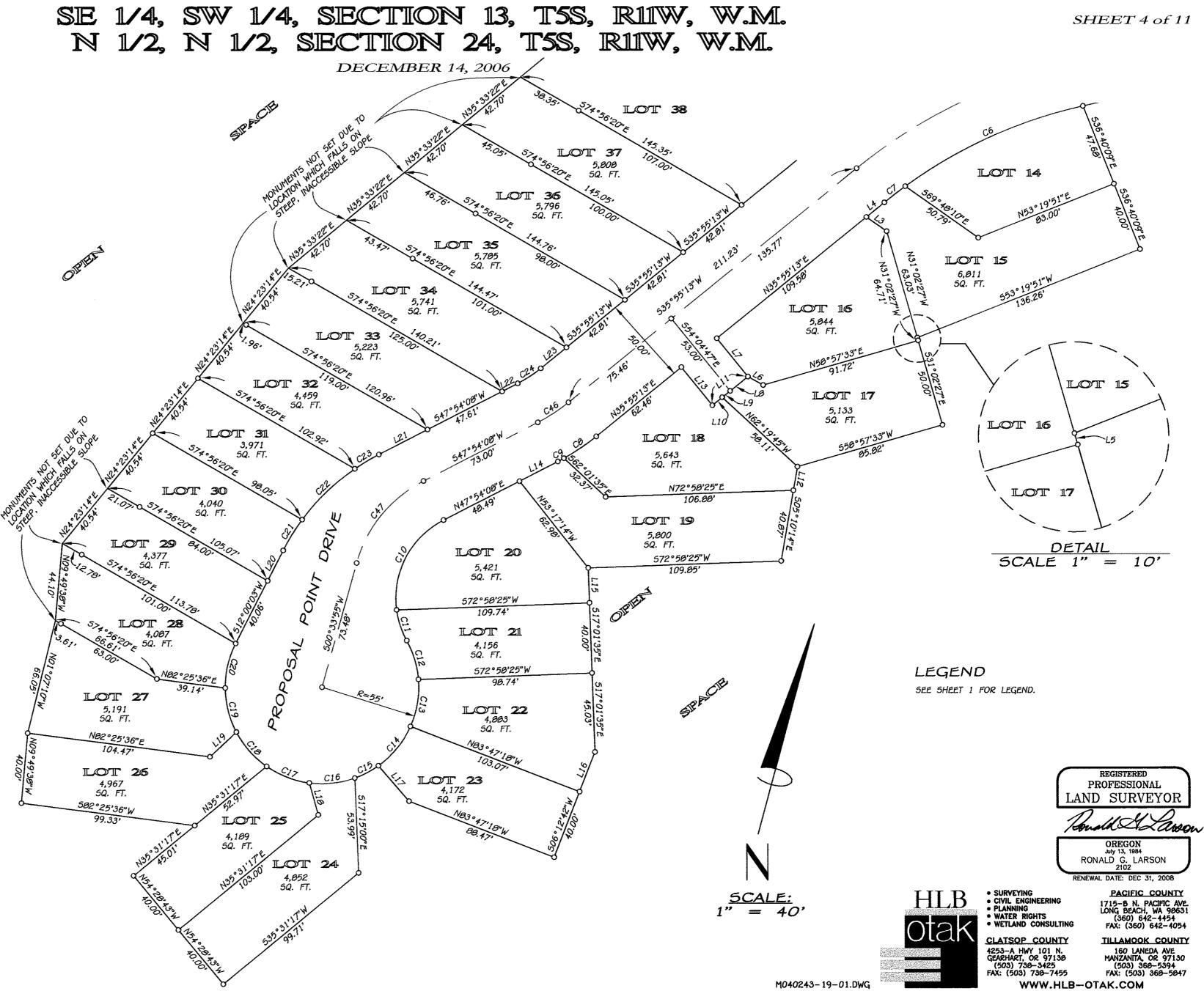
> TILLAMOOK COUNTY 160 LANEDA AVE MANZANITA, OR 97130 (503) 360-5394 FAX: (503) 360-5847 WWW.HLB-OTAK.COM

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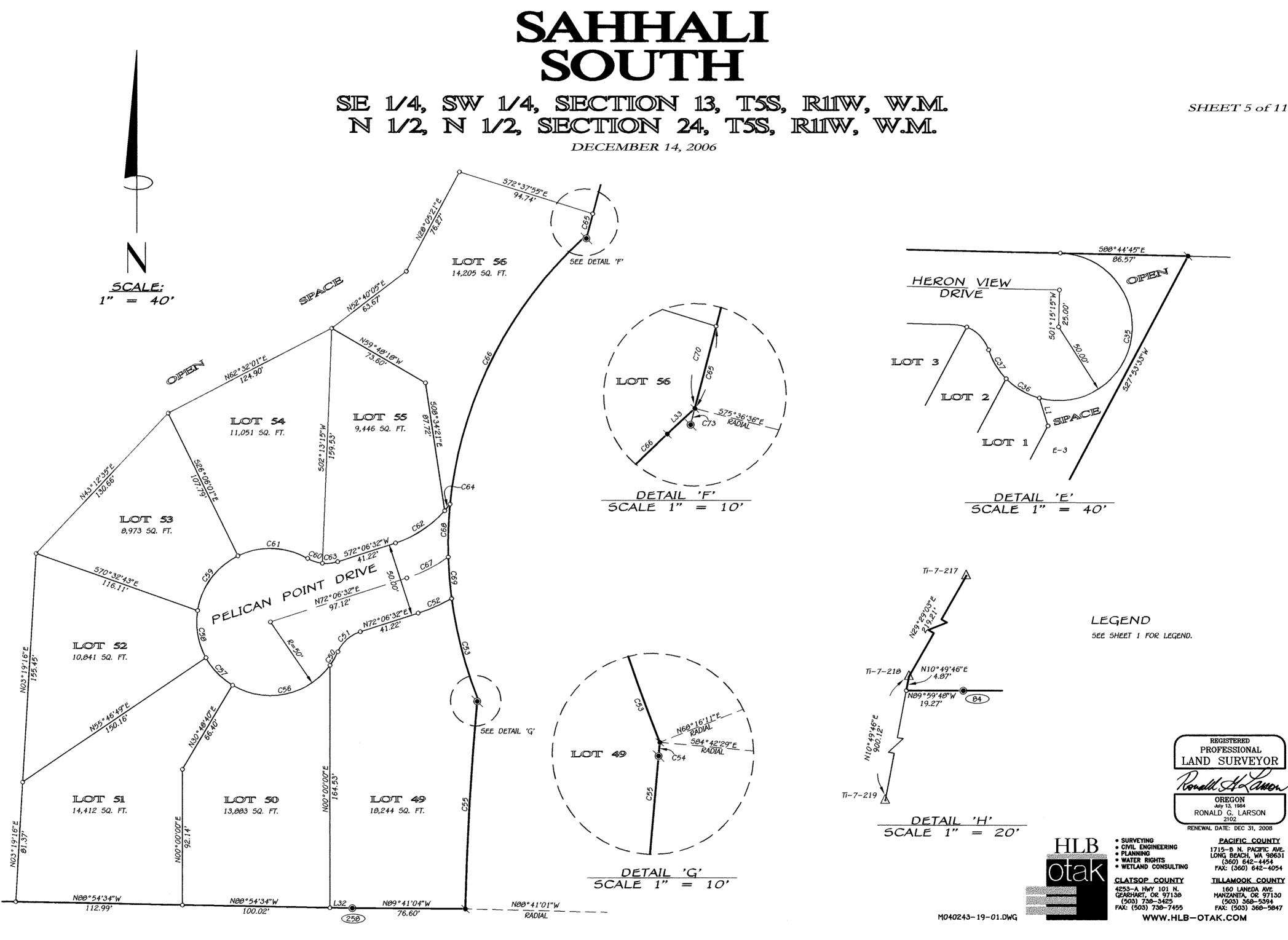
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			E TAL		
CURVE		LENGTH		CH. BEARING	
C1 C2	125.00' 125.00'	23.39' 11.49'	10°43'14" 5°16'04"	N04°06'01"W N27°28'16"E	23.35' 11.49'
<u>C3</u>	125.00'	47.12'		N40°54'18"E	
C4	125.00'	29.11'	13°20'33"		29.04'
C5	275.00'	13.17'	2°44'38"	563°40'32"W	
C6 	275.00' 275.00'	111.65' 14.98'	23°15'42" 3°07'18"	N50°40'22"E N37°28'52"E	110.88' 14.98'
CØ	125.00'	22.21'	10°10'49"	N41°00'38"E	22.18'
<u>C9</u>	125.00'	3.93'	1°48'06"	N47°00'05"E	3.93'
C10	50.00'	61.55'	70°32'10"	N12°38'04"E	57.74'
<u>C11</u>	50.00'	18.51'	21°12'59"	N33°14'30"W	18.41'
<u>C12</u> C13	55.00' 55.00'	23.25' 27.51'	24°13'24" 28°39'41"	N31°44'19"W N05°17'46"W	23.08' 27.23'
C14	55.00'	29.16'	30°22'50"	N24°13'29"E	28.82'
C15	55.00'	15.23'	15°51'57"	N47°20'52"E	15.18'
C16	55.00'	26.25'	27°20'37"	N60°57'09"E	
<u>C17</u>	55.00'	26.25'	27°20'39"		26.00'
C18	55.00'	26.25' 26.20'	<u>27°20'39"</u> 27°17'50"		26.00'
C19 C20	55.00' 55.00'	26.29'	27°23'28"	529°02'20"E 501°41'41"E	25.96' 26.04'
C21	125.00'	20.58'	9°25'58"	516°43'02"W	20.56'
C22	125.00'	41.80'	19°09'29"	531°00'45"W	41.60'
C23	125.00'	15.95'	7°18'39"	544°14'49"W	15.94'
C24 C25	75.00'	15.68'	11°58'55" 3°52'14"	541°54'41"W 537°51'20"W	15.66' 21.95'
C25 C26	325.00' 325.00'	21.95' 99.59'	3°52'14" 17°33'24"	537°51′20'W 548°34'09"W	<u>21.95'</u> 99.20'
C27	325.00'	30.44'	5°21'58"	560°01'50"W	30.43'
C28	325.00'	13.24'	2°20'02"	563°52'50"W	13.24'
C29	75.00'	39.78'	30°23'12"	N49°51'15"E	39.31'
<u>C30</u>	75.00'	5.96'	4°33'21"	532°22'59"W	5.96'
<u>C31</u> C32	75.00' 75.00'	10.91' 40.89'	8° 19'53" 31° 14'04"	525°56'22"W 506°09'24"W	10.90' 40.38'
C33	75.00'	48.06'	36°43'01"	572°54'46"W	47.24'
C34	125.00'	80.07°	36°42'00"	572°54'15"W	78.71'
C35	50.00'		193°55'52"	NOBº 13'11"E	99.26'
C36	50.00'	24.30'	27°50'52"		
<u>C37</u> C38	50.00' 25.00'	23.09' 22.15'	26°27'29" 50°45'42"	531°26'46"E 543°35'52"E	
C39	25.00'	8.63'	19°46'02"		
C40	75.00'	1.53'	1°09'57"	589°19'44"E	
C41	75.00'	46.51'		N72°19'17"E	
<u>C42</u>	125.00'	80.10'		N72°54'46"E	
<u>C43</u> C44	100.00'	69.05' 60.99'	39°33'56" 34°56'33"		
C45	300.00'	152.51'	29°07'38'	550°29'02"W	
C46	100.00'	20.91'	11°58'55"	N41°54'41"E	20.87'
C47	75.00'	61.96'	47°20'13"	524°14'02"W	
C48	100.00' 100.00'	64.08' 64.05'	36°43'01" 36°42'00"	N72°54'46"E 572°54'15"W	
<u>C49</u> C50	50.00'	10.66'	12°12'56"		
C51	25.00'	21.03'	48°11'23"		
C52	125.00'		11°22'20"	· · · · · · · · · · · · · · · · · · ·	······
<u>C53</u>	281.35'		14°13'44"		
<u>C54</u> C55	2068.24'		0°03'52" 3°54'40"	505°15'35"W 503°16'19"W	
C56	50.00'	73.89'	84°40'34"		
C57	50.00°	26.30'	30°08'24"	***************************************	
C58	50.00'	33.18'	38°01'02"	510°02'25"E	32.57'
C59	50.00'	47.94'	54°55'53"	536°26'03"W	
<u>C60</u> C61	25.00' 50.00'	10.60' 49.22'	24°17'25" 56°23'56"	N71°50'47"W N87°54'03"W	
<u>C62</u>	75.00	40.40'	30°51'40"	556° 40' 42" W	••••••••••••••••••••••••••••••••••••••
C63	25.00'	10.43'	23°53'58'		
C64	75.00'	5.78'	4°24'49"	539°02'30"W	
<u>C65</u>	2048.24'		0°24'11"	514°35'29"W	
<u>C66</u> C67	100.00'	203.68' 31.66'	41°28'42" 18°08'31"	526°19'07"W N63°02'17"E	
C68	281.35'		7°19'16"	501°55'08"W	
C69	281.35'	28.28'	5° 45' 36"	504°37'17"E	28.27'
C70		215.79'	6°02'10"	517°24'29"W	
<u>C71</u> C72	281.35' 2068.24'	A DESCRIPTION OF THE OWNER OWNER OF THE OWNER OWNER OF THE OWNER	68°47'17" 3°58'32"	512°39'49"W 503°18'15"W	
C72	2068.24		0°04'48"	514°21'00"W	
C74	100.00'		14°22'14"		
C75	100.00'	43.97'	25°11'42"	503°08'13"W	43.62'
C76	275.00'	38.09'	7°56'11"	556°17'05"W	
<u>C77</u>	275.00'	9.84'	2°03'03"	561°16'42"W	······
C78 C79	125.00' 55.00'	51.44' 12.66'	23°34'38" 13°11'36"	N13°02'55"E N48°41'03"E	51.08' 12.64'
C80	55.00	2.87'	2°59'04"	N56°46'34"E	2.86'
CB1	50.00'	10.45'	11°58'17"	502°58'58"W	10.43'
C82	50.00'	15.07'	17°15'47"	517°35'59"W	15.01'
CØ3	733.14'	144.17'	11°16'02"	522°24'46"W	143.94'
<u></u> C85	748.14' 281.35'	144.96' 34.41'	11°06'07" 7°00'27"	521°19'09"W 543°33'14"W	144.74' 34.39'
CØ6	100.00'	63.39'	36°19'04"	N70°35'13"W	
-	50.00'	2.00'	2°17'31"	545°49'16"E	

SAHHALI SOUTH



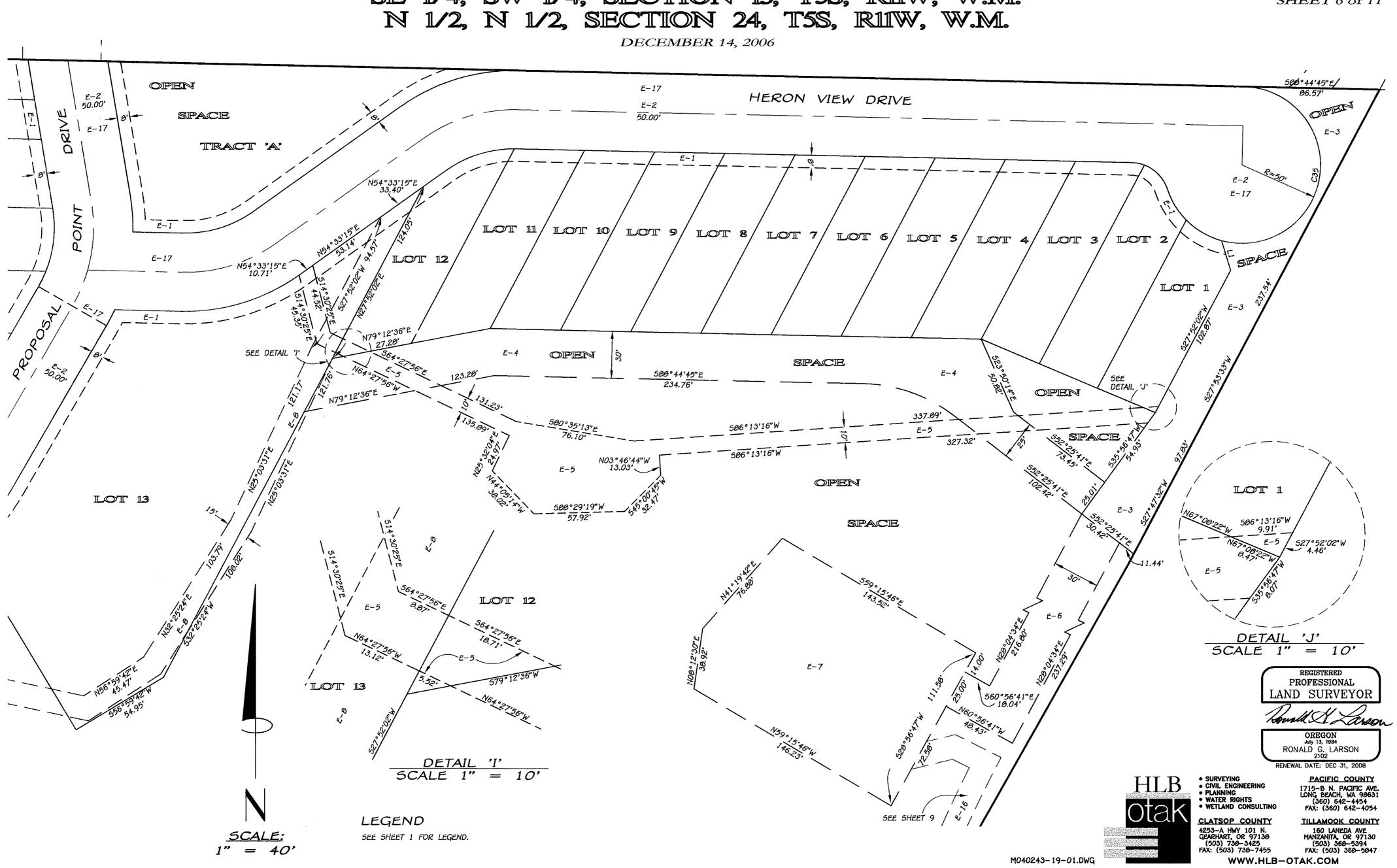
C-225

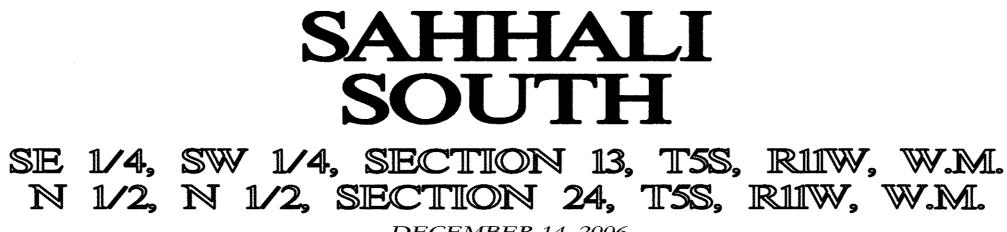


SHEET 5 of 11

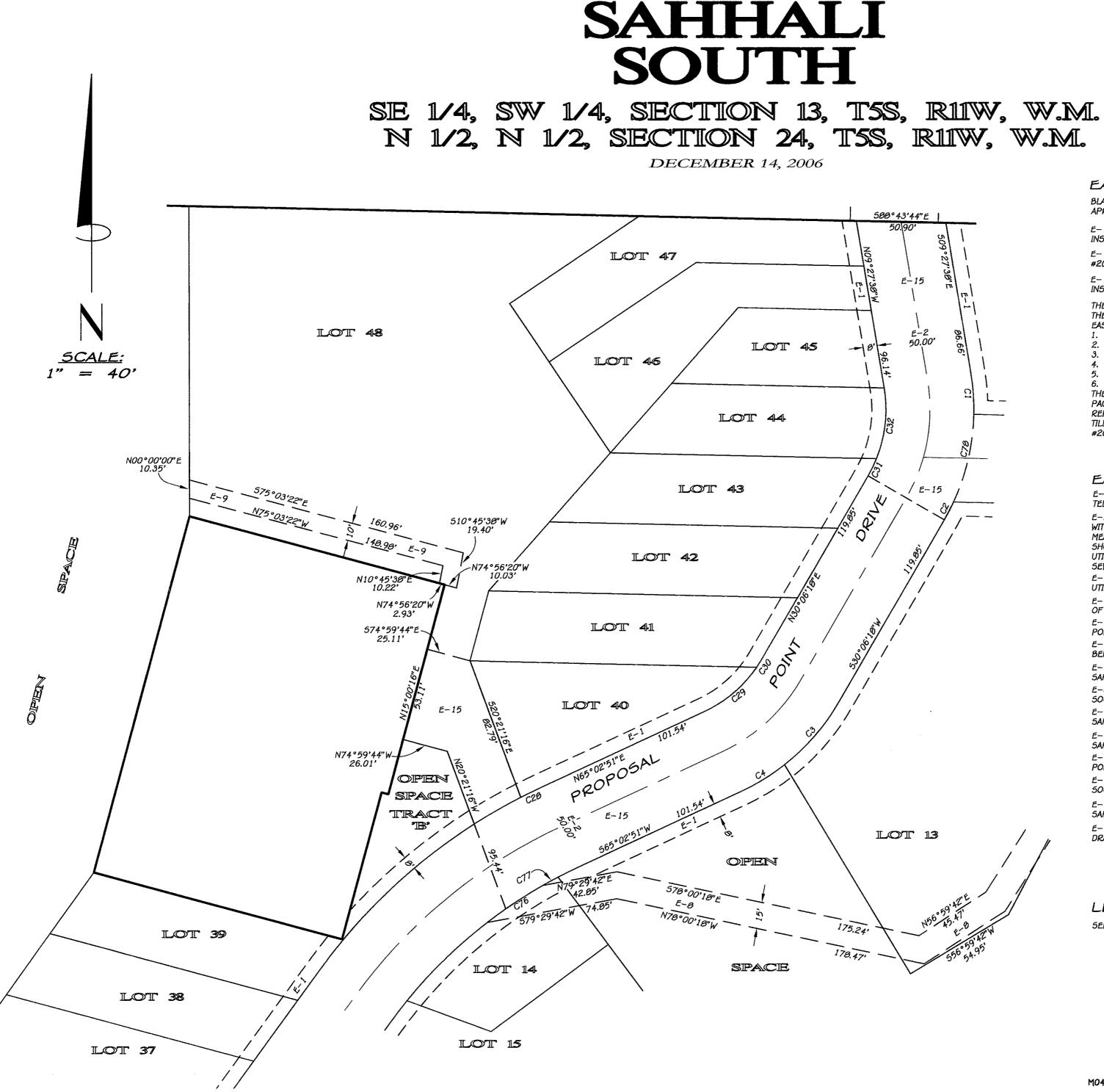
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SOUTH





SHEET 6 of 11



SHEET 7 of 11

EASEMENTS OF RECORD

BLANKET RIGHT-OF-WAY EASEMENT TO THE PEOPLE'S UTILITY DISTRICT, RECORDED APRIL 20, 1971, IN BOOK 222, PAGE 912, TILLAMOOK COUNTY DEED RECORDS.

E-15 - VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN INSTRUMENT #2006-010736, TILLAMOOK COUNTY DEED RECORDS. E-16 - VARIABLE WIDTH SANITARY SEWER EASEMENT AS DESCRIBED IN INSTRUMENT

#2006-002727, TILLAMOOK COUNTY DEED RECORDS.

E-17 - VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN INSTRUMENT #2006-010735, TILLAMOOK COUNTY DEED RECORDS.

THE FOLLOWING EASEMENTS DO NOT CONTAIN CENTERLINE DESCRIPTIONS. THEREFORE WE ARE UNABLE TO DETERMINE THE EXACT LOCATION OF SAID EASEMENTS:

1. WATER LINE EASEMENT - BOOK 216, PAGE 373. 2. ACCE55 EASEMENT - BOOK 225, PAGE 777.

WATER LINE EASEMENT - BOOK 230, PAGE 677.

WATER LINE EASEMENT AND AGREEMENT - BOOK 236, PAGE 432.

WATER LINE EASEMENT AND AGREEMENT - BOOK 236, PAGE 606. 5. ACCESS EASEMENTS - BOOK 442, PAGE 602.

THE ROADWAY EASEMENT RECORDED IN DEED BOOK 235, PAGE 613, BOOK 236, PAGE 783 AND BOOK 261, PAGE 709 OVER THE EXISTING ROADWAY HAS BEEN REPLACED BY THE ACCESS EASEMENT RECORDED IN INSTRUMENT #2006-010736, TILLAMOOK COUNTY DEED RECORDS, AS PER SECTION 2 AND 3. INSTRUMENT #2003-422921, TILLAMOOK COUNTY DEED RECORDS.

EASEMENTS CREATED BY THIS PLAT E-1 - & FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT FOR POWER, CABLE, TELEPHONE, SEWER, ETC.

E-2 - VARYING WIDTH ROADWAY EASEMENT PROVIDED OVER ALL ROADS SHOWN WITHIN THIS PLAT FOR ACCESS BY PEDESTRIANS, VEHICLES, OR OTHER APPROPRIATE MEANS FOR THE USE OF THE OWNERS, RESIDENTS, AND GUESTS OF SAHHALI SHORES AT NESKOWIN CONSOLIDATED OWNERS ASSOCIATION, AND A NON-EXCLUSIVE UTILITY EASEMENT OVER ALL ROADWAYS SHOWN WITHIN THIS PLAT FOR SANITARY SEWER, WATER MAINS, UNDERGROUND POWER, TELECOMMUNICATIONS, ETC.

E-3 - A VARIABLE WIDTH NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT FOR UTILITIES (POWER, CABLE, TELEPHONE, SEWER, ETC.) AND EMERGENCY SERVICES. E-4 - A VARIABLE WIDTH EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF LOT 13.

E-5 - A VARIABLE WIDTH EASEMENT FOR STORM DRAINAGE PIPE AND SETTLING POND FOR THE BENEFIT OF THE SAHHALI SOUTH OWNERS ASSOCIATION.

E-6 - A VARIABLE WIDTH EASEMENT FOR INGRESS, EGRESS AND UTILITIES FOR THE BENEFTT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-7 - AN EASEMENT FOR SANITARY SEWER TREATMENT PLANT FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-8 - A 15 FOOT WIDE EASEMENT FOR WATERLINE FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-9 - A 10 FOOT WIDE EASEMENT FOR STORM DRAINAGE FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-10 - A 15 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-11 - A VARIABLE WIDTH EASEMENT FOR STORM DRAINAGE PIPE AND SETTLING POND FOR THE BENEFIT OF THE SAHHALI SOUTH OWNERS ASSOCIATION. E-12 - A 15 FOOT WIDE EASEMENT FOR WATERLINE FOR THE BENEFIT OF SAHHALI

SOUTH OWNERS ASSOCIATION. E-13 - A 10 FOOT WIDE EASEMENT FOR STORM DRAINAGE FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

E-14 - A VARIABLE WIDTH NON-EXCLUSIVE UTILITY EASEMENT FOR STORM DRAINAGE FOR THE BENEFIT OF SAHHALI SOUTH OWNERS ASSOCIATION.

HLB

Dta

 PLANNING
 WATER RIGHTS WETLAND CONSULTING

CLATSOP COUNTY

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

LEGEND SEE SHEET 1 FOR LEGEND.

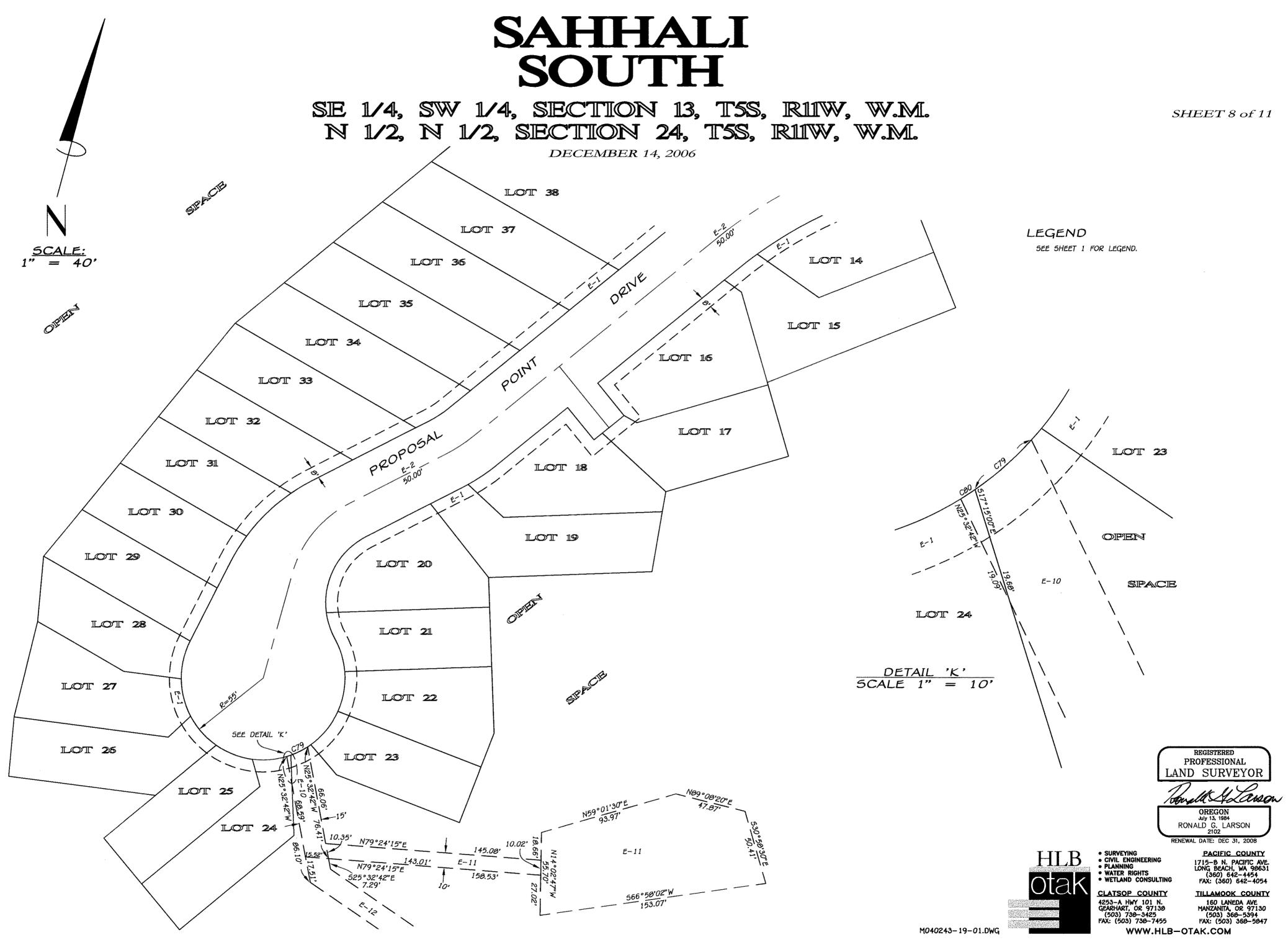
REGISTERED PROFESSIONAL LAND SURVEYOR Vonall & Larson OREGON July 13, 198 RONALD G. LARSON 2102 RENEWAL DATE: DEC 31, 2008 SURVEYING
 CIVIL ENGINEERING PACIFIC COUNTY

1715-B N. PACIFIC AVE. LONG BEACH, WA 98631 (360) 642-4454 FAX: (360) 642-4054

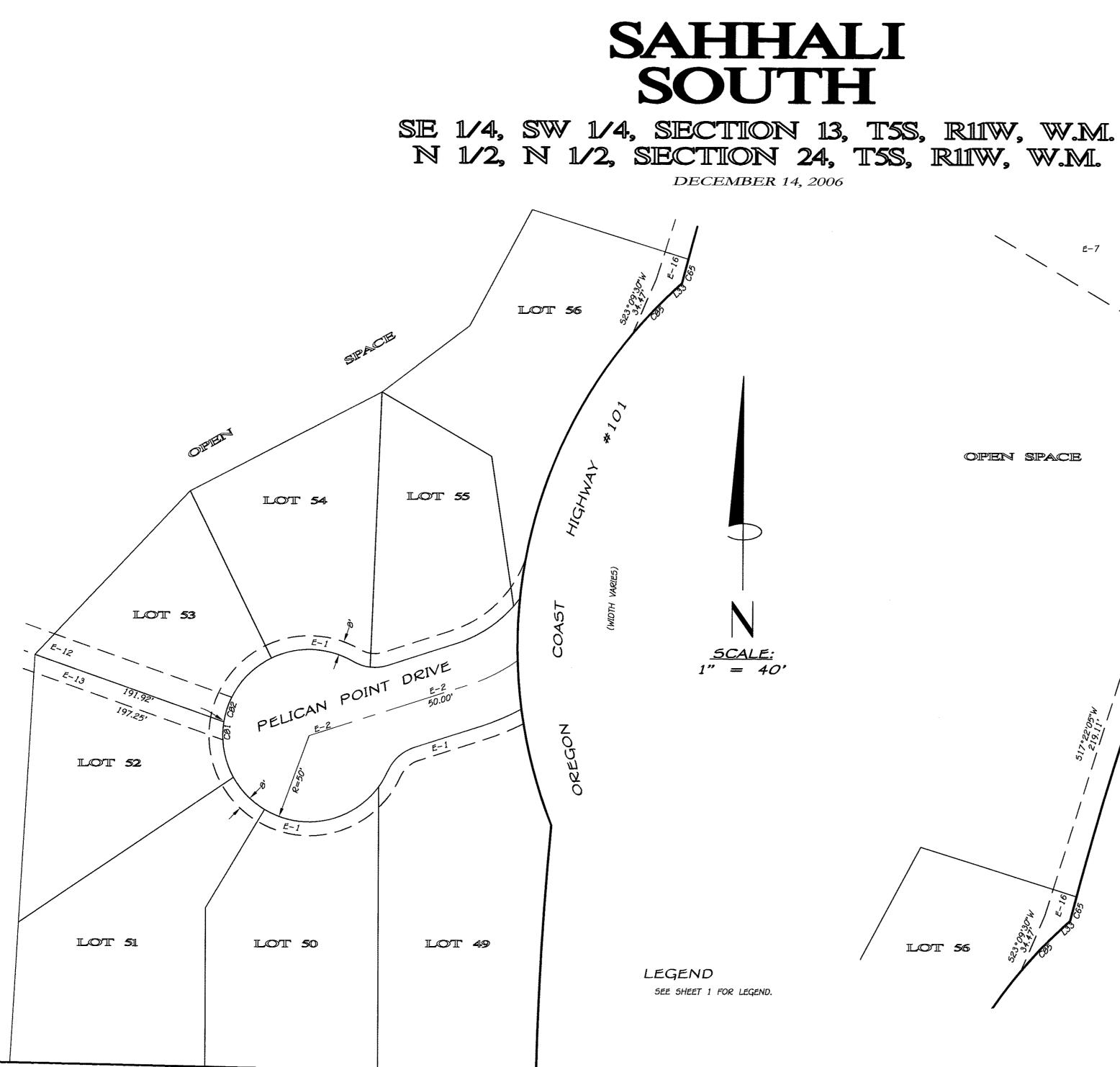
TILLAMOOK COUNTY 160 LANEDA AVE MANZANITA, OR 97130 (503) 360-5394 FAX: (503) 368-5847 WWW.HLB-OTAK.COM

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SHEET 9 of 11

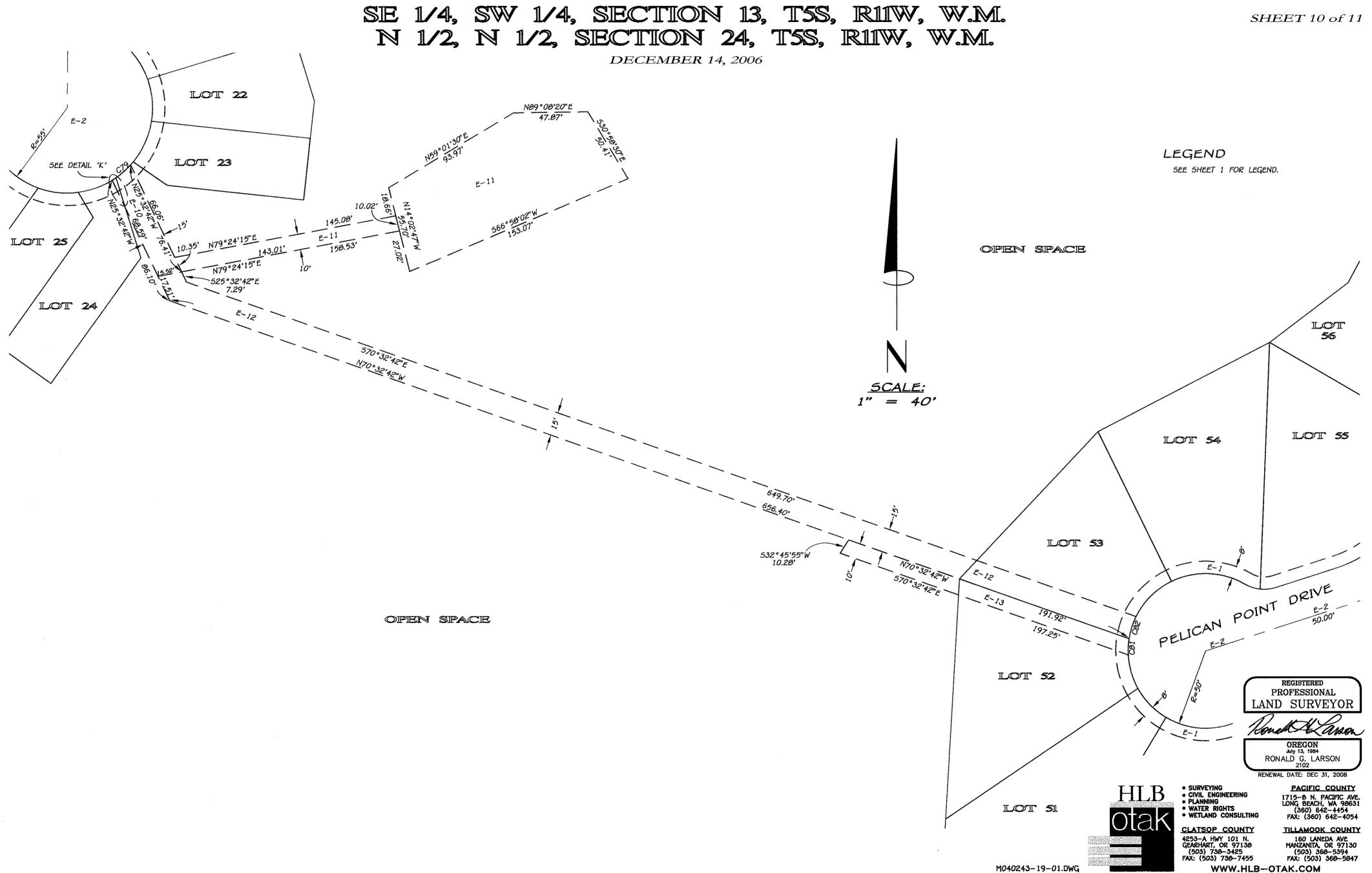
576°32'48" 18.93' 576°32'48"W 27.14' 563°18'32"E 11.86' *101 5-2-0 -1-2-2-2-1 -1-2-2-2-1 HIGHWAN COAS₇ ^{(WDTH} 517°22'05"W GON ORE REGISTERED PROFESSIONAL LAND SURVEYOR Konald Larson OREGON July 13, 1984 RONALD G. LARSON RENEWAL DATE: DEC 31, 2008 • SURVEYING • CIVIL ENGINEERING HLB PACIFIC COUNTY 1715-B N. PACIFIC AVE. LONG BEACH, WA 99631 (360) 642-4454 FAX: (360) 642-4054 PLANNING
 WATER RIGHTS otak • WETLAND CONSULTING CLATSOP COUNTY TILLAMOOK COUNTY 4253-A HWY 101 N. Gearhart, or 97130 (503) 730-3425 FAX: (503) 730-7455 160 LANEDA AVE MANZANITA, OR 97130 (503) 360-5394 FAX: (503) 360-5047

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C - 22 S

SAHHALI SOUTH





SHEET 10 of 11

SAHHALI SOUTH

SURVEYOR'S CERTIFICATE

I, RONALD G. LARSON, CERTIFY THAT:

I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 28 IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 13, AND GOVERNMENT LOTS 2, 3, 4 AND 5 LOCATED IN THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 11 WEST, OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON, FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE EAST ONE-SIXTEENTH CORNER ON THE NORTH LINE OF SAID SECTION 24, SAID POINT BEING MARKED BY A 5/8" IRON ROD, SAID POINT ALSO BEING THE INITIAL POINT; THENCE SOUTH 08°44'45" EAST 549.60 FEET ALONG THE NORTH LINE OF SAID SECTION 24 TO THE WEST RIGHT-OF-WAY LINE OF THE RELOCATED OREGON COAST HIGHWAY #101, SAID POINT BEING MARKED BY A 5/8" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE RELOCATED OREGON COAST HIGHWAY #101 THE FOLLOWING COURSES AND DISTANCES:

THENCE SOUTH 27°53'33" WEST 237.54 FEET TO THE BEGINNING OF A SPIRAL CURVE SAID POINT BEING MARKED BY A 1" ALUMINUM CAP STAMPED "OREGON STATE HIGHWAY DIVISION": THENCE ALONG SAID SPIRAL CURVE, THE CHORD OF WHICH BEARS SOUTH 27°47'32" WEST 105.54 FEET TO A 1" ALUMINUM CAP STAMPED "OREGON STATE HIGHWAY DIVISION";

THENCE SOUTH 29°24'10" WEST 310.27 FEET TO THE BEGINNING OF A SPIRAL CURVE, SAID POINT BEING MARKED BY A 1" ALUMINUM CAP STAMPED "OREGON STATE HIGHWAY DIVISION"; THENCE ALONG SAID SPIRAL CURVE, THE CHORD OF WHICH BEARS SOUTH 21°47'00" WEST 100.99 FEET TO A 1" ALUMINUM CAP STAMPED "OREGON STATE HIGHWAY DIVISION", SAID POINT BEING THE BEGINNING OF A NON-TANGENT 2048.24 FOOT RADIUS CURVE TO THE LEFT. THE RADIUS OF WHICH BEARS SOUTH 69°34'26" EAST:

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°02'10" (THE LONG CHORD BEARS SOUTH 17°24'29" WEST 215.69 FEET) AN ARC DISTANCE OF 215.79 FEET TO THE NORTHWEST RIGHT-OF-WAY LINE OF OLD HIGHWAY #101, SAID POINT BEING MARKED BY A 5/8" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE LEAVING THE WEST RIGHT-OF-WAY LINE OF THE RELOCATED OREGON COAST HIGHWAY

#101, SOUTH 47°03'28" WEST 6.36 FEET ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF OLD HIGHWAY #101, TO THE BEGINNING OF A TANGENT 281.35 FOOT RADIUS CURVE TO THE LEFT, SAID POINT BEING MARKED BY A 5/8" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 60°47'17" (THE LONG CHORD BEARS SOUTH 12°39'49" WEST 317.86 FEET) AN ARC DISTANCE OF 337.78 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE RELOCATED OREGON COAST HIGHWAY #101, SAID POINT BEING THE BEGINNING OF A 2060.24 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, THE RADIAL LINE OF WHICH BEARS SOUTH Ø4°42'29" EAST, SAID POINT ALSO BEING MARKED BY A 5/0" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC";

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°58'32" (THE LONG CHORD BEARS SOUTH 3°18'15" WEST 143.48 FEET) AN ARC DISTANCE OF 143.51 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 2, SAID POINT BEING MARKED BY A 5/8" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC";

THENCE NORTH 89°41'04" WEST 76.60 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 2 TO THE SOUTHWEST CORNER THEREOF, SAID POINT BEING MARKED BY A 3" BRASS DISK IN CONCRETE STAMPED "GOVT LOTS 2, 3, 14, 15 L5 793";

THENCE NORTH 08°54'34" WEST 1305.69 FEET ALONG THE SOUTH LINE OF GOVERNMENT LOTS 3 AND 4 TO THE SOUTHWEST OF CORNER OF SAID GOVERNMENT LOT 4, SAID POINT BEING MARKED BY A 5/B" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE NORTH 1°00'05" EAST 511.82 FEET ALONG THE WEST LINE OF SAID GOVERNMENT LOT

4 TO A 5/8" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE NORTH 09°59'40" WEST 657.66 FEET TO A 5/0" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN L5 793";

THENCE NORTH 89°59'48" WEST 200 FEET, MORE OR LESS, TO THE WEST LINE OF SAID GOVERNMENT LOT 5:

THENCE NORTHERLY ALONG THE WEST LINE OF SAID GOVERNMENT LOT 5 AND THE WEST LINE OF SAID GOVERNMENT LOT 28, 2200 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 28;

THENCE SOUTH 88°42'09" EAST 100 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 20 TO A 5/0" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC"; THENCE SOUTH 08°42'09" EAST 375.04 FEET ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 28 TO THE NORTHEAST CORNER THEREOF, SAID POINT BEING MARKED BY A 5/8" IRON ROD; THENCE SOUTH 0°35'00" WEST 1319.03 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT

28 TO THE SOUTHEAST CORNER THEREOF SAID POINT BEING ON THE NORTH LINE OF SECTION 24, SAID POINT ALSO BEING MARKED BY A 5/8" IRON ROD; THENCE SOUTH 00°43'44" EAST 1306.65 FEET ALONG THE NORTH LINE OF SAID SECTION 24 TO

THE INITIAL POINT. LESS AND EXCEPTING THAT TRACT OF LAND AS DESCRIBED IN INSTRUMENT #2003-424901. FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE WHICH IS SOUTH 199.60 FEET AND WEST 546.07 FEET FROM THE EAST ONE-SIXTEENTH CORNER ON THE NORTH LINE OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN;

THENCE SOUTH 15°00'16" WEST 123.35 FEET;

THENCE NORTH 75°04'43" WEST 4.01 FEET; THENCE SOUTH 15°03'09" WEST 86.40 FEET;

THENCE NORTH 74°56'20" WEST 146.00 FEET:

THENCE NORTH 15°01'26" EAST 209.72 FEET:

THENCE SOUTH 74°57'09" EAST 60.49 FEET TO A 3/4" IRON PIPE; THENCE CONTINUING SOUTH 74°57'09" EAST 89.51 FEET TO THE POINT OF BEGINNING.

CONDITIONS & RESTRICTIONS

SEE INSTRUMENT # 2007 - 10/038, TILLAMOOK COUNTY DEED RECORDS FOR DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, FOR SAHHALI SOUTH.

CONDITIONS AND RESTRICTIONS FROM THE OREGON DEPARTMENT OF FISH AND WILDLIFE STATING: THIS PROPERTY IS IN AN AREA OF KNOWN BIG GAME AND FUR BEARER ANIMAL USE. ANY AND ALL PRESENT AND FUTURE OWNERS OF THIS PROPERTY WAIVE ANY CLAIM THEY MAY HAVE AGAINST THE OREGON DEPARTMENT OF FISH AND WILDLIFE FOR ANY DAMAGE AND/OR INCONVENIENCE CAUSED BY THESE ANIMALS TO SUCH PERSONS OR THEIR REAL PROPERTY, AND/OR PERSONAL PROPERTY.

THIS AGREEMENT CANNOT BE DELETED OR ALTERED WITHOUT PRIOR CONTACT AND AGREEMENT BY THE OREGON DEPARTMENT OF FISH AND WILDLIFE.

MONUMENT NOTES

- (7) FOUND 1-1/2" IRON PIPE WITH 3" BRASS CAP, 0.20' ABOVE THE GROUND, SET TO BE CS 1/16 CORNER SECTION 13, SEE MAP B-574, AND REWITNESSED BY COUNTY SURVEYOR IN 1991, SEE REWITNESS BOOK #7 PAGE 52, TILLAMOOK COUNTY SURVEY RECORDS.
- (b) FOUND COUNTY SURVEYOR'S 3" BRASS CAP IN CONCRETE SET IN RED CLAY PIPE AND STAMPED "1/4 513/524 R5 287 1974", SEE REWITNESS BIN #940.
- (25) FOUND COUNTY SURVEYOR'S 3" BRASS CAP IN CONCRETE SET IN RED CLAY PIPE, STAMPED "55 11 55 10 13 18 24 19 R5 287 1974", SET AS SECTION CORNER, SEE REWITNESS BIN #941, TILLAMOOK COUNTY SURVEY RECORDS, HELD FOR BASIS OF BEARING.
- (34) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "PLS 1425", 0.2' ABOVE THE GROUND, 0.45 SOUTH AND 3.50' EAST OF CALCULATED NORTHWEST CORNER, SEE MAP B-1241, TILLAMOOK COUNTY SURVEY RECORDS.
- (43) FOUND 5/8" IRON ROD, FLUSH TO GROUND, SET AS EAST 1/16 CORNER SECTION 13, SEE MAP B-574. TILLAMOOK COUNTY SURVEY RECORDS. HELD FOR BASIS OF BEARING.
- (63) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.4' ABOVE GROUND. HELD FOR POSITION, SEE MAP B-2708, TILLAMOOK COUNTY SURVEY RECORDS
- (B4) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.4' BELOW GROUND. HELD FOR POSITION, SEE MAP B-2708, TILLAMOOK COUNTY SURVEY RECORDS.
- (256) FOUND 3" BRASS CAP IN CONCRETE STAMPED "GVMT LOTS 2 3 14 15 L5 793 1988". HELD FOR POSITION. SEE REWITNESS BIN #924, TILLAMOOK COUNTY SURVEY RECORDS.
- (2960) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.6' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-7813, TILLAMOOK COUNTY SURVEY RECORDS.
- (2961) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.3' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-7813, TILLAMOOK COUNTY SURVEY RECORDS.
- (2962) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.3' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-7013, TILLAMOOK COUNTY SURVEY RECORDS.
- (2969) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793", 0.3' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-7813, TILLAMOOK COUNTY SURVEY RECORDS.
- (3163) SET 5/8" X 40" REBAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC" TO REPLACE PREVIOUSLY TIED 5/8" REBAR WITH PLASTIC CAP STAMPED "A. DUNCAN LS 793" INSIDE 3/4" IRON PIPE, 0.3' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-7813 & A-2242, TILLAMOOK COUNTY SURVEY RECORDS.
- (316⊕) FOUND 3/4" IRON PIPE, 0.4' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-2242, TILLAMOOK COUNTY SURVEY RECORDS.

I CERTIFY THAT THIS MAP WAS PREPARED USING HP PRODUCT #51640A INK ON WMF ARCHIVAL PLAT FILM

MALano RONALD G. LARSON, PLS 2102

ACKNOWLEDGMENT STATE OF OREGON

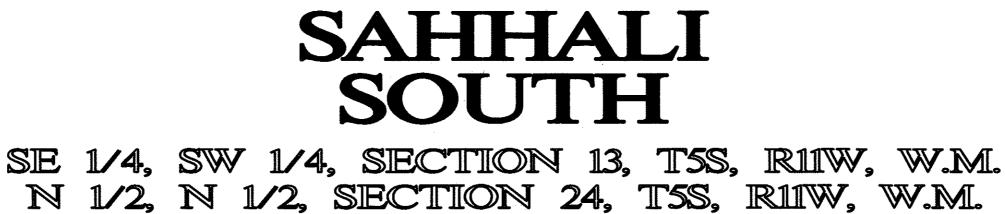
> 5.5. COUNTY OF TILLAMOOK >

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON December 14 _, 2006, BY TIMOTHY D. HOVET AS VICE PRESIDENT OF SYCAN B CORP., MANAGING MEMBER OF SAHHALI SOUTH, LLC.

Karen	Ľ	for	enz	12-14-
NOTARY'S			<u> </u>	DATE

Karen K Lorenz PRINTED NAME OF NOTARY PUBLIC

NOTARY PUBLIC - OREGON COMMISSION NO.: 363671 MY COMMISSION EXPIRES ON THE _____ DAY OF <u>January</u>, 2007



SHEET 11 of 11

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT SAHHALI SOUTH, LLC, A LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE LAND HEREIN DESCRIBED, DOES HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED MAP OF "SAHHALI SOUTH", AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND, PLAT THEREOF, ALL LOTS AND TRACTS BEING DIMENSIONS SHOWN ON SAID MAP, AND THAT THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY AND ALL STREETS WITHIN THIS PLAT ARE PRIVATE. EASEMENTS E-1 THROUGH E-14-THE CREATED FOR THE PURPOSES STATED HEREON.

/22/2006

12-15-07

TIMOTHY D. HOVEF, VICE PRESIDENT, SYCAN B CORP.

MANAGING MEMBER, SAHHALI SOUTH, LLC

APPROVAL5

STATE OF OREGON >5.5. COUNTY OF TILLAMOOK >

EXAMINED AND APPROVED BY THE FOLLOWING:

Danny R. Mc Nutt COUNTY SURVEYO

AXES ARE PAID IN FULL TO JUNE 30, 2007.

Kint W. Nuchi CHAIRMAN TILLAMOOK COUNTY PLANNING COMMISSION

Hurlinan

2-15-07

COUNTY COMMISSIONER

COUNTY COMMISSIONER

Maeles ~

CERTIFICATE OF COUNTY CLERK

>

>

5.5.

>5.5.

STATE OF OREGON COUNTY OF TILLAMOOK

I HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED FOR RECORD ON THE 1/6th DAY OF FEDMAN, 2007 AND RECORDED IN PLAT CABINET B-787-0, TILLAMOOK COUNTY RECORDS, AS INSTRUMENT NO. 2007-13/2

UNAY CIFPY

STATE OF OREGON

COUNTY OF TILLAMOOK

I, TASSI O'NEIL, 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 SAME, AS RECORDED IN PLAT CABINET B-<u>987-0</u> OF PLAT RECORDS OF TILLAMOOK COUNTY, OREGON RECORDED <u>FED MULLINY</u> 16, 2007 AS INSTRUMENT NO. <u>2007-1312</u>.

TASSI D'NEIL, COUNTY CLERK

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

Conda X auson RONALD G. LARSON, PLS 2102



• SURVEYING CIVIL ENGINEERING PLANNING WATER RIGHTS WETLAND CONSULTING

CLATSOP COUNTY 4253-A HWY 101 N. GEARHART, OR 97138 (503) 730-3425 FAX: (503) 730-7455

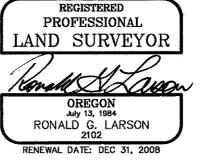
PACIFIC COUNTY 1715-B N. PACIFIC AVE. LONG BEACH, WA 98631 (360) 642-4454 FAX: (360) 642-4054

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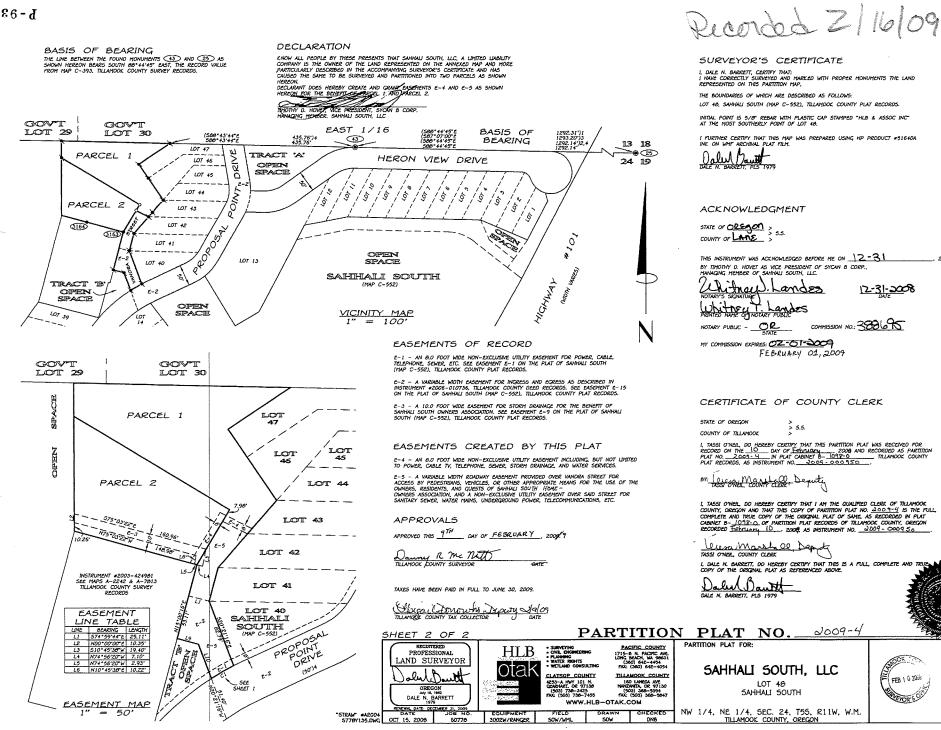
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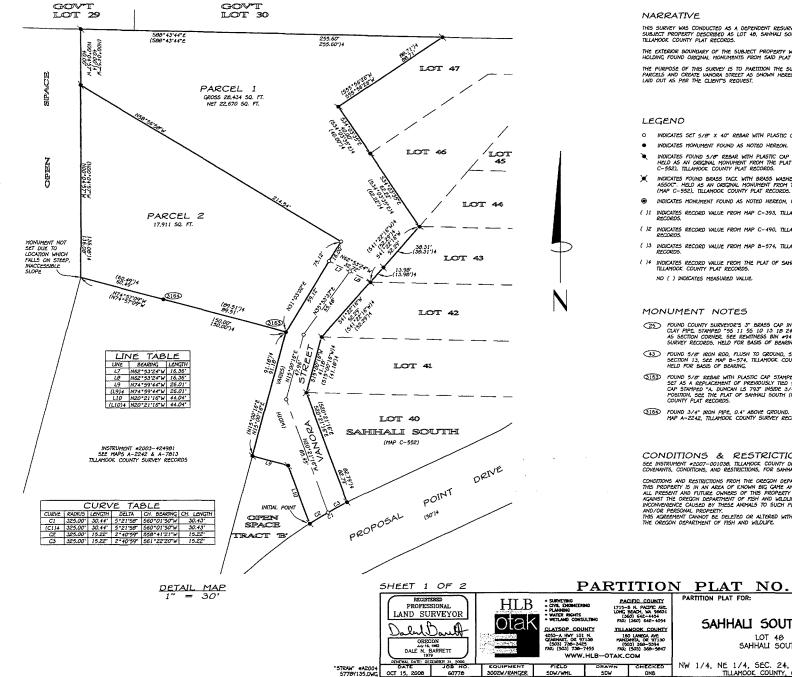
DECEMBER 14, 2006



P-936

2008

986-d



THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY AND REPLAT OF THE SUBJECT PROPERTY DESCRIBED AS LOT 48, SANHALL SOUTH (MAP C-552), TILLAMOOC COUNTY PLAT RECORDS.

THE EXTERIOR BOUNDARY OF THE SUBJECT PROPERTY WAS DETERMINED BY HOLDING FOUND ORIGINAL MONUMENTS FROM SAID PLAT OF SANHALI SOUTH

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE SUBJECT PROPERTY INTO TWO PARCELS AND CREATE VANDRA STREET AS SHOWN HEREON. THE PARCELS WERE LAID OUT AS PER THE CLIENT'S REQUEST.

- O INDICATES SET 518" X 40" REBAR WITH PLASTIC CAP STAMPED "HLB OTAK INC".
- INDICATES MONUMENT FOUND AS NOTED HEREON.
- INDICATES FOUND S/8" REBAR WITH PLASTIC CAP STAMPED "HEB & ASSOC INC". HELD AS AN ORIGINAL MONUMENT PROM THE PLAT OF SAMMALI SOUTH (MAP C-552), TILLAMOOK COUNTY PLAT RECORDS.
- indicates found brass tack with brass washer stamped "hild and assoc". Held as an original monitorit reom the plat of sahhali south (MP C-352), tillanook county plat records.
- INDICATES MONUMENT FOUND AS NOTED HEREON, USED FOR CONTROL.
- ()I INDICATES RECORD VALUE FROM MAP C-393, TILLAMOOK COUNTY SURVEY RECORDS.
- ()2 INDECATES RECORD VALUE FROM MAP C-490, TILLAMOOK COUNTY SURVEY RECORDS.
- ()3 INDICATES RECORD VALUE FROM MAP 8-574, TILLAMOOK COUNTY SURVEY
- ()4 INDICATES RECORD VALUE FROM THE PLAT OF SAHHALI SOUTH (MAP C-552), TILLAMOOK COUNTY PLAT RECORDS. NO () INDICATES MEASURED VALUE.

MONUMENT NOTES

- (25) FOUND COUNTY SURVEYOR'S 3" BRASS CAP IN CONCRETE SET IN RED CLAY PIPE, STAMPED '55 11 55 10 13 18 24 19 25 287 1974", SET AS SECTION CORVER, SEE REMINESS BIN 8-941, TILLAMOOK COUNTY SURVEY RECORDS, HELD FOR BASIS OF BEARING.
- (13) FOUND 5/8" IRON ROD, FLUSH TO GROUND, SET AS EAST 1/16 CORNER SECTION 13, SEE MAP B-574, TILLAMOOK COUNTY SURVEY RECORDS. HELD FOR BASIS OF BEARING.
- (13) FOUND 5/J REAR WITH PLASTIC CAP STAMPED "HLB & ASSOC INC". SET AS A REPLICEMENT OF PREVIOUSLY THE 5/JF REAR WITH PLASTIC CAP STAMPED "A DURING IN 5737 INSUES 3/F ROW PPER HED TOR POSITION, SEE THE PLAT OF SAHAUL SOUTH (MAP C-552), TILLAHOOK COUNTY PLAT RECORDS.
- (15) FOUND 3/4" IRON PIPE, 0.4' ABOVE GROUND. HELD FOR POSITION, SEE MAP A-2242, TILLAMOOK COUNTY SURVEY RECORDS.

CONDITIONS & RESTRICTIONS SEE INSTRUMENT +2007-001030, TILLAMOOK COUNTY DEED RECORDS FOR DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, FOR SANHALL SOUTH.

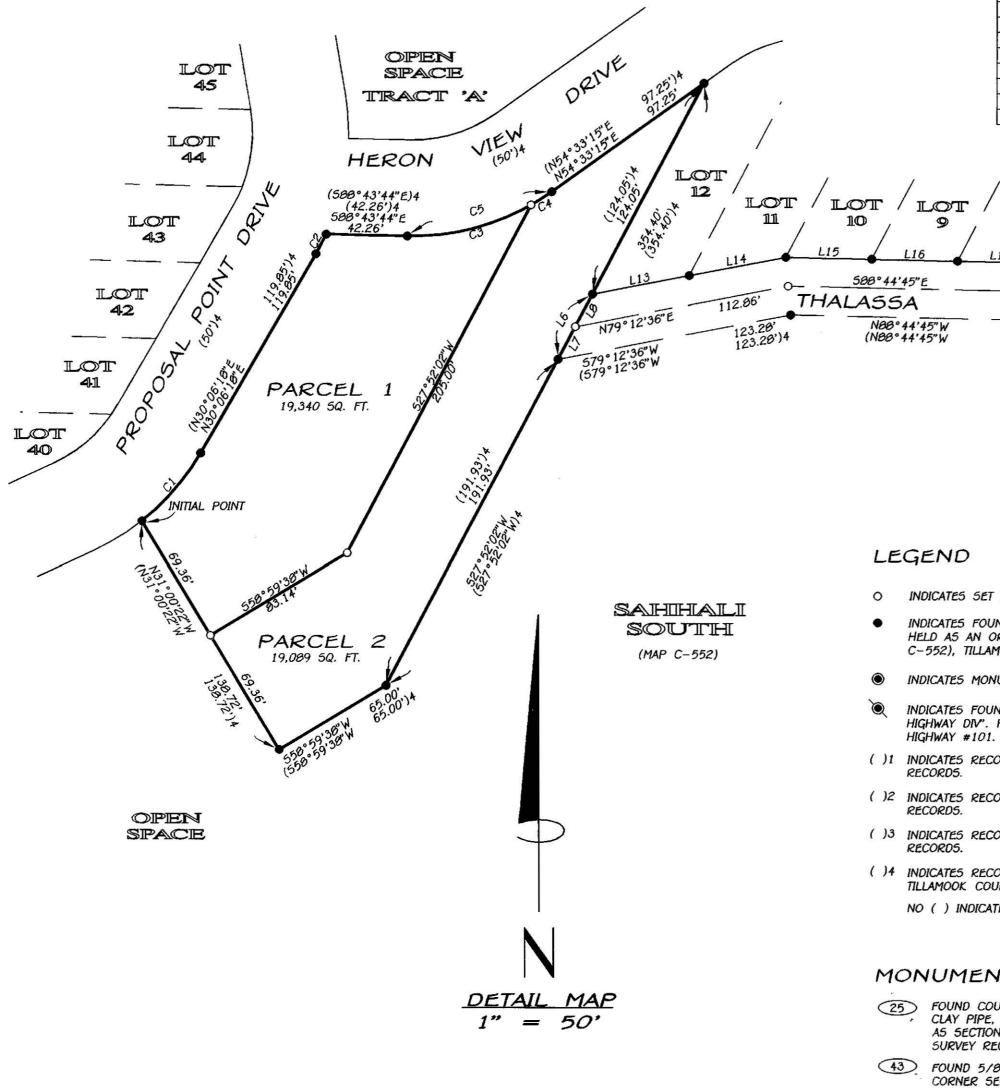
CONDITIONS AND RESTRICTIONS FROM THE OREGON DEPARTMENT OF FISH AND WILDUITS STATING: THIS PROPERT IS IN AN AREA OF KNOWN BIG CAME AND FUR BEARER ANIMAL USE. ANY AND ALL PRESENT NO FUTURE OWNERS OF THIS PROPERTY AND ANY CLAM THEY MAY HAVE AGAINST THE DREGON DEPARTMENT OF FISH AND WILDUITE FOR ANY DAMAGE AND/OR INCOMMENDER: CAUSED BY THESE ANNAUS TO SUCH PERSONS OR THEIR REAL PROPERTY, AND/OR PRESONAL PROPERTY. THIS ARREMENT CANNOT BE DELETED OR ATTROED WITHOUT PRIOR CONTACT AND AGREEMENT BY THE OREGON DEPARTMENT OF FISH AND WILDUITE.

2009-4

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY AND REPLAT OF THE SUBJECT PROPERTY DESCRIBED AS LOT 13, SAHHALI SOUTH (MAP C-552), TILLAMOOK COUNTY PLAT RECORDS.

THE EXTERIOR BOUNDARY OF THE SUBJECT PROPERTY WAS DETERMINED BY HOLDING FOUND ORIGINAL MONUMENTS FROM SAID PLAT OF SAHHALI SOUTH.

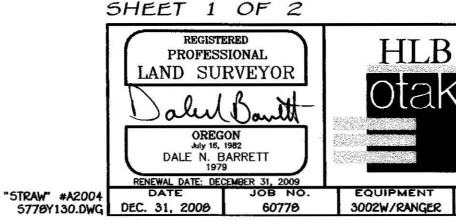
THE PURPOSE OF THIS SURVEY IS TO PARTITION THE SUBJECT PROPERTY INTO TWO PARCELS AND CREATE THALASSA DRIVE AS SHOWN HEREON. THE PARCELS WERE LAID OUT AS PER THE CLIENT'S REQUEST.



CONDITIONS & RESTRICTIONS SEE INSTRUMENT #2007-001038, TILLAMOOK COUNTY DEED RECORDS FOR DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, FOR SAHHALI SOUTH.

CONDITIONS AND RESTRICTIONS FROM THE OREGON DEPARTMENT OF FISH AND WILDLIFE STATING: THIS PROPERTY IS IN AN AREA OF KNOWN BIG GAME AND FUR BEARER ANIMAL USE. ANY AND ALL PRESENT AND FUTURE OWNERS OF THIS PROPERTY WAIVE ANY CLAIM THEY MAY HAVE AGAINST THE OREGON DEPARTMENT OF FISH AND WILDLIFE FOR ANY DAMAGE AND/OR INCONVENIENCE CAUSED BY THESE ANIMALS TO SUCH PERSONS OR THEIR REAL PROPERTY, AND/OR PERSONAL PROPERTY.

THIS AGREEMENT CANNOT BE DELETED OR ALTERED WITHOUT PRIOR CONTACT AND AGREEMENT BY THE OREGON DEPARTMENT OF FISH AND WILDLIFE.



RECORDS,

5 . . . 1

4253-A HWY 101 N. GEARHART, OR 97138 (503) 730-3425 FAX: (503) 730-7455

FIELD

SDW/WML

WWW.HLB-OTAK.COM

DRAWN

SDW

160 LANEDA AVE MANZANITA, OR 97130 (503) 360-5394 FAX: (503) 360-5047

CHECKED

DNB

LOT 13

SAHHALI SOUTH

NW 1/4, NE 1/4, SEC. 24, T55, R11W, W.M.

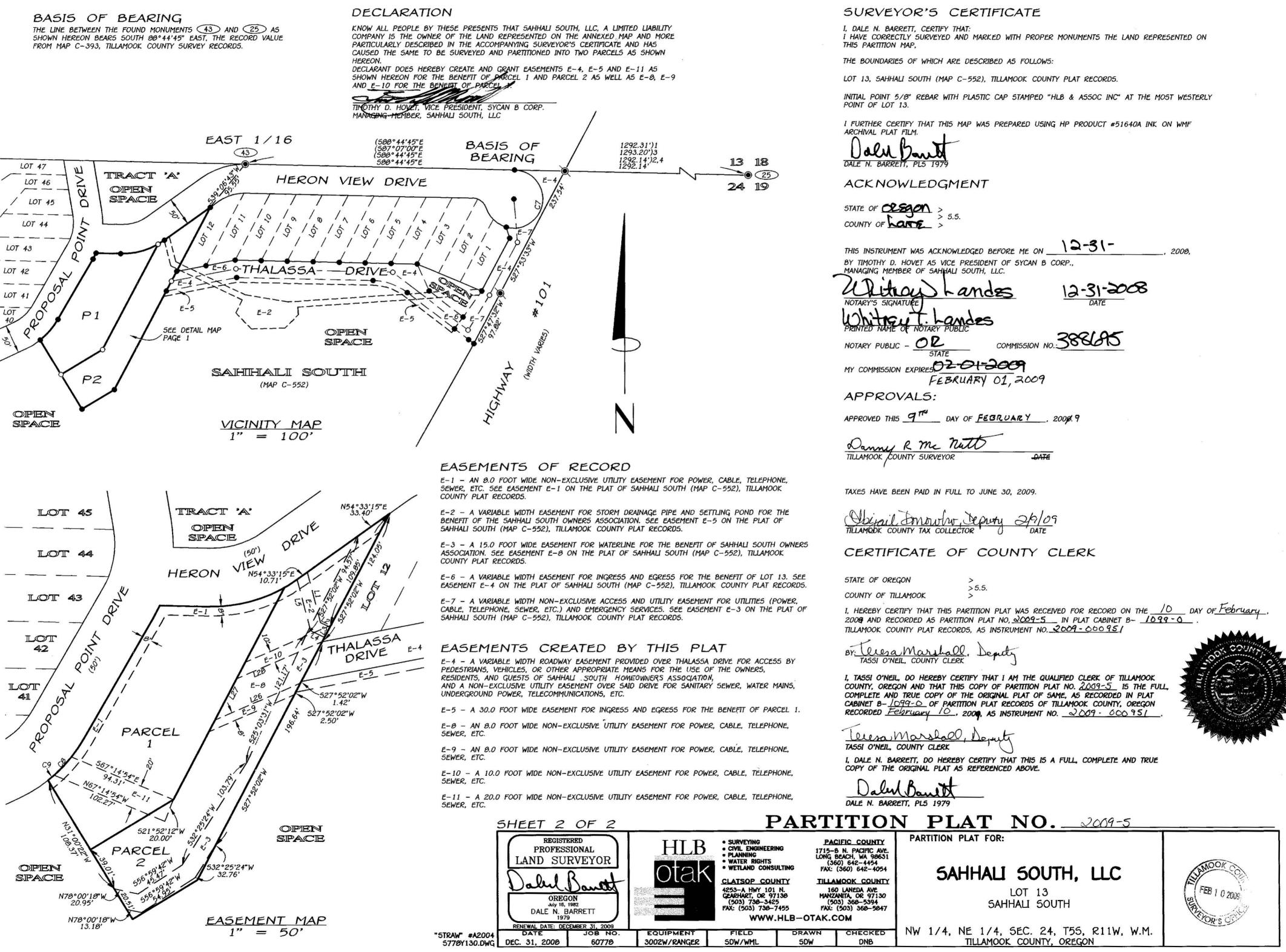
TILLAMOOK COUNTY, OREGON

	2	
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		LINE TABLE UNE BEARING LENGTH L1 514°30'25"E 44.52' L2 564°27'56"E 8.87' L3 527°52'02"W 10.01' L4 564°27'56"E 13.12' L5 514°30'25"E 45.35' L6 527°52'02"W 38.42' (L6)4 527°52'02"W 38.42' L7 527°52'02"W 19.21' L8 527°52'02"W 19.21' L9 N17°08'02"W 19.83'
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OUNTY SURVEYOR'S 3" BRASS CAP IN CONCRETE SET IN RED E, STÁMPED "55 11 55 10 13 18 24 19 RS 287 1974", SET ON CORNER, SEE REWITNESS BIN #941, TILLAMOOK COUNTY RECORDS, HELD FOR BASIS OF BEARING.		(L22)4 523°50'14"E 50.82' L23 552°25'41"E 73.45' (L23)4 552°25'41"E 73.45' L24 N35°56'47"E 54.93' (L24)4 535°56'47"W 54.93'
/8" IRON ROD, FLUSH TO GROUND, SET AS EAST 1/16 SECTION 13, SEE MAP B-574, TILLAMOOK COUNTY SURVEY , HELD FOR BASIS OF BEARING.		L25 N27°52'02"E 102.87' (L25)4 N27°52'02"E 102.87' L26 566°44'02"W 79.68' L27 N27°52'02"E 39.84' L28 N66°44'02"E 79.68'
PARTITIO	N PLAT NO	2009-5
TTTD • SURVEYING PACIFIC COUNTY	PARTITION PLAT FOR:	
• CIVIL ENGINEERING • PLANNING • PLANNING • WATER RIGHTS • WETLAND CONSULTING CLATSOP COUNTY 4253-A HWY 101 N • CIVIL ENGINEERING • PLANNING • WATER RIGHTS • WETLAND CONSULTING • CLATSOP COUNTY 150 LANFDA AVE • CLATSOP COUNTY • COUNTY • CLATSOP COUNTY • CLANEDA AVE	SAHHALI SOUTH,	LLC Spancok

P-937

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EYOR'S OF



Expiration Date: 7/31/2025 Permit Number: 102860 File Number: 114460 Page 1 of 11 Pages

WATER POLLUTION CONTROL FACILITIES PERMIT

Department of Environmental Quality Western Region - Eugene Office 165 East 7th Ave., Suite 100, Eugene, OR 97401 Telephone: (541) 686-7838

Issued pursuant to ORS 468B.050

ISSUED TO:

SOURCES COVERED BY THIS PERMIT:

Sahhali South Homeowners Association 840 Beltline Road Suite 202 Springfield, OR 97477 Type of WasteSystemDomestic Sewage001

Method of Treatment/Disposal Re-circulating Fixed Film Media Filters & Drainfields

SYSTEM TYPE AND LOCATION:

On-Site Sewage Treatment and Disposal

Sahhali South 1.5 miles north of Neskowin

Drainfields located at: T: 5S, R: 10W, Sect.: 19B, lots 800 & 801, Lat.: 45.1281, Long.: -123.9706

RIVER BASIN INFORMATION:

Basin: Northern Oregon Coastal Sub Basin: Wilson/Trask/Nestucca LLID: 1240637462558 River Mile: 92.9 County: Tillamook

8/10/2015

Date

Nearest surface water which would receive waste if it were to discharge: Pacific Ocean

This permit is issued in response to Application No. 963452 received on 9/12/2011 and is based on the Land Use Compatibility Statement signed on 10/3/ 2005 by Tillamook County.

. My , Zach Loboy for Participon David Belvea, Manager

Regional Environmental Solutions

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Schedule A - Waste Disposal Limitations	$\frac{1 \text{ age}}{2-3}$
Schedule B - Minimum Monitoring and Reporting Requirements	
Schedule C - Compliance Conditions and Schedules	
Schedule D - Special Conditions	6-7
Schedule E - Not Applicable	·····
Schedule F - General Conditions	8-11

Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into surface waters constitutes a public health hazard and is prohibited. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule or standard.

SCHEDULE A

Waste Disposal Limitations

- 1. The permittee is authorized to operate and maintain a domestic sewage treatment and disposal facility consisting of Re-circulating Fixed Film Media Filter units with final disposal to soil absorption drainfields.
 - a) The average daily flow to the drainfield should be approximately fifty percent (50%) of the maximum daily or peak flow to the treatment system. The maximum peak daily flow must not exceed the following unless otherwise approved by the Department:

System	Maximum Daily Flow
001	17,400 gpd

b) The **influent** to the treatment unit must not exceed the following maximum concentrations:

Parameter	Limitation
BOD5	400 mg/l
Greases and Oil	30 mg/l
TSS	150 mg/l
TKN	150 mg/l

c) The **effluent** from the treatment unit to the drainfields must not exceed the following maximum concentrations:

Parameter	Limitation
BOD5	30 mg/l
TSS	30 mg/l
TN	30 mg/l

- d) No discharge to surface waters is permitted. All wastewater must be distributed into a soil absorption facility so as to prevent:
 - 1) Surfacing of wastewater on the ground surface, surface runoff or subsurface drainage through drainage tile.
 - 2) The creation of odors, fly and mosquito breeding and other nuisance conditions.
 - 3) The overloading of land with nutrients or organics.
 - 4) Impairment of existing or potential beneficial uses of groundwater.
- 2. No cooling water, air conditioner water, water softener brine, groundwater, oil, hazardous materials, roof drainage, storm water runoff, or other aqueous or non-aqueous substances which are, in the judgment of the Department, detrimental to the performance of the system or to groundwater, shall be discharged into the sewage treatment system, unless specifically approved in writing by the Department.
- 3. No activities shall be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater.

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Groundwater Concentration Limit Variance (CLV) for Nitrate-Nitrogen (NO₃-N):

4. A CLV of 5.5 mg/L NO₃-N is established at the groundwater compliance point identified in the Department approved Ground Water Monitoring Plan.

SCHEDULE B

Minimum Monitoring and Reporting Requirements

1. System Monitoring Requirements

The permittee must monitor the operation and efficiency of all treatment and disposal facilities. Sampling and measurements taken as required herein must be representative of the nature of the wastewater, and must be taken at peak usage during operation of the system. Unless otherwise agreed to in writing by the Department of Environmental Quality, data collected, and submitted must include but not necessarily be limited to the following parameters and minimum frequencies:

a. Influent to Treatment Unit

Item or Parameter	Minimum Frequency	Type of Sample
Sewage Flow, GPD	Monthly Average	Measurement or calculation based on meter readings
Flow Meter Calibration	Annually	Verification
BOD ₅	Annually*	Grab
TSS	Annually*	Grab
Grease and oils	Annually*	Grab
NH ₃ -N	Annually*	Grab
TKN	Annually*	Grab

*Influent sampling is to begin when average daily flows reach 5,000 gpd.

b. Effluent from the Treatment Unit to the Soil Absorption Facility

Item or Parameter	Minimum Frequency	Type of Sample
BOD ₅	Semi-annually	Grab
TSS	Semi-annually	Grab
TKN	Semi-annually	Grab
NH ₃ -N	Semi-annually	Grab
NO ₃ -N	Semi-annually	Grab

d. **Operations and Maintenance Activities**

The permittee must record in writing all observations of operation and maintenance activities as required in the Department approved Operation and Maintenance Plan on a monthly basis.

e. Solids Management

The permittee must maintain a record of the pumping dates and quantity in gallons, of solids/wastewater pumped, and what licensed sewage disposal service company pumped the solids/wastewater, as well as the final disposal location and transfer local (if applicable).

2. <u>Reporting Procedures</u>

Monitoring, maintenance practices, solids handling, and results must be reported on Department approved forms. The reporting period is the calendar year. Reports must be submitted to the DEQ office listed on the face page of this permit by **January 15 following the reporting period**.

3. Groundwater and Surface Water Minimum Monitoring and Reporting Requirements

a. With the addition of Total Kjeldahl Nitrogen (TKN) to the list of analytes to monitor at sampling locations S-1 and SW-2, groundwater and surface water monitoring and reporting must be conducted in accordance with the Department approved Groundwater Monitoring Plan.

SCHEDULE D

Special Conditions

- 1. The permittee must maintain on file a complete Operation and Maintenance (O&M) Plan approved by the Department. The permittee must operate, manage and implement preventative maintenance practices or corrections at the frequencies required in the Department approved O&M Plan. Any changes to the plan must be approved by the Department.
- 2. In the event that the a concentration limit, as specified in Schedule A, to the sand filter is exceeded, the permittee must within fourteen (14) working days of receipt of the analytical results:
 - a) Report the results to the Department;
 - b) Resample to verify the results; and
 - c) In the event that resampling the influent to the sand filter confirms a concentration limit violation, within thirty (30) days of confirmation, the permittee must submit to the Department a corrective action plan to reduce the waste strength so that the concentration limits are not violated. Upon Department approval, the plan must be implemented by the permittee.
- 3. Groundwater Monitoring Resampling Requirements:
 - a) If monitoring indicates a significant increase in the value of a parameter monitored, or if a concentration limit is exceeded at a compliance point, the permittee must immediately resample.
 - b) If the resampling confirms a change in water quality or an exceedance of a concentration limit at a compliance point, the permittee must:
 - 1) Report the results to the Department within 10 days of receipt of the laboratory data;
 - 2) Prepare and submit to the Department within 30 days a plan for developing a preliminary assessment unless another time schedule is approved by the Department.
- 4. The operation and maintenance of this community sewage treatment and disposal system must continue to be vested in a municipality, a Homeowners Association or an Association of Unit Owners as defined by Oregon Revised Statutes.
- 5. The wastewater treatment and dispersal systems must be supervised by an operator at the proper classification and grade in accordance with Oregon Administrative Rules (OAR), Chapter 340, Division 049 or by a maintenance provider certified in accordance with OAR 340-071-0100 (95)
- 6. If monitoring data indicate that the permittee's discharge poses a significant threat to groundwater quality, the Department may reopen this permit, if necessary, to include corrective action and/or additional monitoring requirements. Based on monitoring data or other system operational factors, the Department may also reopen this permit, if necessary, to reduce monitoring requirements.
- 7. All septage/sludge must be managed by a licensed sewage disposal service as defined in Oregon Administrative Rule 340-71-100.

- 8. A deep-rooted, permanent grass cover must be maintained on the drainfield areas at all times and periodically cut to ensure maximum infiltration and evapotranspiration rate.
- 9. The drainfield areas including replacement areas must not be subject to activities that would, in the opinion of the Department, adversely affect the soil or the functioning of the system. This includes, but is not limited to, vehicular or animal traffic, filling or cutting, covering the area with asphalt or concrete, or subjecting the area to excessive saturation.
- 7. Management and Maintenance of Groundwater Monitoring Wells:
 - a. The permittee must protect and maintain each groundwater monitoring well so that samples collected are representative of actual conditions.
 - All monitoring well abandonments, replacements, repairs, and installations must be conducted in accordance with the Water Resources Department Oregon Administrative Rules, Chapter 690, Division 240. All monitoring well abandonments, replacements, repairs, and installations must be documented in a report prepared by an Oregon registered geologist.
 - c. If a monitoring well becomes damaged or inoperable, the permittee shall notify the Department in writing within 14 days of when the permittee becomes aware of the circumstances. The written report shall describe: what problem has occurred, the remedial measures that have been or will be taken to correct the problem, and the measures taken to prevent the recurrence of damage or inoperation. The Department may require the replacement of inoperable monitoring wells.
 - d. Prior to installation of new or replacement monitoring wells, the placement or design must be approved in writing by the Department. Well logs and a well completion report shall be submitted to the Department within 30 days of installation of the well. The report shall include a survey drawing showing the location of all monitoring wells, disposal sites, and water bodies.
 - e. Prior to abandonment of existing wells deemed unsuitable for groundwater monitoring, an abandonment plan must be submitted to the Department for review and approval.
- 8. An adequate contingency plan for prevention and handling of spills and unplanned discharges must be in force at all times. The permittee must immediately notify the DEQ office listed on the face page of this permit and the local County Health Department of any occurrence of surfacing sewage. If a spill does occur that reaches or threatens to reach public waters, the permittee must immediately notify Oregon Emergency Response (OER) at 1-800-452-0311.

SCHEDULE F

WPCF GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and grounds for an enforcement action. Failure to comply is also grounds for the Department to modify, revoke, or deny renewal of a permit.

2. Property Rights and Other Legal Requirements

Issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other rights, or any infringement of federal, tribal, state, or local laws or regulations.

3. <u>Liability</u>

The Department of Environmental Quality or its officers, agents, or employees may not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities or systems because of this permit.

4. <u>Permit Actions</u>

After notice by the Department, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:

- a. Violation of any term or condition of this permit, any applicable rule or statute, or any order of the Commission;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

5. <u>Transfer of Permit</u>

This permit may not be transferred to a third party without prior written approval from the Department. The Department may approve transfers where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of this permit and the rules of the Commission. A transfer application and filing fee must be submitted to the Department.

6. <u>Permit Fees</u>

The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. <u>Proper Operation and Maintenance</u>

At all times the permittee must maintain in good working order and properly operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to comply with the terms and conditions of this permit.

2. <u>Standard Operation and Maintenance</u>

All waste collection, control, treatment, and disposal facilities or systems must be operated in a manner consistent with the following:

- a. At all times, all facilities or systems must be operated as efficiently as possible in a manner that will prevent discharges, health hazards, and nuisance conditions.
- b. All screenings, grit, and sludge must be disposed of in a manner approved by the Department to prevent any pollutant from the materials from reaching waters of the state, creating a public health hazard, or causing a nuisance condition.
- c. Bypassing untreated waste is generally prohibited. Bypassing may not occur without prior written permission from the Department except where unavoidable to prevent loss of life, personal injury, or severe property damage.

3. Noncompliance and Notification Procedures

If the permittee is unable to comply with conditions of this permit because of surfacing sewage; a breakdown of equipment, facilities or systems; an accident caused by human error or negligence; or any other cause such as an act of nature, the permittee must:

- a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
- b. Immediately notify the Department's Regional office so that an investigation can be made to evaluate the impact and the corrective actions taken, and to determine any additional action that must be taken.
- c. Within 5 days of the time the permittee becomes aware of the circumstances, the permittee must submit to the Department a detailed written report describing the breakdown, the actual quantity and quality of waste discharged, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or liability for failure to comply.

4. <u>Wastewater System Personnel</u>

The permittee must provide an adequate operating staff that is duly qualified to carry out the operation, maintenance, and monitoring requirements to assure continuous compliance with the conditions of this permit.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee must at all reasonable times allow authorized representatives of the Department to:

- a. Enter upon the permittee's premises where a waste source or disposal system is located or where any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required by this permit;
- c. Inspect any treatment or disposal system, practices, operations, monitoring equipment, or monitoring method regulated or required by this permit; or
- d. Sample or monitor any substances or permit parameters at any location at reasonable times for the purpose of assuring permit compliance or as otherwise authorized by state law...

2. Averaging of Measurements

Calculations of averages of measurements required for all parameters except bacteria must use an arithmetic mean; bacteria must be averaged as specified in the permit.

3. <u>Monitoring Procedures</u>

Monitoring must be conducted according to test procedures specified in the most recent edition of **Standard Methods for the Examination of Water and Wastewater**, unless other test procedures have been approved in writing by the Department and specified in this permit.

4. <u>Retention of Records</u>

The permittee must retain records of all monitoring and maintenance information, including all calibrations, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. The Department may extend this period at any time.

SECTION D. REPORTING REQUIREMENTS

1. <u>Plan Submittal</u>

Pursuant to Oregon Revised Statute 468B.055, unless specifically exempted by rule, construction, installation, or modification of disposal systems, treatment works, or sewerage systems may not

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commence until plans and specifications are submitted to and approved in writing by the Department. All construction, installation, or modification shall be in strict conformance with the Department's written approval of the plans.

2. <u>Change in Discharge</u>

Whenever a facility expansion, production increase, or process modification is expected to result in a change in the character of pollutants to be discharged or in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans, and specifications for the proposed changes. A change may not be made until plans have been approved and a new permit or permit modification has been issued.

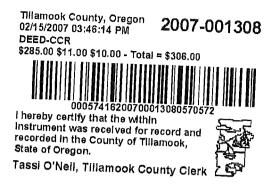
3. <u>Signatory Requirements</u>

All applications, reports, or information submitted to the Department must be signed and certified by the official applicant of record (owner) or authorized designee.

SECTION E. DEFINITIONS

- 1. *BOD*₅ means five-day biochemical oxygen demand.
- 2. TSS means total suspended solids.
- 3. *FC* means fecal coliform bacteria.
- 4. NH_3 -N means Ammonia Nitrogen.
- 5. NO_3 -N means Nitrate Nitrogen.
- 6. NO₂-N means Nitrite Nitrogen.
- 7. *TKN* means Total Kjeldahl Nitrogen.
- 8. *Cl* means Chloride.
- 9. *TN* means Total Nitrogen.
- 10. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
- 11. Total residual chlorine means combined chlorine forms plus free residual chlorine.
- 12. *mg/1* means milligrams per liter.
- 13. *ug/l* means micrograms per liter.
- 14. kg means kilograms.
- 15. *GPD* means gallons per day.
- 16. *MGD* means million gallons per day.
- 17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- 18. *Composite sample* means a combination of samples collected, generally at equal intervals over a 24-hour period, and based on either time or flow.
- 19. *Week* means a calendar week of Sunday through Saturday.
- 20. *Month* means a calendar month.
- 21. *Quarter* means January through March, April through June, July through September, or October through December.

REC'D FEB 2 0 2007



AFTER RECORDING, RETURN TO:

Sahhali South, Homeowner's Association. 840 BELTLINE ROAD, SUITE 202 SPRINGFIELD, OR 97477

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF SAHHALI SOUTH

THIS DECLARATION is made on Dec. 12006, by Sahhali South, LLC, (Declarant).

RECITALS

A. Declarant is the owner of all the real property described in Exhibit "A" attached, including Lots 1 through 56 depicted in the plat of Sahhali South filed concurrently with this Declaration in the Plat Records of Tillamook County, Oregon, and desires to create thereon a Class I Planned Community to be known as Sahhali South, with permanent roadways, utility installations and open spaces for the benefit of the Planned Community.

B. Declarant is reserving the right, but not undertaking the obligation, to annex additional property to the Planned Community and subject it to the terms and provisions of this Declaration, the Articles and the Bylaws, as the same may be amended or supplemented. This right shall extend to any other property selected by Declarant, there being no limitation on the number of lots or units or Common Property which Declarant may create or annex to the Planned Community. Declarant may annex additional property to the Planned Community in one or more Supplemental Declarations.

C. Declarant desires to provide for the preservation and enhancement of the property values, amenities and opportunities in Sahhali South and for the maintenance of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of the Property and each owner of any Lot.

D. Declarant has deemed it desirable for the efficient preservation of the values and amenities in the Planned Community to create a nonprofit corporation, to which will be delegated and assigned the powers of owning, maintaining and administering the Common

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Property and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created, and promoting the recreation, health, safety and welfare of the residents.

E. This Declaration shall be effective immediately upon its recordation.

F. Declarant recognizes that the lots in the Planned Community will share to varying degrees for their common benefit the common use of streets, paths, sewerage, and a water system. Declarant is recording this Declaration to subject to this Declaration all of the property described in Exhibit "A" together with such additional property as may hereafter be added to the Planned Community by Declarant.

G. Declarant intends that the Association shall be the entity that, in conformity with this Declaration, shall control and be responsible for performing and exercising the obligations and powers set forth in Recital D for the entire Planned Community.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Oregon Planned Community Act, ORS 94.550 to 94.783, and to the covenants, restrictions, easements, charges and liens hereinafter set forth in this Declaration.

SECTION 1 DEFINITIONS

1.1 "Articles" means the Articles of Incorporation for the nonprofit mutual benefit corporation, Sahhali South Homeowners Association, as filed with the Oregon Corporation Commissioner.

1.2 "Association" means Sahhali South Homeowners Association, its successors and assigns.

1.3 "Board of Directors" means the Board of Directors of the Association.

1.4 "Bylaws" means the Bylaws of the Association.

1.5 "Common Property" means that area of land shown on the recorded plat or plats of the Property, including any improvements thereon, which are intended to be devoted to the common use and enjoyment of the Owners and which land has been conveyed to the Association.

1.6 "Declaration" means the covenants, restrictions, and all other provisions set forth in this Declaration of Covenants, Conditions and Restrictions of Sahhali South.

1.7 "Declarant" means Sahhali South, LLC and its successors and assigns as to any interest in the development of the Property.

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1.8 "Living Unit" or "Unit" means any portion of a structure situated upon the Property designed and intended for use and occupancy as a residence by a single family.

1.9 "Lot" means Lots 1 through 56 of Sahhali South as shown on the plat recorded on _____, 200_, Book ____, Page ____, Records of Tillamook County, Oregon and any of the lots which may be subsequently annexed to the Planned Community on any supplemental declaration and plat submitting additional property to the terms of this Declaration. "Lot," however, shall not include any lot depicted on any plat of the Property that is designated for use as Common Property on such plat or declaration of Sahhali South.

1.10 "Member" means Owner and each Owner shall be a Member of the Association.

1.11 "Occupant" means the occupant of a Living Unit who shall be either the owner, lessee or any other person authorized by the Owner to occupy the Living Unit.

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

1.13 "Planned Community" means the Lots together with the Common Property for which the Association has the obligations set forth in Recital D and elsewhere in this Declaration. The Planned Community is also referred to herein as Sahhali South.

1.14 "Property" means the real property consisting of Lots 1 through 56 of Sahhali South, the Common Property and all improvements located on said real property subject to this Declaration together with such additional Lots and Common Property as may, from time to time, be annexed to the Planned Community.

1.15 "Rules and Regulations" means the documents containing rules and regulations and policies adopted by the Board of Directors or the Architectural Review Board as may be from time to time amended.

1.16 STEP Effluent Disposal System (STEP System) means the dosing tanks, dosing tank effluent pump, pressure effluent lines, holding tanks, AdvanTex Textile filter units, splitter valves and the common absorption facilities , together with all other facilities necessary to establish and operate the STEP System. The STEP System shall be part of the Common Property and shall be operated by the Association under the terms of an easement until such time as all Lots served by the STEP System are served by another sewerage system owned either publicly or by the Association. At such time, the easement for the STEP System shall at Declarant's option, revert to Declarant, or if Declarant is no longer in existence, to the members of Declarant. Reversion shall be effective upon satisfaction of the foregoing condition and the recording by Declarant of a "Notice of Reversion."

SECTION 2 PROPERTY SUBJECT TO THIS DECLARATION

2.1 **Property Included.** The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Tillamook County, Oregon and consists of Lots 1 through 56 and the adjoining Common Property of Sahhali South which are included within the description in Exhibit "A" and any additional property which may be subsequently annexed to the Association, including, but not limited to, the real property described on Exhibit "B" attached hereto, and incorporated herein by this reference.

2.2 Property Excluded

2.2.1 Tax Lot 202, more particularly described on Exhibit "C", is not and will not at any point in time in the future, be forced to be a member of the Sahhali South Homeowners' Association, which is subject to the provisions of this Declaration.

2.2.2 Tax Lot 202 is not contributing to the cost of maintenance of any of the common areas, roads or other amenities on site, and therefore, is not entitled to any of the rights of the Homeowners Association's Members contained in this Declaration, beyond the right to use the common areas, in compliance with the Rules and Regulations of the Association.

2.2.3 Tax Lot 202, may join the Homeowners Association at any time. If the owners of Tax Lot 202 chose to become members of the Association at any time in the future, time, they will be responsible for all assessments, from the date of joining forward, and shall have all of the same rights, responsibilities and restrictions, as any other Member of the Association.

SECTION 3 HOMEOWNERS ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

3.1 Organization. Declarant organized a nonprofit mutual benefit corporation under the name Sahhali South Homeowners Association, and which is referred to herein as the Association. The Association bylaws shall be recorded in the office of the Recording Officer of Tillamook County. The Association shall have the powers set forth in Recital D, ORS 94.630 and elsewhere in this Declaration.

3.2 Members. Each Owner shall be a mandatory member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot automatically transfers membership in the Association. Occupants and Owners shall be governed and controlled by this Declaration, the Articles, Bylaws, and rules and regulations of the Association and any amendments thereof.

3.3 Proxy. Each Owner may cast his or her vote by absentee ballot or pursuant to a proxy executed by the Owner. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one (1) year after its date, unless the proxy specifies a shorter term.

3.4 Voting Rights. The Association shall have two (2) classes of voting members:

3.4.1 Class A. Class A members shall be all Owners of Lots other than the Declarant and each Class A member shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote. If a Lot is owned by multiple Owners, the Owners of the Lot shall designate by proxy one Owner who shall be entitled to vote. In no event will fractional voting be allowed.

3.4.2 Class B. The Class B member shall be the Declarant, its successors and assigns. The Class B member shall have four (4) votes for each Lot owned. Provided, however, that all Class B memberships shall cease upon the conveyance by the Declarant of Lots, representing seventy-five percent (75%) of the total number of votes (termination date). Thereafter, each Owner, including the Declarant, shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots annexed to the Property and subjected to this Declaration as of such termination date.

3.5 Procedure. All meetings of the Association, the Board of Directors, the Architectural Review Board, and Association committees shall be conducted in accordance with such rules of order as may from time to time be adopted by the Board of Directors. A tie vote does not constitute a majority or approval of any motion or resolution.

SECTION 4 DECLARANT CONTROL

4.1 Interim Board and Officers. The Declarant hereby reserves administrative control of the Association. The Declarant, in its sole discretion, shall have the right to appoint and remove members of a three-member Interim Board of Directors, which shall manage the affairs of the Association, and which shall be invested with all powers and rights of the Board of Directors. Notwithstanding the provisions of this Section, at the Turnover Meeting at least one (1) Director shall be elected by Owners other than the Declarant, even if the Declarant otherwise has voting power to elect the Directors.

4.2 Transitional Advisory Committee. The Declarant shall form a Transitional Advisory Committee to provide for the transition of administrative control of the Association from the Declarant to the Class A members. Not later than the sixtieth (60th) day after the Declarant has conveyed Lots representing fifty percent (50%) of all votes in Sahhali Shores, the Declarant shall call conduct an election for the purpose of selecting a Transitional Advisory Committee. Declarant may nominate or place on a ballot the names of Class A Owners. The election and balloting process shall permit write in candidates. The committee shall consist of three (3) members. The Class A members shall, by a majority vote, elect two (2) members, and the Declarant shall elect one (1) member. The committee shall have reasonable access to such information and documents as the Declarant is required by law to make available. If the Declarant fails to call the meeting required under this Section, any Owner may do so.

4.3 Turnover Meeting. The Declarant shall call a meeting for the purpose of turning over administrative control of the Association from the Declarant to the Class A members within ninety (90) days of the earlier of the date that Lots representing seventy-five percent (75%) of the total number of votes have been conveyed to persons other than the Declarant or an earlier date selected by Declarant. The Declarant shall give notice of the meeting to each Owner as provided in the Bylaws. If the Declarant does not call the meeting required under this Section, any Owner may do so.

SECTION 5

COVENANTS FOR MAINTENANCE ASSESSMENTS/SPECIAL ASSESSMENTS AND COMMON PROFITS

5.1 Creation of the Lien and Personal Obligation of Assessments. Except as otherwise provided herein, the Declarant hereby covenants and each Owner covenants and agrees to pay the Association (1) regular assessments or charges for common expenses, and (2) special assessments as provided in this Section. All such assessments, together with interest thereon at the rate established from time to time by resolution of the Board of Directors and together with all other costs, fees, charges and fines allowed by law, shall be a lien and charge on the land and shall be a continuing lien upon the Lot against which each such assessment is made. Such lien shall exist and be executed, recorded and foreclosed in the manner provided by law. If the Board of Directors has not established another rate, the interest rate on assessments shall be 12% per year. The assessments shall accrue from the date of sale of each Lot. Notwithstanding any other provision in this Declaration, Declarant may defer payment of accrued assessments assessed for the Capital Replacement Reserve Account for any Lot until the earlier of the sale of the Lot, the date of the Turnover meeting, or the date the Owners assume administrative control of the Association.

5.2 Regular Assessments.

5.2.1 Purpose of Assessments. The assessments levied under this Section shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents of the Planned Community, and for the improvement and maintenance of the Common Property, including payment of premiums for insurance required under this Declaration and to fund a replacement reserve for Association owned improvements, and for payment of any common operating expenses such as landscaping, maintenance, water, sewer and garbage collection, management services, legal and accounting services and the like. Neither the Association, nor any assessments of the Owners shall be used to engage in lobbying or to exert political influence.

5.2.2 Basis for Assessment. Assessment shall be made for the operating needs and the capital replacement needs of the Planned Community. Funds collected for the assessments may be mingled in one account but shall be separately accounted for.

(a) **Operating Costs.** Except as provided in 5.2.2(d), all lots subject to assessments shall be assessed equally for operating costs including the following items:

- (2) Expenses of operation, maintenance, repair and replacement of all improvements on the Common Property.
- (3) Expenses directly related to the STEP System, including the installation, operation, maintenance, repair, replacement and operation thereof. The permit for installation of the system and the requirements of monitoring and reporting for the STEP System are more fully described on Exhibit "F" attached hereto, and incorporated herein by this reference.
- (4) Any deficit in common expenses for any prior period.
- (5) Utilities for and property taxes attributable to the Common Property.
- (6) The cost of any professional management desired by the Board of Directors.
- (7) Any other items properly chargeable as an expense of the Association.

Capital Replacement Reserve. All lots subject to assessments shall be assessed (b) equally for capital replacement reserves as follows: The regular assessment against each Lot shall include an amount allocated to a reserve account established in the name of the Association for the purpose of funding replacements of those elements of the Common Property that will normally require replacement, in whole or in part, in more than three (3) and less than thirty (30) years. The capital replacement reserve portion of the assessments shall initially be determined by the Declarant based on a reserve study or other sources of reliable information. The Board of Directors shall thereafter annually conduct a reserve study or review and update an existing reserve study to determine the capital replacement reserve account requirements. A reserve study shall include (1) identification of all items for which reserves are required to be established, (2) the estimated remaining useful life of each item as of the date of the reserve study, the estimated cost or maintenance, repair or replacement of each item at the end of its useful life, and (4) a 30-year plan with regular and adequate contributions adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair and replacement schedule.

(c) Limited Benefit. Any common expense or part thereof benefiting fewer than all the Lots may be assessed exclusively and equally against all of the Lots benefited, except that the water system, all streets, footpaths, footbridges, common utilities and Common Areas are deemed to benefit all the Lots equally. All regular and special assessments shall be equally allocated among the Lots, except to the extent that Lots may be assessed in different manners as described above.

(d) Lots Not Served By STEP System. In the event Declarant annexes lots into the Association and said lots are served or approved for service by a sanitary sewer disposal system other than the STEP system, then such lots shall be exempt from assessment for costs under Section 5.2.2 (a)(3) and the portion of assessment attributed to the STEP system under section (b) herein, provided that should an exempt lot be connected to the STEP system the exception shall cease as of the date of connection to the STEP system.

5.2.3 Method of Assessment. The Board of Directors shall determine the annual assessment in accordance with the provisions hereof. However, the annual assessment shall be sufficient to meet the obligations imposed by the Declaration. A budget shall be presented to Association and may be amended by the Class B Member or a majority of the votes of the entire membership if there is no Class B Member. The Board shall set the date(s) such assessments shall become due. The Board may provide for collection of assessments annually or in monthly, quarterly or semi-annual installments. However, upon the default in the payment of any one or more installments, the entire balance of such assessment may be accelerated at the option of the Board and be declared due and payable in full, together with interest and attorneys fees and costs as hereinafter provided.

Notwithstanding any other provisions of this Section, the regular assessments of the Association may not be increased by more than twenty percent (20%) in any one year without approval of a majority of the Owners at a meeting at which a quorum exists, or a majority of the votes of all Owners, if the vote is taken by written ballot.

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

(a) To correct a deficit in the operating budget by vote of a majority of the Board;

(b) To collect amounts due to the Association from an Owner regardless of whether it is for breach of the Owner's obligations under the Declaration, these Bylaws, or the Association's rules and regulations, by vote of a majority of the Board;

(c) Upon vote of a majority of the Board of Directors, to make repairs or renovations to the Common Property if sufficient funds are not available from the Common Property Operating Account or the Capital Replacement Reserve Account; or

(d) To make capital acquisitions, additions or improvements, by vote of at least seventy-five percent (75%) of all valid votes cast at a duly called meeting of the Owners or election held by mail-in ballot.

5.4 Effect of Nonpayment of Assessments: Remedies of the Association. In addition to any other remedies provided by law, the Association may lien Lots, bring an action at law against the Owner personally obligated to pay the same or foreclose a lien upon the Owner's Lot. No such action or a judgment entered therein shall be a waiver of the lien of the Association. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Property or abandonment of the Owner's Lot.

5.5 Subordination of the Lien to Mortgages. The lien with respect to any assessment provided for herein shall be prior to any homestead exemption and all other liens and encumbrances on a Lot, except:

- (a) A first mortgage of record; and
- (b) A lien for real estate taxes and other governmental assessments or charges; and

(c) Liens and encumbrances recorded before the recordation of this Declaration. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments that became due prior to such sale or transfer.

5.6 Assessment Payments Belong to Association. Assessments paid are the property of the Association and are not refundable to Owners of Lots. The Owners of Lots may treat their outstanding share of the unexpended assessments as a separate item in any sale agreement for such Lot.

5.7 Common Profits. Profits arising from any operation or from the sale of any Association asset shall be shared among the Owners in proportion to their liability for payment of assessments.

SECTION 6 EASEMENTS AND COMMON PROPERTY

6.1 Obligations of the Association. Subject to the rights of Owners set forth in this Declaration, the Association shall be responsible for the exclusive management and control of the Common Property and any improvements thereon, and shall keep the same in good, clean, attractive and sanitary condition, order and repair, including, but not limited to, the removal of snow, trash and debris, the maintenance, cleaning, repair and replacement of the streets, parking areas, landscaped and unlandscaped land located on the Common Property. This obligation shall include the obligation for the operation, maintenance, repair and replacement of the STEP System. The Association's obligation shall not include any required "On-Lot" equipment, which is the sole responsibility of each lot owner as specified in Section 10.4.2 of this declaration.

6.2 Association's Easements. The Declarant and the Owner hereby grant to the Association an easement with respect to all Lots for the purpose of installing, operating, maintaining, repairing and replacing facilities related to the STEP System to be located on the Lots. It shall be the obligation of the Association, subject to the provisions of Section 9.3 and 10.4.2 hereof, to install, operate, maintain, repair and replace the STEP System located on Common Property. The Association's easements for installation, operation, maintenance, repair and replacement of the STEP System include the dosing tanks, effluent pumps and pressure effluent lines on each Lot; said easements to be five (5) feet on each side of the dosing tanks located on each Lot and five (5) feet on each side of the center line of said pressure effluent lines. Within these easements, no structure, planting or materials shall be placed or permitted to remain which may materially damage or interfere with the installation, inspection, operation, maintenance, repair and replacement of the STEP System, dosing tanks and pressure effluent lines. The Association shall at all times have access to the easement area and such additional space on the affected Lot as may be reasonably necessary to fulfill its obligations regarding the STEP System. Upon completing its work, the Association shall restore the Lot as near as is

commercially reasonable to the condition it was in immediately before the work was begun. Local government standards shall control if they conflict with the above provisions. The easements granted in this Section shall be perpetual and shall run with the land.

6.3 Declarant's Easements. The Declarant hereby reserves to itself and the Owners grant to the Declarant a blanket easement over, upon, through and under the Property, including, without limitation, all Lots and Common Property, for all purposes reasonably required in developing the Planned Community including, without limitation, ingress and egress for the construction, alteration and completion of improvements developed on the Property or the installation, maintenance, repair and replacement of the STEP System as well as all utility and service lines and systems serving one or more of the Lots or the development and sale of additional property regardless of whether such additional property is subjected to this Declaration, and the sale of Lots. Declarant's easement for the location of utility facilities of any nature shall include 5 feet along each side of all Lots. The easement herein reserved shall include the right to store materials on the Common Property at such places and for such periods as may be reasonably required to affect the purposes for which this easement is reserved. The easement shall be perpetual, shall run with the land, and shall be freely assignable by the Declarant.

6.4 Owners' Easement of Enjoyment. Subject to the provisions of this Declaration, the Bylaws, and Rules and Regulations of the Association, every Owner shall have a nonexclusive right and easement of enjoyment in and to the Common Property, which shall be appurtenant to and shall pass with the title to every Lot. The STEP System shall be available for use by any Owner. This easement for use of the STEP System shall automatically terminate at such time as the ownership of the STEP System reverts to Declarant pursuant to Section 1.16 or as otherwise provided in this Declaration.

6.5 Extent of Owners' Easements. The Owners' easements of enjoyment created hereby shall be subject to the following:

6.5.1 Subject to Rules and Fees. The right of the Association to establish reasonable rules and to charge reasonable assessments and fees for capital expenditures on the Common Property and the maintenance and upkeep of the Common Property and payment of all Association expenses.

6.5.2 Suspension of Owner's Right. The right of the Association to suspend the right of an Owner or any occupant of a Lot to use the Common Property and facilities for any period during which any assessment against such Owner or occupant's Lot remains unpaid for more than thirty (30) days after notice of such nonpayment; the right of the Association to suspend the right of a member to use any Common Property for a period not to exceed sixty (60) days for any other infraction of the Declaration, Bylaws or the Rules and Regulations of the Association. Provided, however, that no such suspension pursuant to this subsection shall deprive an Owner of access to his or her Lot.

6.6 Sale of Common Property. As provided by ORS *94.665*, the Association may sell, dedicate or transfer any portion of the Common Property or create a security interest therein. Except as to the grant of easements for utilities and similar or related purposes, no such sale,

dedication or transfer shall be effective unless approved by eighty percent (80%) of the votes of both Class A and Class B members. Provided further, if there is only one class of votes, such sale, dedication or transfer (except for utility and similar easements) must be approved by eighty percent (80%) of the votes held by Owners.

6.7 **Declaration of Use.** Any Owner may delegate his or her right of enjoyment to the Common Property and facilities to the members of the Owner's family and to a reasonable number of guests subject to general regulations as may be established from time to time by the Association and included within the Book of Resolutions.

6.8 Damage or Destruction of Common Property by Owner. In the event any Common Property is damaged or destroyed by an Owner or any of his or her guests, tenants, licensees, agents or members of his or her family in a manner that would subject such Owner to liability for such damage under Oregon law, such Owner does hereby authorize the Association to repair such damage; the Association shall repair damage in a good and workmanlike manner as originally constituted or as the area may be modified or altered subsequently by the Association in the discretion of the Association. The reasonable cost necessary for such repairs shall become a special assessment upon the Lot of the Owner who caused or is otherwise responsible for such damage.

SECTION 7 GENERAL RESTRICTIONS ON USE OF COMMON PROPERTY

7.1 General. No person shall construct or reconstruct any improvements, or alter or refinish any improvement, make any excavation or fill, make any change in the natural or existing surface drainage or install a utility line or place any planting or equipment or object of any kind on the Common Property unless such person has first obtained approval therefor from the Architectural Review Board. This provision shall not, however, prohibit Declarant or the Association from installing, operating, maintaining, repairing and replacing portions of the STEP System on the Common Property.

7.2 Encroachments. If any portion of a Living Unit or other structure now or hereafter constructed on any Lot encroaches on any part of the Common Property or another Lot, such encroachment shall promptly be removed by the Owner of the Living Unit or structure.

SECTION 8

NATURAL FEATURE PROTECTIONS AND RESTRICTIONS

8.1 Natural Features. Declarant specifically desires to protect and maintain the natural features of the site. The Trails, the Bridge, and all Flora and Fauna, Riparian Ways, Natural Drainage and other natural features of the site, are to be maintained by the Homeowners' Association at the Homeowners' Associations sole expense and discretion.

8.2 Plant Guidelines. It is desirable to maintain the indigenous flora and fauna on the site. The introduction of non-indigenous flora and fauna can be detrimental to the indigenous flora and fauna, therefore, attached hereto as Exhibit "E" is a guideline for landscaping to be installed on all lots of Sahhali South. This guideline is to be used to facilitate the Architectural Review Board when considering landscape plans as specified in Section 10.10.3 herein. Removal of indigenous flora and fauna in, on or around any of the common areas is strictly prohibited, unless the Homeowner obtains written permission for the removal from the Architectural Review Board.

8.3 Nature Trails. The Trails, more particularly described on Exhibit "D" attached hereto are pedestrian trails only.

8.3.1 Vehicles. No bicycles, motorcycles, four wheelers, roller skates, skateboards, electric vehicles, or any other type of vehicle with wheels and/or a motor of any type are permitted on any portion of any of the trails described in Section 8.3 herein, except as necessary for use by handicap persons.

8.3.2 Maintenance. The trails, described in Section 8.3 herein, will be professionally maintained, by a landscape company that has knowledge and experience with wetland plant protection and care. All maintenance expenses for any of the Trails is at the Homeowners' Association sole expense.

8.3.3 Domestic Animals. Domestic pet owners are required to "clean up" after their animal(s) in, around, or on, any common areas of the property. Including, but not limited to, the Trails and other natural features described in Section 8 herein,

8.4 Wildlife. Due to the natural resources on site, Declarant desires to protect the existing wildlife and its habitat.

8.4.1 Indemnification. The subject property is in an area known for big game, and furbearing animal use. Any and all present and future owners of lots on the subject property hereby agree to indemnify, save and hold harmless, the Oregon Department of Fish and Wildlife for any damages, and/or inconvenience caused by these animals to persons, real property and/or personal property. This agreement shall inure to the benefit in perpetually to all successors, heirs, and assignors. This agreement can not be deleted or altered in any way without prior contact and agreement by the Oregon Department of Fish and Wildlife.

8.5 Footbridge. The footbridge on site which provides access to the beach shall be maintained in a safe and efficient manner. Prior to turn over of the common areas to the Homeowners' Association, the Declarant had the Bridge inspected for structural soundness, and safety. Any report associated with this inspection has or will be provided to the Homeowners' Association for their records.

8.5.1 Government Permits. When performing maintenance or repair to the Bridge, the Homeowners' Association may be required to obtain permits form the

Oregon Department of State Lands, and/or Army Corps of Engineers. It is the sole and exclusive responsibility of the Homeowners' Association to determine if the proposed work requires a permit or not.

8.5.2 Consultants and/or Experts. It is the sole responsibility of the Homeowners' Association to determine if a Wetlands Specialist is required to be on site or any other consultant, is necessary during the repair and maintenance of the bridge or any of its components.

SECTION 9 OBLIGATIONS OF DECLARANT

9.1 Improvements in the Common Property. The Common Property will be improved with private roads, a water system and landscaping, and the STEP System will be constructed on Declarant's property, all as deemed necessary by the Declarant, or after the termination date, by the Association. It is contemplated that the improvements will be largely completed prior to conveyance of a Lot in Sahhali South to any Owner other than Declarant.

9.2 Ownership of Common Property. The Declarant shall convey to the Association the property identified on the plat creating the Lots as Common Property within sixty (60) days after 75 % of the Lots have been conveyed to Owners other than Declarant. Additional Common Property adjacent to Lots in Sahhali Shores that are subsequently annexed will be conveyed to the Association within ninety(90) days after such annexation. If the Common Property is ever assessed for property tax purposes separately from the Lots, whether prior or subsequent to transfer of the common property to the Association, the Association shall take such steps as may be necessary to assess all Owners equally for their share of such taxes and to pay such property taxes on a current basis.

9.3 STEP System Improvements on Lots. Lots 1 through 56 of Sahhali South are required to hook up to the STEP system. No independent septic systems will be permitted on Lots 1 through 56 of Sahhali South. Declarant or the Association, at Declarant's direction, shall make the initial installation of dosing tank, dosing tank effluent pump and pressure effluent lines as necessary on each STEP System Lot pursuant to the standards required by the Oregon Department of Environmental Quality and any other governmental agency having jurisdiction over such installation. The projected expense of such installation shall be paid by the Owner of the affected Lot to the designated contractor performing installation under the direction of the Association or Declarant as appropriate upon request prior to the commencement of the work. Any amount due to the Association therefor shall be deemed to be a special assessment pursuant to Section 5.3(b).

9.4 No Additional Improvements Required of Declarant. Declarant has no obligation to make improvements beyond those described as Declarant's obligation in Sections 9.1 and 9.3 of this Declaration.

SECTION 10 USE RESTRICTIONS: ARCHITECTURAL CONTROLS AND MAINTENANCE RESPONSIBILITIES

10.1 General.

10.1.1 Governmental Restrictions. All uses, occupancy, construction and other activities conducted on any Lot shall conform with and be subject to applicable zoning, use restrictions, setback requirements, and construction and building codes of all local, state and federal public authorities.

10.1.2 Outdoor Storage. No outdoor storage of recreational vehicles, trailers or boats shall be allowed on the Common Property or outdoors on any Lot.

10.1.3 Garages. No garage shall be used for any purpose other than storage of automobiles, pick-ups, vans, "four wheel drive vehicles" and motorcycles, if such vehicles are intended and used for ordinary highway transportation of passengers and to store golf carts. Additionally, recreational fishing or pleasure boats may be stored in one parking space of a garage if it can be completely enclosed when the garage door is closed. Provided however, at least one garage space shall be used for the family vehicle. Neither the driveway nor street shall be used for regular parking by Occupants.

10.1.4 Combination, Division. No Owner shall have the right to divide any Lot, except Lots 13 and 48, which are approved for a single division by the Conditions of Approval from Tillamook County, as part of the Conditions of Approval for Sahhali South. An Owner may combine lots, subject to approval of the Architectural Review Board. Not withstanding any other provision contained herein, Declarant shall have the right to combine lots, divide lots and perform lot line adjustments. Any Owner, upon compliance with the requirements of all applicable zoning, building and land use laws, regulations and ordinances, and the architectural requirements of the Declaration and any rules and regulations of the Association may construct (reconstruct or replace) one Living Unit on two or more Lots.

10.2 Use. All Lots shall be used primarily for residential, recreation and vacation purposes only. Neither any substantial commercial nor any retail or industrial use shall be allowed on any Lot. Provided however, subject to compliance with applicable laws and any rules or regulations of the Association, an Owner may rent his or her Living Unit on a nightly, monthly or other basis, even though such rental activity would usually be considered a commercial use.

10.3 Exterior Improvements.

10.3.1 Structures on Lots. No building shall be erected, altered, placed or permitted to remain on a Lot other than one attached or detached single family dwelling and a private garage or carport and except as are made more restrictive by these covenants, shall be in full compliance

with the zoning restrictions of Tillamook County.

10.3.2 Provisions for and Restrictions on Buildings.

(a) The exterior of any structure erected on a Lot must be fully completed and painted with two (2) coats of stain, preservative, or paint within one (1) year after construction has commenced.

(b) The external design of all buildings on a Lot are expected to reasonably harmonize with the buildings on other Lots. All auxiliary buildings are to be of the same general design and materials as the Living Unit. The primary exterior color tone of all buildings shall blend with the natural environment. Bright, unnatural exterior colors are prohibited, except for limited use as trim and accent panels. All Living Units, auxiliary buildings, fences, retaining walls and similar or dissimilar manmade structures shall be constructed in a good workmanlike manner in accordance with locally acceptable professional building practices. All material utilized shall reasonably harmonious with the other residences in the Planned Community.

(c) The ground floor area of the main structure, exclusive of one story open porches, garages, and carports, shall not be less than that required by Tillamook County Building Codes, with a minimum ground floor area of 1600 sq. ft. single level or a total of 1800 sq. ft. in multiple stories.

(d) All structures erected shall have full concrete, masonry, or concrete or wooden piers and piling foundations as approved by Tillamook County and designed to accommodate the terrain. Foundations and exterior walls of the building shall be finished in a suitable and customary manner for such type of building.

(e) No building shall be erected on any Lot which building exceeds the height restrictions provided by Tillamook County.

(f) Owners shall insure that design and construction of structures in the Planned Community will properly withstand the unique environmental coastal conditions including high winds, steep sites, heavy rainfall and a high level of corrosion including the protection of the coastal flora on the properties.

(g) All Living Units shall be constructed on the Lot and mobile homes or factory built homes shall not be permitted. Panels constructed off site but assembled on the Lot are permitted.

10.3.3 Common Property. No Owner shall construct or place any structure, material, planting, equipment or any object of any kind on any portion of the Common Property, unless granted written permission by the Board of Directors, and then only in strict compliance with such authorization.

10.4 Exterior Maintenance, Repair and Replacement.

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10.4.1 No Association Responsibilities. Except as provided in this Declaration regarding the STEP System, the Association has no obligation to perform any maintenance, repair or replacement of the exterior of Living Units, or any maintenance of any landscaping on the Lots.

10.4.2 Owner Responsibilities. Each Owner shall perform all maintenance, repair and replacement of the Owner's Living Unit, and shall perform all maintenance, planting, pruning, mowing and cleaning of all lawns and landscaping on such Owner's Lot. Each Owner shall be responsible for the maintenance, repair and replacement of any other improvements, or materials located within the Owner's Lot. Each Owner shall be responsible for all costs related to the installation, operation, maintenance, repair and replacement of the portion of the STEP System or any septic system on the Owner's Lot.

10.5 Underground Utilities. No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication purposes nor any pole, antennae, satellite receiving dish, tower or other structure for independent reception, transmission or support of any of the above shall be erected, placed or maintained within the Property. However, this provision shall not be construed or applied so as to impair an Owner's ability to receive video programming services over a satellite antenna 18 inches or less in diameter.

10.6 Leases/Rentals. Each Owner shall have the right to lease or rent his or her Living Unit for any period of time, subject to full compliance with applicable laws, the Articles, Declaration, Bylaws and Rules and Regulations of the Association and applicable local, state and federal laws and regulations. All such leases or rental agreements shall be in writing and shall be deemed to provide that their terms shall be subject in all respects to the provisions of this Declaration, the Articles, Bylaws and Rules and Regulations of the Association and that any failure by the lessee or renter to comply with the provisions of such documents shall constitute a default under said lease or rental agreement. The lessee's or renter's use and enjoyment of the Common Property under such lease or rental agreement shall be subject to suspension by the Board of Directors for any of the causes set forth elsewhere in this Declaration, including, without limitation, the nonpayment of assessments with respect to the Lot occupied by the lessee or renter. Any such lessee or renter shall be entitled to the use and enjoyment of the Common Property; provided, an Owner may not sever the right to the use and enjoyment of the Common Property from the right to occupy his or her Lot and the improvements thereon by means of a lease, rental agreement or otherwise.

10.7 Accessory Buildings. Residential accessory buildings or improvements may be permitted upon review by the Architectural Review Board provided that these types of improvements are of pleasing architectural design and shall have the exterior painted and are located within the fenced in patio or court yards if such structure is separated from the Living Unit. All detached Living Units must provide a garage sufficient for a minimum of two vehicles. All other Living Units must provide a garage or carport for at least one vehicle for each Living Unit.

10.8 Screening. All garbage, trash, cuttings, refuse, and garbage and refuse containers,

oil tanks, clothes lines, other service facilities, stored trailers, and RV's, shall be screened from view, from neighboring units and from common areas in a manner approved by the Architectural Review Board.

10.8.1 Residential Refuse. All Residential Refuse, garbage, and trash shall be maintained inside the enclosed garage of each structure, or outside in a "Certified Bear Proof" container (s) while awaiting disposal.

10.9 Nuisance. No noxious or offensive activity shall be carried on, on a Lot, nor shall anything be done or placed upon any Lot that interferes with or jeopardizes enjoyment of other Lots or within the Planned Community.

10.10 View Protection. If any tree, shrub, or other vegetation blocks or substantially obscures the view of the Pacific Ocean from any Living Unit, the Owner of such Living Unit may petition the Architectural Review Board for the trimming, topping, or removal of such tree, shrub, or other vegetation. Upon receipt of such a petition, the Architectural Review Board shall investigate the matter and determine whether said view is, in fact, blocked or substantially obscured. If the Architectural Review Board so determines in writing, then the offending tree, shrub, or other vegetation shall be trimmed, topped, or entirely removed. The Owner of the offending tree, shrub, or other vegetation shall be entitled to elect, within ten (10) days of the Architectural Review Board's determination, as to whether the offending tree, shrub, or other vegetation shall be the sole responsibility of the petitioning Owner and the petitioning Owner shall indemnify the Architectural Review Board and the Board of Director's against any claim of damage that may be brought by another Owner(s) stemming from Owner's trimming, topping or removal.

10.10.1 Lot Specific View Protections. A Minimum set back of 50 feet from the embankment shall be maintained for Lots 38 and 39; A Minimum set back of 40 feet from the embankment shall be maintained for Lots 36 and 37; A Minimum set back of 30 feet from the embankment shall be maintained for Lots 34 and 35. Owner's of these lots may wish to seek approval from Tillmook County to relieve themselves of this restriction. The Homeowners' Association may at its discretion, chose to act or not act in favor of, in opposition of, or remain neutral regarding any and all applications that may be filed to alter this restriction, no matter who or what entity is filing an application for modification of this restriction.

10.10.2 Lot Specific Building Height Restrictions. Lots 28 through 39, 48A and 48 B, and 51 and 52 shall have a maximum building height of 24 feet.

10.10.3 Retention of Natural Environment. Declarant desires to maintain retention of the present natural environment. Normal trimming, pruning and topping of trees or removal of hazardous trees will be permitted in undeveloped areas without approval of the Association. The felling and removal of trees and growth that interfere with the construction or maintenance of a Dwelling Unit, septic system or road and driveway is permitted without approval of the Association. All other natural flora shall be maintained to minimize erosion and to maintain the coastal character of the Property, subject to the provisions of Section 10.10, and

Architectural Review Board approval of specific landscaping plans. While landscaping plans may be submitted, the intent of this section to discourage introduction of flora not already found on the site should be carefully considered by Owner's and their consultants. The Architectural Review Board shall be entitled to levy special assessments on Owners and lien Lots in the event of violations of this section.

10.10.4 Excavation. Cuts, scraping, and removal of soil and/or shrubs and vegetation may adversely affect septic approval for the Lots. Such activities on Lots including the felling and removal of trees and growth that interfere with the construction or maintenance of a septic system or road and access require the prior approval of the Architectural Review Board. The Architectural Review Board's activities shall consider the desire to maintain the coastal character of the Property and the desire for each Lot to maintain its own, on-site, septic disposal system where approved by the County.

10.11 Fences, Walls and Hedges. No fence, wall or hedge shall exceed six (6) feet in height. Owners, who desire a fence, are encouraged to use the same or similar materials in style as fencing in the areas near the Planned Community. In no event shall side yard fences project beyond the front walls of any Living Unit or any garage, nor in excess of twenty-five (25) feet beyond the rear walls of any Living Unit or any garage, except as allowed by the Architectural Review Board. No fence, wall or hedge shall be permitted within the minimum set back line and the property line nor to extend more than twenty-five (25) feet from the structure of the Living Unit. Prior to construction, designs of all fences, hedges or walls must be approved in writing by the Architectural Review Board. The walls and/or fences on any Lot shall not be altered without written consent of the Architectural Review Board.

10.12 Sight Line Protection. No hedge, shrub or tree planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain in the vision clearance triangle. The vision clearance triangle is the triangle formed: 1) on a corner Lot by the street property lines and a straight line connecting them at points 25 feet from the intersections of the street property lines extended; or 2) at a driveway by the street property line and the edge of the driveway and a straight line connecting them at points 15 feet from the intersection of the street and the driveway. Hedges, shrubs and trees shall be permitted in the vision triangle provided the foliage line is maintained at a height that does not obstruct sight lines in the vision clearance triangle.

10.13 Set Backs. No building or fencing shall be located on any Lot nearer than twenty (20) feet to the front Lot line, or any side street line. Except for attached Living Units permitted under Section 10.3.1, no building or fencing shall be located nearer than fifteen (15) feet to an interior Lot line. Except for attached Living Units permitted under Section 10.3.1, eaves, steps, open porches and balconies shall not be permitted to extend closer than ten (10) feet to an interior Lot line. The Architectural Review Board may approve a proposal that does not comply with these requirements pursuant to the process set forth in Section 11.

10.14 Parking. Adequate parking shall be provided for all vehicles of owners and guests on the residential lot where at all practical. Parking along the common roadway will be restricted.

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10.15 Party Walls.

10.15.1 General Rules of Law to Apply. Each wall built as a part of a Living Unit which divides Living Units, and which is placed on the dividing line between Lots, shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls shall apply thereto.

10.15.2 Sharing of Repair and Maintenance. The cost of repair and maintenance of a party wall shall be shared equally by the Owners whose Living Units are divided by such wall.

10.15.3 Weatherproofing. Notwithstanding any other provision of this Section, an Owner who by his or her negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

10.15.4 Right to Contribution Runs With Land. The right of any Owner to contribution from any other Owner under this Section shall be appurtenant to the land and shall pass to such Owner's successors in title.

10.15.5 Arbitration. In the event of any dispute arising concerning a party wall, or concerning the obligations of the Owners or the Association pursuant to the provisions of this Section, each party shall choose an arbitrator, and the arbitrators so chosen shall choose one additional arbitrator, and the dispute shall be resolved by a majority of all the arbitrators pursuant to the provisions of ORS 36.300 *et. seq.*, as amended.

10.16 Restrictions. The restrictions contained in this Section may not apply to all future development. Declarant may elect to apply a separate set of covenants on future development may require a separate set of covenants in respect to the restrictions to be applied to individual Lot use.

SECTION 11 ARCHITECTURAL REVIEW BOARD

11.1 Composition. The Board of Directors shall serve also as an Architectural Review Board. A quorum for the Architectural Review Board action shall be a majority of its members. The Board of Directors may delegate the duties of the Architectural Review Board to a committee appointed by the Board composed of not less than three (3) Owners.

11.2 Duties. It shall be the duty of the Architectural Review Board to regulate the external design, appearance, location and maintenance of all the Property and of improvements thereon, whether on a Lot or Common Property, and to regulate use of such Property as described in this Declaration. The Architectural Review Board may, from time to time, adopt general rules to implement the purposes and interpret the covenants of this Section, including, but not limited to, rules less restrictive than those contained in this Declaration to regulate

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animals and tenants, storage and use of recreational vehicles, storage and use of machinery, use of outdoor drying lines, trash containers, planting, maintenance and removal of vegetation of the Property.

11.3 Approval Required. No Living Unit, outbuilding, fence, wall or other structure of any type shall be commenced, erected or maintained upon the Property, nor shall any exterior addition to, change in, painting or staining of, or alteration to any Living Unit, outbuilding, fence, wall, or other structure on the Property of any type be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing by the Architectural Review Board as to the harmony of external design, materials, color, preservation of natural vegetation and location in relation to surrounding structures and topography. The Architectural Review Board may adopt an application fee for submittal and review of applications. During the period when Declarant fills all seats on the Architectural Review Board, the Association shall pay to Declarant the application fees collected, net of any copying and postage costs incurred by the association. During the period Declarant fills all seats on the Architectural Review Board the application fee shall be specifically delineated in the Rules and Regulations of Sahhali South Homeowners Association. The fees for Review may be changed at any time, by the Board of Directors of Sahhali South Homeowners Association. During the period Declarant fills all seats on the Architectural Review Board all application fees shall be remitted by the Association to the Declarant in compensation for Declarant's time in reviewing applications. Declarant is exempt from paying ARB fees regarding any and all property, lots or other area, either currently owned, or may be owned or annex into the Homeowners Association now or at any time in the future,

"Development" shall be defined as any grading, clearing, scraping, tree removal, planting, filling, or any other manipulation of the site or vegetation. "Tree" shall be defined as any variety of tree or large shrub with a trunk diameter at breast height ("DBH") equal to or greater than 4 inches.

11.4 Procedure. An Owner wishing to take any action requiring approval under this Section shall give notice of such proposed action to the Architectural Review Board, together with a completed application in the form specified by the Architectural Review Board and complete plans and specifications therefore. The Architectural Review Board may reject applications which are incomplete or request additional information. The Architectural Review Board shall provide notice of accepted applications to all Owners and such notice shall identify the Lot, the nature of the application, and the scheduled meeting date and place for the review of the application. Within 7 days of the notice date, an Owner may request a copy of the materials submitted in support of an application by providing written notice and a documentation fee of \$150. Not earlier than fifteen days after the mailing of the notice, the Architectural Review Board shall meet to review the Owner's request and shall render a decision by the vote of a majority of Board Members present. Such decision shall be rendered within forty-five (45) days of receipt of a complete application, provided however that no time shall be deemed to have elapsed from the time the Architectural Review Board requests additional information until such time as the requested information has been received. Interested Owners shall have an opportunity to comment on the application at all such meetings, which shall be open to all Owners, or may submit written comments. Except as provided herein, if the Architectural Review Board fails to

issue a written decision within the time allowed, the request shall be deemed to be approved. Requests seeking approval for actions not in compliance with the set back requirements of Section 10.13 shall be deemed denied unless a written decision approving the request is issued within the time allowed.

11.5 Appeal. The decision of the Architectural Review Board under this Section (including any failure to approve or disapprove within the time allowed) shall be subject to appeal by any Interested Owner as set forth in this Section. Upon the payment of a reasonable fee established by the Architectural Review Board to cover administrative costs any interested Owner may appeal the decision of the Architectural Review Board to the Association members. The appeal shall be made in writing and shall be filed with the Secretary of the Association within thirty (30) days of the decision of the Architectural Review Board. The Board of Directors shall call a special meeting or ballot to be held after ten (10) days notice and within thirty (30) days after the appeal has been filed with the Secretary of the Association. It shall require a vote of at least a majority of the votes of each Class of Association members to reverse or modify the decision of the Architectural Review Board. During the period Declarant fills all seats on the Architectural Review Board the appeal fee shall be specifically delineated in the Rules and Regulations of Sahhali South Homeowners Association. The fees for Appeal may be changed at any time, by the Board of Directors of Sahhali South Homeowners Association. During the period Declarant fills all seats on the Architectural Review Board all appeal fees shall be remitted by the Association to the Declarant in compensation for Declarant's time in reviewing appeals.

Any approval not appealed within the permitted time frame shall not be subject to later appeal and in such cases the decisions and actions of the Architectural Review Board's shall be deemed correct and without claims of further liability.

11.6 Exemptions. The following actions by the following persons shall be exempt from the provisions of this Section:

(a) The planting of any shrubs, flowers or other plants (excepting trees) by any Owner within an enclosed courtyard or fenced area on such Owner's Lot;

(b) Any act of the Declarant in developing any Lot or any portion of the Common Property in the Planned Community, whether or not annexed to the Association.

SECTION 12 EXPANSION

12.1 Right to Expand Planned Community. Declarant may annex additional properties to the Planned Community. Additional property shall be added to the Planned Community upon the filing by Declarant of one or more Supplemental Declarations.

12.2 Content of Supplemental Declarations. Each Supplemental Declaration shall

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contain, at least, the following provisions:

12.2.1 Cross-References. Each Supplemental Declaration shall reference this Declaration (or as subsequently amended) including the date of recordation hereof and the book and page number where this Declaration is recorded.

12.2.2 Statement of Application. A statement that the provisions of this Declaration shall apply to the annexed property.

12.2.3 Description of Additional Property. A legal description of the property to be annexed.

12.2.4 Description of Common Property. A description of the Common Property, if any, located within the property to be annexed.

12.2.5 Statement of Right. A statement that the annexation is pursuant to the right of the Declarant as provided in this Declaration.

12.3 Additional Common Property. There is no limitation on the right of Declarant to annex additional Common Property to the Planned Community by following these procedures.

12.4 Additional Lots. There is no limitation on the number of Lots that may be created or annexed to the Planned Community.

12.5 Association Membership. Membership in the Association shall be expanded upon the recording of the Supplemental Declaration to include the Owners of annexed property. The new members shall thereafter have the rights and obligations established in this Declaration. This Declaration shall apply to the annexed property in the same manner as if such property had originally been subject to it and had originally constituted a portion of the Property. Thereafter, the rights, privileges, duties and liabilities of the Members and the burdens and benefits of the land shall be the same as though the annexed property had originally been subject to this Declaration.

12.6 Assessments. The Owner of annexed property shall be subject to prorated Assessments for the balance of the fiscal year in which the Supplemental Declaration is recorded, and shall not be liable for Assessments prior to that date, provided, however, that Declarant shall be exempt from Assessments.

SECTION 13 DECLARANT'S SPECIAL RIGHTS

Until all Lots on the Property have been sold, with respect to the Common Property and each Lot, Declarant shall have the following special rights:

13.1 Sales Office and Model. Declarant shall have the right to maintain, or permit another to maintain, a sales office and model on one or more of the Lots. The Declarant,

permitted parties, purchasers and prospective purchasers and their respective agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week.

13.2 "For Sale" Signs. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, the Common Property.

13.3 Declarant Easements. Declarant has reserved easements over the Property as more fully described in Section 6 hereof.

13.4 Expansion. Declarant may annex additional property to the Planned Community pursuant to Section 12.

13.5 Additional Improvements. Declarant may construct additional improvements on the Common Property that Declarant determines may be beneficial for the development of the Planned Community.

13.6 Reversion of the STEP System. Declarant may terminate the easement for the drainfield and pumping station for the STEP System. The right to rescind the easement may only be exercised when all Lots served by the STEP System have connected to a public sewerage system or alternate facilities adequate to serve their needs for disposal of domestic sewage. The withdrawal shall occur upon satisfaction of the forgoing condition and the recordation by Declarant of a notice of recision in the records of Tillamook County.

SECTION 14 CONDEMNATION OF COMMON PROPERTY

In the event that all or any portion of the Common Property is appropriated as the result of condemnation or threat or imminence thereof, the following rules and guidelines shall apply:

14.1 Representation by Association. The Board of Directors shall have the sole authority, right and duty to represent each of the Owners for the purpose of negotiating and contesting, if it deems so doing to be necessary or appropriate, any condemnation award offered by the condemning authority in question and may authorize expenditures and assessments to retain adequate counsel or other experts for such purposes.

14.2 Allocation of Condemnation Award. The Board of Directors of the Association shall allocate and distribute any condemnation award received by it with respect to the Common Property to the Owners in proportion to the diminution in fair market value incurred by them with respect to their respective Lots and improvements as a result of said condemnation.

14.3 Arbitration. In the event of any controversy by, among or between any Owner or Owners and the Board of Directors arising under this Section, each of the disputing parties shall choose one (1) arbitrator and such arbitrators shall choose one (1) additional arbitrator. The three (3) arbitrators shall resolve the controversy by majority vote and said decision shall be final,

binding and unappealable upon the disputing parties. Any action or decision of the Board of Directors pursuant to this Section shall carry a rebuttable presumption of correctness for purposes of arbitration pursuant to this Section. The disputing parties each shall pay all the fees and expenses of the arbitrator designated by each of them and shall pay equally all fees and expenses of the third arbitrator. The disputing parties each shall pay their own expenses in connection with the arbitration.

14.4 Retention of Rights. No provision of this Section shall be construed as negating the right of the individual Owners to such incidental relief as the law may provide as a result of the condemnation of the Common Property.

SECTION 15 GENERAL PROVISIONS

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

Indemnification of Directors, Officers, Employees and Agents. The 15.2 Association shall indemnify any Director, Architectural Review Board member, officer, employee or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by the Association) by reason of the fact that he or she is or was a Director, officer, employee or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by said person in connection with such suit, action or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or with a plea of no contest or its equivalent, shall not of itself create a presumption that a person did not act in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe his or her conduct was unlawful. Payment under this clause may be made during the pendency of such claim, action, suit or proceeding as and when incurred, subject only to the right of the Association, should it be proven at a later time that said person had no right to such payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee or agent shall have a right of contribution over and against all other Directors, officers, employees or

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agents and members of the Association who participated with or benefited from the acts that created said liability.

The Association shall indemnify Declarant from any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, relating to the Declarant's actions on behalf of the Association, its Board of Directors or Architectural Review Board, brought by the Association, or any person who is an Owner.

15.3 Enforcement. The Association and the Owners or any mortgagee on any Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure either by the Association or by any Owner or mortgagee to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration, the prevailing party shall be entitled to its attorney fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorney fees, to be set by the appellate court. In addition, the Association shall be entitled to its reasonable attorney fees incurred in any enforcement activity taken to collect delinquent assessments, whether or not suit or action is filed.

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

15.5 Duration. The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date of this Declaration being recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless rescinded by a vote of at least ninety percent (90%) of the Owners and ninety percent (90%) of the first mortgagees. Provided however, amendments that do not constitute rescission of the Planned Community may be adopted as provided in Section 15.6.

15.6 Amendment. As provided by ORS 94.590 and except as otherwise provided in Sections 15.5 and 15.9, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an instrument approved by not less than seventy-five percent (75%) of the total votes of each class of members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law. Provided, however, that no amendment of this Declaration shall effect an amendment of the Bylaws, the Articles of Incorporation without compliance with the provisions of such documents, and the Oregon Non-Profit Corporation Act. Provided further, no amendment affecting any right of the Declarant herein contained may be effected without the express written consent of the Declarant.

15.7 Rights of Mortgagees. Any holder of a first mortgage or equivalent lien on any Lot and/or the improvements located thereon, upon written request to the Board of Directors of the Association, shall have the right to:

(a) Receive timely written notice of meetings of the Association;

(b) Receive timely written notice of any proposed abandonment, termination or contraction of this planned unit development;

(c) Receive timely written notice of any material amendment of the Declaration or the Articles of Incorporation or Bylaws of the Association;

(d) Receive timely written notice of any decision by the Association to terminate professional management and to assume self-management of the Property, if the Association previously has retained professional management services;

(e) Inspect the financial records and similar documents of the Association at reasonable intervals during normal business hours;

(f) Receive written notice of substantial damage to or destruction of any Lot and/or the improvements thereon or the Common Property and/or any improvements thereon; and

(g) Receive timely written notice of any condemnation or eminent domain proceeding affecting the Common Property or any portion thereof.

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

15.9 Unilateral Amendment by Declarant. The Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Prior to the turnover meeting, no such amendment shall require notice to or approval by any Class A member.

15.10 Estoppel Certificate. Within fifteen (15) working days after written request is delivered to the Association by an Owner, the Board shall provide such Owner with an estoppel certificate executed by a member of the Board certifying, with respect to any Lot owned by the Owner, that as of the date thereof, either: all improvements made to such Lot by the Owner comply with this Declaration, or such improvements do not comply, in which event the certificate shall also identify the noncomplying improvements and set forth the nature of such noncompliance. Any purchaser in due course from the Owner, and any mortgagee or other encumbrancer, shall be entitled to rely on such certificate with respect to the matters set forth therein, such matters being conclusive as between the Association, and all Owners, and such purchaser or mortgagee.

15.11 Defenses. It shall be a defense to claims brought against a Lot Owner pursuant to this Section in respect to matters within the purview of the Architectural Review Board, where an Estoppel Certificate as described in Section 15.10 was issued and where the offending improvement was in existence at the time of the issuance of the Estoppel Certificate.

15.12 Liability. The scope of the Association's review is not intended to include any review or analysis of structural, geophysical, engineering, or other similar considerations. Neither the Association nor any member shall be liable to any Owner, Occupant, builder or developer for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Association or any member.

15.13 Recitals. The Recitals are incorporated in this Declaration, in full by this reference.

DATED this 1/1/1 day of December 200 6 .

DECLARANT:

Sahhali South, LLC By: SYCAN B CORP., its Managing Member

By:

Richard D. Boyles, President

STATE OF OREGON,

) ss.

County of Lane

This instrument was acknowledged before me this $\underline{\mathbb{N}}$ day of $\underline{\mathbb{DLC}}$, by Richard D. Boyles, President of Sycan B Corp., Managing Member of Sahhali South, LLC.



Notary Public for Org

Notary Public for Oregon My Commission Expires: ()7 After Recording Return to: Sahhali South Homeowner's Association 840 Beltline Rd., Suite 202 Springfield, Or. 97477 Tax Statements: No change

 Tillamook County, Oregon
 2007-005825

 07/12/2007 03:42:41 PM
 DEED-ADCCR

 \$10.00 \$11.00 \$10.00 - Total = \$31.00



Instrument was received for record and recorded in the County of Tiliamook, State of Oregon. Tassi O'Neil, Tiliamook County Clerk



Addendum One to Covenants, Conditions and Restrictions of Sahhali South

THIS Addendum One is made on 2007, by Sahhali South, LLC, (Declarant).

RECITALS

A. Declarant is the owner of the real property described in Exhibit "A" attached, including Lots 1 through 56, excluding Lots 7, 8, 42, and 43, which are owned by Butterfield Homes, Inc. as depicted in the plat of Sahhali South filed in the Plat Records of Tillamook County, Oregon, at instrument number #2007-001312 and stored at Plat Cabinet B-987-0, and also stored in the County Surveyor's Office as C-552.

B. The Declarant hereby adds the definition of "Open Space" as follows to the Declaration of Covenants, Conditions, and Restrictions of Sahhali South Homeowner's Association.

"Open Space" means all of the real property described in Exhibit "A" other than Lots 1 through 56 and the roads depicted on the plat of Sahhali South filed on February 15, 2007 in the Plat Records of Tillamook County, Oregon as Instrument Number 2007- Instrument #2007-001312 (Plat). Open Space includes, but is not limited to, the area depicted as Open Space on the Plat. No part of the Open Space will become Common Property unless and until such Open Space has been conveyed to the Association by or through the Declarant. Any part of the Open Space will become part of the Common Property at such time as it is conveyed to the Association by or through the Declarant.

| | | | | | | | | | | |

Page 1 of -2 Addendum One to Declaration of Covenants, Conditions and Restrictions of Sahhali South

NOW, THEREFORE, the Declarant adds the definition of "Open Space" as stated in this Addendum to the original Declaration of Covenants, Conditions and Restrictions of Sahhali South, Recordation number 2007-001308, in Tillamook County Records on February 15, 2007.

DATED this <u>Z//</u>day of <u>// 11 ml</u> ____200<u>7</u>__.

DECLARANT:

SAHHALI SOUTH, LLC
By: SYCAN B, CORP., its Managing Member
By:
Richard D. Boyles, President

BUTTERFIELD HOMES, INC.

Timothy J. Henton, President

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me this 2day of ^l M. by Richard D. Boyles, President of Sycan B Corp., Managing Member of Sahhali South, LLC.



Notary Public for O My Commission Ex

STATE OF OREGON, **County of Lincoln**

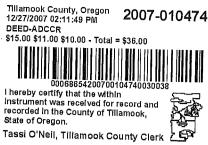
)) ss.

This instrument was acknowledged before me this 2pl, by day of Timothy J. Henton, President of Butterfield Homes, Inc.



Notary Public for Ore bon My Commission Expires:

Page 2 of -2 Addendum One to Declaration of Covenants, Conditions and Restrictions of Sahhali South



After Recording Return to: Sahhali South Homeowner's Association 840 Beltline Rd., Suite 202 Springfield, Or. 97477 Tax Statements: No change

Addendum Two to Covenants, Conditions and Restrictions of Sahhali South

THIS Addendum Two is made on 2007, by Sahhali South, LLC, (Declarant).

RECITALS

WHEREAS, the Declarant is the owner of the real property described as follows:

Sahhali South, Lots 1 through 56, excluding Lots 7, 34, 35, 42, 43, 44 and 45, as depicted in the plat of Sahhali South filed in the Plat Records of Tillamook County, Oregon, at instrument number #2007-001312 and stored at Plat Cabinet B-987-0, and also stored in the County Surveyor's Office as C-552, according to the official plat thereof, recorded February 16, 2007, Records of Tillamook County, Oregon.

TOGETHER WITH easements for access as set forth on the above plat and in instruments recorded April 11, 2005, as 2005-002940 and 2005-002941, Records of Tillamook County, Oregon. ALSO TOGETHER WITH fire and emergency access easement recorded December 13, 2006, as 2006-010737, Records of Tillamook County, Oregon.

A. The Declarant hereby adds the following clause to the Declaration of Covenants, Conditions, and Restrictions of Sahhali South Homeowner's Association, at Section 5 Covenants for Maintenance Assessments/ Special Assessments and Common Profits, Specifically Section 5.2.2 by adding the following provision:

5.2.2 (e) The Declarant shall be entitled to full reimbursement of all reasonable operating expenses paid by the Declarant to maintain the property commonly known as Sabhali South from the time of the recordation of the plat on February 15, 2007, Plat Records of Tillamook County, Oregon, at instrument number #2007-001312 and stored at Plat Cabinet B-987-0, and also stored in the County Surveyor's Office as C-552, until such time as the Homeowner's Association is turned over to the Homeowner's Association as detailed in Section 4, pages 5 & 6 of the recorded Covenants, Conditions and Restrictions, dated December 11, 2006, and recorded on February 15, 2007 in the Records for Tillamook County, recordation number 2007-001308.

The Declarant reserves the right to call the entire amount due for invoiced expenses to operate and maintain said property as stated above. The Declarant may chose to collect the entire amount of invoiced expenses at the time of turn over to the Homeowner's Association as referenced above, or forgive all or any portion of the invoiced expenses.

C. This provision is for the reimbursement of Operating Expenses only and does not include any

Page 1 of -3 Addendum Two to Declaration of Covenants, Conditions and Restrictions of Sahhali South

portion of the Capital Replacement Reserves as specified in Section 5 Covenants for Maintenance Assessments/ Special Assessments and Common Profits, Specifically Section 5.2.2 (b).

D. The Declarant shall provide copies of all invoices paid that it is seeking reimbursement of under this Amendment.

NOW, THEREFORE, the Declarant adds above specific provisions as Addendum number Two, to the original Declaration of Covenants, Conditions and Restrictions of Sahhali South, Recordation number 2007-001308, in Tillamook County Records on February 15, 2007.

DATED this 21 5T December 200 7.

DECLARANT:

SAHHALI SOUTH, LLC By: SYCAN B CORP., its Managing Member

By:

Richard D. Boyles, President

BUTTERFIELD HOMES, INC. Timothy J. Henton, President

STATE OF OREGON,

County of Lane

This instrument was acknowledged before me this 21° day of <u>December</u> by Richard D. Boyles, President of Sycan B Corp., Managing Member of Sahhali South, LLC.



) ss. .

Notary Public for Oregon My Commission Expires:

ADDITIONAL ACKNOWLEDGEMENT ON NEXT PAGE

Page 2 of -3 Addendum Two to Declaration of Covenants, Conditions and Restrictions of Sahhali South

STATE OF OREGON,

County of Lincoln

This instrument was acknowledged before me this $\mathcal{L}'' \mathcal{L}'$ day of \mathcal{L}'' Timothy J. Henton, President of Butterfield Homes, Inc.

)) ss.

)



Notary Public for O gon

by

My Commission Expires: $Z/I/D^2$

Page 3 of -3 Addendum Two to Declaration of Covenants, Conditions and Restrictions of Sahhali South

Sahhali South

A Planned Development

Landscape Guidelines August 2006

EXHIBIT "<u>E</u>" Page ____ of ____

Landscaping Guidelines and Recommendations

Sahhali South August 2006

LANDSCAPE DESIGN PHILOSPHY

Sahhali South is a unique neighborhood in the community of Neskowin. The development of Sahhali South is unusual in its attempt to preserve the natural beauty of the area and site integrity of individual homesites while allowing diversity in home and landscape design.

These guidelines are intended to help you, your landscape designer/architect and your landscape contractor understand the rules and guidelines and the necessary approval process relating to the landscaping of your homesite.

These guidelines are intended to function in concert with the Bylaws, Rules and Regulations, and CCRs of Sahhali South Homeowner's Association, LLC.

Extensive landscaping is not required or encouraged. However, all homesites are required to be maintained in a neat and orderly condition that creates a pleasing appearance form all vantage points located off of the individual parcels. If a homeowner elects to maintain the entire property in a natural condition, steps must be taken to restore unsightly scarred areas that were produced from construction activity, and to remove dead plants and refuse from the entire site.

Individual homesites should be treated in a casual, fluid manner in order to integrate comfortably with the natural setting of Sahhali South. Lawn edges should be serpentine rather than straight and square-cornered. Formal,

EXHIBIT " E" Page 2 of 5

regimented planting arrangements are strongly discouraged. Shrubs, tress and other plant materials should be arranged in groupings, rather than in straight rows.

Landscaping construction must be finished within one (1) year of substantial completion of the exterior of the home.

WIND

The single greatest factor in determining which plants will survive in Sahhali South coastal shoreline environment is wind. Typical of the Oregon coast, prevailing winds are landward, coming from a generally northwest direction during the warmer summer months. During the winter months, the predominant wind direction is generally from the south. Gale force winter winds can reach speeds of over 100 miles per hour. Of greatest concern from a landscaping perspective are the strong summer winds and those which occur during the spring months. Strong winds carrying warm temperatures can quickly dehydrate new spring growth, causing severe damage or death to many plant species, including those on the Recommended Plant List. Severe wind damage during the winter months is less of a concern because plants are then formant, although gale force winds will almost certainly cause damage to most plants unless suitable precautions are taken to screen plants from the strongest winds by man-made features or the planting of suitable screening vegetation.

SOILS

Soils in the area are of the Neskowin, Hembre and Winema soil associations. These soils are generally deep, well drained and relatively high in organic material, and very acid with Ph levels of 5.0 or lower. Annual rainfall ranging from roughly 64 to 132 inches per year influences soil acidity and appropriate plan materials.

PLANT RECOMMENDATIONS

A recommended plant list has been selected as a sampler of materials which may be used. They were selected for their particular adaptability to the climate and weather conditions of the Oregon coast, and the soils which occur within the Sahhali South property.

EXHIBIT "<u>E</u>" Page <u>S</u> of <u>S</u>

RECOMMENDED PLANT LIST

Sahhali

Plant Type/Name

Trees

Arbutus menziesii - Madrone Arbutus unedo - Strawberry tree Betula - Birch, esp. European White Birch Calocedrus decurrens Incense Cedar Cupressus macrocarpa - Monterey Cypress Ligustum lucidum Glossy Privet Myrica California - Pacific Wax Myrile Picea - Spruce, Sitka Picea abies - Norway Spruce Pinus contorta - Shore Pine Pinus thunbergil - Japanese Black Pine Populus nigra 'Italica' - Lombardy Roplar Pseudotsuga menziesii - Douglas Fir Quercus ilex - Holly Oak Robina pseudoacacia - Black Locust Salix species - Willow, native Sequeia sempervirens - Coast Redwood Thuja plicalta - Western Red Cedar, native

Shrubs

Abelía X grandillora - Glossy Avella Arctostaphylos columbiana - Haily Manzanita, native Arctostaphylos manzanita - Common Manzanita Aucuba Japonica - Japanese Aucuba Azelea, Kurume varieties Baccharis, pilularis - Coyote Brush/Dwarf Chaparral Berberis darwinii - Darwin Barberry Borberis wilsoniae - Wilson Barberry Buxus sempervirens - English Edxwood Caragana arborescens - Siberlan Peashrub Ceanothus thyrsiflorus - Wild Lifec (Snow Flurry) Chamaecyparis obtusa - False Oypress Cistis species - many varieties Cistus - Rockrose Cortaderia selloana - Pampas Grass Cotoneaster species - many varieties Cytisus and Genista - Broom (various) Cytisus species - Broom (many varieties) Escalionia (various) Escallonia species Euonymus fortunei - many varieties

Comments

Evergreen tree or large shrub Shrub-tree; drought tolerant Requires ample water and fertilizer Symmetrical treet to 75-90 feet Fast growth to 40 feet Round-headed tree to 40 feet or large shrub; fast growing Drought tolerant Do not plant near home or walks Fast growth to 100-150 feet; many varieties Fairly fast growint to 20-35 feet; dense foliage Fast growth to 100 feet; adapts well to pruning Fast growth to 40-100 feet; columnar tree; invasive roots Sharply pyramidal form when young Moderate growth to 40-70 feet and equal spread Fast growth to 75 feet; aggressive roots; drought tolerant Fast growth; requires ample water Fast growth: requires ample water Pyramidal shape

Evergreen to partially deciduous; growth to 8 feet; prune selectively Low growing; evergreen; sun

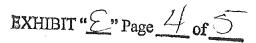
Growth to 6-20 feet tall; evergreen; sun

Accepts deep shade; variegated forms

Ample water; amend soil with organic material when planting Drought tolerant;

Growth to 5-10 feet tall; orange-yellow flowers Grwoth to 6 feet; fine textured foliage; yellow flowers in clusters Dense foliage; growth to 15-20 feet tall; good hedge shrub Deciduous shrub or small tree; fast growth to 20 feet Growth to 6-10 feet tall and 8-12 feet wide; white flowers Serveral varieties dwarf to 50 feet Climbing evergreen vines; easy to grow Evergreeen; sun; spring flowers Fast growth; difficult to control size Vrgorous growth; full sun Drought tolerant; sun; prune after blooming Full sun; prune after bloom Fast recovery from damage; evergreen; sun; fast growth

Evergreen; many varieties; fast recovery from freeze damage Evergreen vine or shrub; sun or full shade



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Hobe (purple blooming varieties)	Evergreen; fast growth to 3-5 feet; drought tolerant; sun	
Hebe buxifolia Boxleaf Hebe	Evergreen; fast growth to 3-5 feet; drought tolerant; sun	
Hydrangea species - many varieties	Deciduous; large bold flowers and follage; grow in rich well-drained soil	
Juniperus species - many varieties	Evergreen shrubs and trees; sun	
Knipholia uvaria - Red-hot Poker	Drought tolerant; full sun	
Phormium tenax - New Zealand Flax	Swordlike vertical leaves to 9 feet long; allow plenty of space	
Photinia fraseria	Evergreen shrub; growth to 10 feet tall	
Pinus, muga - Mugho Pine	Prostrate shrub	
Prunus caroliniana - Carolina Laurel Cherry	Evergreen shrub or tree; growth to 35-40 feet	
Prunus laurocerasus - English Laurel	Evergreen; vigorous; fast growth to 30 feet tall and wide	
Prunus lusitanica - Portugal Laurel	Evergreen; less vigorous than English Laurel but better in wind	
Pyracantha species - Firethorn	Evergreen shrub; bright red-orange fruit; thorns; sun	
Rhamnus alaternus - Italian Buckthorn	Evergreen shrub; fast dense growth to 12-20 feet	
Rhamnus californica - Coffeeberry	Evergreen shrub; growth to 3-15 feet tall; drought tolerant	
Rhododendron (various)	Requires ample water; amend soil when planting; shield from wind	
Ribes aureum, native - Golden Currant	Deciduous shrub; growth to 3-6 feet tall; irrigation	
Ribes sanguineum, native - Pink Winter Currant	Deciduous shrub; growth to 4-12 feet tall; irrigation	
Rosa rugosa - Ramanas Rose; Sea Tomato	Deciduous shrub; vigorous and very hardy; growth to 3-8 feet; red fruit	
Rosmarinus officinalis - Rosemary	Evergreen shrub; growth to 2-6 feet tall	
Salix discolor - Pussy Willow	Shrub or small tree; growth to 20 feet	
Sambucus callicarpa, natvie - Coast Red Elderberry	Deciduous shrub to 8 feet tall; ample irrigation	
Senecio greyi	Evergreen shrub; spreading plant that grows 4-5 feet tall; sun	
Spartium junceum - Spanish Broom	Evergreen shrub; growth to 6-10 feet; dense growth; flowering	
Spiraea species - Many Varleties	Deciduous shrubs; flowering	
Vaccinium ovatum, natvie - Evergreen Huckleberry	Evergreen shrub; sun or part shade	
Viburnum linus - Laurustinus	Evergreen shrub; growth to 6-12 feet tall; dense follage	
Groundcover		
Arctostaphylos uva ursi - Kinnikinnick	Spreading to 15 feet wide; good on slopes; keep soil moist	
Ceanothus griseus horizontalls - Carnel Creeper	Growth to 18-30 inches tall and 5-15 feet wide; flowering lilac variety	
Crocosmia, crocosmiillora - Montbretta	Good for slopes; flowering	
Hebe pinguitolia	Creeping shrub 1-3 feet tall; flowering	
Hypercum calycinum - Creeping St. Johnswort	Evergreen creeping shrub to 1 foot tall; yellow flowers	
Juniper conferta - Shore Juniper	Prostrate, trailing habit; bright green foilage	
Lithospermum species	Perennial; prostrate mound 6-12 inches tall; sun	
Lonicera japonica - Japanese Honeysuckie	Evergreen vine; rampant; erosion control on steep banks; drought resistant	
11		

Obtain from local sources.

EXHIBIT " 2" Page 5 of 5

Sources:

Native grasses - many varieties

American Horticultural Society Encyclopedia of Garden Plants 1989 Brown's Rose Lodge Nursery (Wally Brown), Otis, Oregon Coastal Landscaping by Bill Rogers, American Nurseryman; February 15, 1991 Ortho's Complete Guide to Successful Gardening 1983 Sandy's Nursery & Garden Cemer (Bill Howard), Tillamook, Oregon Sunsot New Western Garden Book 10th ed. 1986

EXHIBIT 2.1: DEVELOPMENT SUMMARY STATEMENT FOR SAHHALI SOUTH MASTER DEVELOPMENT PLAN

I – GENERAL

Property Location: The subject property is located on the west side of Highway 101 approximately one and one-half miles north of the unincorporated community of Neskowin in Tillamook County, Oregon. The property is further identified as Assessor's Map 5S 11 24 Tax Lot 200 and Assessor's Map 5S 11 13 Tax Lot 600.

Property Description: The subject property is characterized by three distinct features: a gently sloping, long ridge that runs generally northeast to southwest through the center of the property; a significant marsh/wetlands that surrounds the base of the ridge on the west, south, and southeast and; sand dunes/beach area between the marsh/wetlands area and the Pacific Ocean.

A less significant feature of the property is a heavily vegetated knoll located in the southeast corner of the property adjacent to Highway 101.

A delineation of the wetlands on the site was completed by Pacific Habitat Services. A map showing the location of the marsh/wetland areas is located in the maps in Exhibit 3. For the wetlands report and detailed mapping of the wetlands on the property, see Exhibit 5.

Surrounding Land Uses:

North – the property north of the subject property is Sahhali Shores at Neskowin subdivision consisting of approximately 90 residential lots. These lots are a mix of standard single family lots (20,000 sq ft minimum) and townhouse, zero lot line structures.

South – the property to the south is heavily vegetated with large areas of marsh/wetlands. The property is vacant.

East – to the east of the subject property is Highway 101. Generally, on the east side of Highway 101 are numerous larger parcels (+10 acres) with single family residences.

West – to the west of the subject property are sand dunes and the Pacific Ocean.

Topography: The topography of the subject property is depicted on the maps in Exhibit 3.

Zoning District and Minimum Lot Size: The property is within the Neskowin Community Growth Boundary and is zoned NeskRR-PD i.e. Rural Residential with a Planned Development overlay. The minimum lot size for an RR zone is 20,000 square feet. However, the PD overlay zone allows developments to have lots smaller than what is required in the underlying RR zone. Minimum lot size as proposed is 3,756 square feet. The net density complies with the RR zone requirements.

Sanitary Sewer: The subject property is outside of the Neskowin Regional Sanitary Authority boundaries.

Water Service: The subject property is inside of the Neskowin Regional Water District.

Other Utilities: The property is served by Tillamook Public Utility District, the electrical provider; Charter Communications, the cable provider and; Sprint, the telephone provider.

Fire Protection: Fire protection will be provided by Neskowin Rural Fire District.

Public Schools: Public schools are provided through the Cloverdale Elementary School and the Nestucca High School. The applicant anticipates that the majority of the residents will be second home owners and retirees minimizing impact on the local schools.

Streets: The subject property currently is served by one access driveway to Highway 101.

Geology: The majority of the development is located on ridges comprised of basalt bedrock. The complete Geologic Hazard Report is included herein as Attachment 6.

II – SCOPE AND INTENT OF THE LAND USE APPLICATIONS

The subject land use application seeks approval of a Preliminary Development Plan through a conditional use permit. This development is located within the Neskowin Community Growth Boundary and is known as Sahhali South. The overall proposed development consists of 56 lots (please refer to the lot layout maps in Exhibit 3) which include: 46 zero-lot line townhouse lots, which are located on a ridge running generally northeast to southwest through the property. Each of the 46 townhouse lots will be constructed with one common, zero-lot line wall on one side. The PD approval process allows for the reduction in the side yard setback in order to allow for the zero-lot line development. Side yard setbacks proposed for the townhouse units are:

a. a minimum 10 foot side yard setback on one side of the lot, and

b. a zero-lot line side yard setback on the other side of the lot. Every two lots will have one attached building unit housing two dwelling units. These building units are designed to be similar to single family detached lots in size and density. One advantage to using these types of lots is to create a development that visually appears to be lower in density that it really is. There will be 23 attached building units, each of two dwelling units, on the 46 zero-lot line townhouse lots in Sahhali South. The attached townhouses will provide individuals a flexible choice of living arrangements.

- 2) Nine single-family detached lots. These lots are located on a knoll in the southeast portion of the property. One additional single-family detached lot Lot 48, located in the Northwest corner of the development is potentially dividable into two lots. The Master Development Plan, as proposed, allows for the future partitioning of Lot 48 into two future lots. The overall density in the subdivision will not be exceeded, even with the future partition of Lot 48. Conventional yard setbacks, as required by the RR zone, will apply to these lots.
- 3) One lot Lot 13 designated as possible future community center site.

The site has a total of 73 acres. Of this, almost 59.6 acres will be in dedicated Open Space. The subdivision area and density calculations are presented in Exhibit 2.3 herein. The Open Space will consist of the delineated wetlands, the marsh areas, the sand dunes as well as other undeveloped lands including all necessary setback areas from the natural areas. There is no planned improvement within these Open Space areas. There is an existing footpath that leads from the northeast corner of the property generally to the southwest, along the base of the ridge, then around the ridge to an existing pedestrian bridge west of the ridge. This bridge crosses the marsh area allowing access to the dunes and ocean. The existing path, which is paved for the first 600 feet, and the bridge will be maintained in the existing condition.

Sanitary Sewer: The development will be served by an on-site community septic system permitted by the Department of Environmental Quality. Each lot will have septic/pump tanks for solids storage. Untreated effluent will be pumped to the treatment facilities which will be located on the subject property.

The treatment facilities will take an area of less than 10,000 square feet in physical size. The treated effluent will then be pumped to drain fields located on Tax Lot 800 Assessor's Map 5S 10 19B.

The off-site drain field will consist of approximately 4,800 lineal feet of primary area and a back-up, replacement area sufficient in size for an additional 4,800 lineal feet. Soils testing in this area has been conducted by the project sanitarian, John Smits, and shows adequate soils that will easily handle the treated effluent. A map of the proposed off-site drain field area is enclosed in Exhibit 7.

Water Service: The subject property is within the boundaries of the Neskowin Regional Water District (NRWD) and will take service from the NRWD. The NRWD currently has a 8 inch PVC line along the Highway 101 frontage of the subject property. In addition, there is an 8 inch PVC line immediately north of the subject property's north property line.

A tee and capped valve will be provided in the Southerly portion of the proposed new water distribution loop for future use by the NRWD in a future main extension project to connect to existing water mains in Neskowin North area. The exact layout of water distribution facilities to serve the development will be worked out between the project civil engineer, Ron Larson of HLB, with NRWD staff and their engineering consultants.

Other utilities: All other utilities – Tillamook PUD, Sprint, Charter Communications – all have or are capable of extending facilities to serve the site. The exact location and size of the facilities will be worked out in consultation with the serving utility.

Streets: As stated, the subject property is currently served by an access driveway from Highway 101, which is located approximately 200 feet south of the subject property's north property line. The existing access is too near the intersection of Sahhali Drive with Highway 101, thereby creating a traffic hazard. Given the location of wetlands, the proposed lot layout on the development, and the topography of the site, it is not feasible to move the existing access to the south.

The existing access driveway will be used as an emergency access road only in the proposed development. Primary access to the development will be via the existing Sahhali Drive access street over Assessor's Map 5S 11 13 Tax Lot 405. This property is owned by the developer, Sycan B Corp. The Sahhali Shores at Neskowin Consolidated Homeowner's Association uses this street for preliminary access by grant of easement. The property owner will grant an irrevocable

easement over Sahhali Drive to the HOA of the new development, Sahhali South, for use as the primary access.

Currently, Highway 101 along the frontage of the subject property has one south bound lane and two north bound lanes – one travel and one passing. In consultation with the Oregon Department of Transportation, the traffic engineer for the project, Jim Hanks of JRH, has determined that the passing lane at this location does not meet ODOT standards for length. In addition, there are passing lanes to the north and the south which do meet ODOT standards. The passing lane at this location will be eliminated.

The asphalt pavement width "gained" by elimination of the passing lane will be used to create a dedicated left turn off Highway 101 to Sahhali Drive. The developer has been working with ODOT on resident's concerns of left turning from Highway 101 to Sahhali Drive. The creation of the left turn lane and the elimination of the passing lane in this area will create a highway cross section that meets ODOT standards for safety. The complete Traffic Impact Analysis (TIA) is included herein as Exhibit 4.

It is proposed that the eight single family lots located on the southeast knoll have direct access to Highway 101. This area of the subject property is isolated from the rest of the site by wetlands and topography. The traffic impact of that access road on Highway 101 is also addressed in Exhibit 4.

The internal streets serving the development will be private and constructed to meet or exceed Tillamook County Road standards. Care has been taken to minimize the amount of street serving the proposed lots. In order to prevent large expanses of unbroken asphalt, the cul-de-sac at the southerly terminus of the main street is proposed as a roundabout. The roundabout will give the ability to provide landscaping within the center of the roundabout. This treatment will break up large expanses of asphalt at the cul-de-sac.

III – APPLICABLE DECISION CRITERIA

The following have been determined to be all of the substantive criteria relevant to a consideration of the proposed land use applications:

Conditional Use Permit Criteria

Tillamook County Land Use Ordinance (LUO) 6.040 "Review Criteria".

"Any CONDITIONAL USE authorized according to this Article shall be subject to the following criteria, where applicable:

- (1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.
- (2) The use is consistent with the applicable goals and policies of the Comprehensive Plan
- (3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed, in the underlying zone.
- (5) The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems, or wind mills.
- (6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use."

Planned Development Criteria

LUO 3.080(3)(b): "During its review the Planning Department shall distribute copies of the proposal to county agencies for study and comments. In considering the plan, the Planning Department shall seek to determine that:

- (1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
- (2) Resulting development will not be inconsistent with the comprehensive plan provisions of zoning objectives of the area.
- (3) The plan can be completed within a reasonable period of time.
- (4) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
- (5) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- (6) The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features.
- (7) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties of the permitted uses listed in the underlying zone.
- (8) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.
- (9) Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development."

Rural Residential (RR) Zone: permitted uses allowed under the RR zone are as follows:

- a. Single-family residential structures.
- b. Recreational vehicles use during the construction or placement of a use for which a building or placement permit has been issued.
- c. Home occupations according to the provisions of Section 4.140 of this ordinance.
- d. Farm uses, including aquaculture.
- e. Forest uses.
- f. Roadside stands for produce grown on the premises.
- g. Signs, subject to Section 4.020.
- h. Electrical distribution lines.
- i. Conditional Uses (among others)

"Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130: The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.

IV – SPECIFIC FINDINGS OF FACT: DISCUSSION; CONCLUSIONS

Conditional Use Permit

Criterion 1: "(1) The use is listed as conditional use in the underlying zone, or in an applicable overlying zone."

Discussion: Tillamook County LUO 3.010(3)(a) lists Planned Developments among the uses permitted conditionally in an RR zone. The proposed use is a Planned Development.

Conclusion: The proposed use, a Planned Development, is listed as a conditional use in the underlying RR zone and is required in the applicable PD overlay zone. The criterion of approval is met.

Criterion 2: "(2) The use is consistent with the applicable goals and policies of the comprehensive plan."

Discussion: Goal 5: Open Spaces/Scenic-Historic Areas/Natural Resources:

"To conserve open space and protect natural and scenic resources..."

This Planned Development is designed to take advantage of the site's natural beauty, with the goal of preserving sensitive landscape. Approximately 59.6 acres of the site – including the sand dunes, the major marsh areas, and those areas delineated as wetlands by Pacific Habitat Services – will be designated Open Space. No development will be allowed within these areas other than the existing pedestrian footpath and an existing wooden bridge. The steep slopes on the western side of the main ridge will not be developed.

Development will only occur in three areas of the property:

- 1. on the most northeasterly approximately 200 feet of the property,
- 2. along the gentle slopes of the northeast to southwest trending ridge, and
- 3. on the knoll in the southeast corner of the property.

The proposed development is consistent with the Comprehensive Plan goal of conserving open space and protecting natural and scenic resources.

Goal 6: Air, Water, and Land Resources Quality:

"To maintain and improve the quality of the state's air, water and land resources..."

The sewage system for the proposed development will meet or exceed all Department of Environmental Quality standards and will incorporate the latest technology in treatment of waste.

Storm drainage from streets will be collected in oil/water separator catch basins and then piped to a location on the site that will run through a sediment basin and then discharge into the wetlands and marsh areas. The storm water will be allowed to sheet over the native vegetation to remove any remaining particulates before the water enters the natural drainage system.

Goal 18: Beaches and Dunes:

"To provide a wide spectrum of uses while maintaining physical integrity of beaches and dunes..."

The dunes and beaches on the subject property will remain as they currently are. There is no development or improvement of the beaches and dunes planned or applied for. The existing pedestrian footpath and wooden bridge give access to the dunes and beach area of the development's residents.

Conclusion: The proposed development complies with, indeed furthers, all the applicable goals of the Comprehensive Plan. This criterion of approval is met.

Criterion 3: "(3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features."

Discussion: In addition to the information discussed in Sections II and III of this document, Exhibit 3 provides maps which illustrate the size, shape, topography and natural features of the site. The parcel is approximately 73 acres. The subject property is well delineated among its prominent natural features – the sand dunes/ocean beach areas, the major marsh/wetland area, the gentle sloped ridge, and the knoll in the southeast corner. The overall density of the proposed development is 1.92 lots per net useable acre, which is less than the allowable density of the RR-PD zone. The subdivision area and density calculations are presented in Exhibit 2.3 herein.

The proposed development utilizes the upland ridge for house sites while respecting the marsh/wetland areas and the dunes/beach areas. The design of the proposed plan takes advantage of the topography by clustering the lots and developing the upland, gently sloping areas while leaving the natural features of the dunes, marsh areas, and wetlands undisturbed.

Conclusion: The planned development is intended to be in harmony with the existing natural features and topography of the site. The size of the development is adequate for the proposed use based upon the density. The shape of the parcel is of dimensions that make it adequate for the proposed use. The parcel is located in an area that has incomparable scenic views and close access from the highway. Finally, the parcel's topography will be protected from excess grading and no development will occur within the natural features of the site. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features. This criterion of approval is met.

Criterion 4: "(4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone;"

Discussion: As discussed in Section I of this document, the property is adjacent to Rural Residential/Planned Development zoned parcels to its north and south, to Recreation Management zoned property to its west and to Highway 101 on the east.

The overall density of the parcel is only 1.92 dwelling units per net useable acre. The development is naturally separated from the parcels to the south by the major marsh area; from the property to the west by the major marsh area and the sand dunes; and from the properties to the east by Highway 101. In addition, the elevation of the ridge – the site of the most development – is separated by a considerably higher elevation than that of the dunes/beach areas and the major marsh/wetlands area.

The property adjacent to the north is the Sahhali Shores at Neskowin subdivisions. The proposed development is designed to replicate in feel and look this development. The proposed layout of the development will not impact the scenic views of the adjacent subdivisions.

Conclusion: The design takes into account the natural topography and features of the site while using those very features to separate the proposed development from surrounding uses. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

Criterion 5: "(5) The proposed use will not have a detrimental effect on existing solar energy, wind energy conversion systems or wind mills;"

Discussion: There is one existing wind mill in the area, approximately ³/₄ mile to the northeast on the opposite side of Highway 101 from the proposed development. Otherwise none of the named systems are located in the area. It is inconceivable that the proposed development would impact the existing wind mill.

Conclusion: This criterion of approval is met.

Criterion 6: "(6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use."

Discussion: As previously discussed, public facilities and services including sewer, water, electricity, telephone, cable, and fire protection are available and adequate to serve this proposed development. The applicant is working with ODOT to arrive at an improved and safer design of Highway 101 along the proposed development's frontage. For additional detailed information, see the Traffic Impact Analysis, prepared by JRH Engineering, enclosed as Exhibit 4.

Conclusion: If the proposed development is conditioned to include a requirement to incorporate ODOT's design criteria into the Highway 101 improvements, this criterion of approval can be met.

PLANNED DEVELOPMENT

Criterion 1: "(1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements."

Discussion: The primary objective of the development is to protect the sensitive areas on the site – the dunes, the beach, the major marshes, and the wetlands – will allowing for the development of the long ridge that traverses the property. A secondary objective is to allow for a smaller lot size to insure that while density is met all lots have visual and physical access to those sensitive areas.

Conclusion: The Planned Development includes lots that are smaller than what is required in the underlying zone. Smaller lots are designed to lessen the impacts to the site as well as to the surrounding areas. The protection of the sensitive areas of the subject property warrants a departure from the standard ordinance requirements. The criterion of approval is met.

Criterion 2: "(2) Resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area."

Discussion: It has already been demonstrated how this development is consistent with the comprehensive plan provisions through Criterion 2 of the Conditional Use Criteria. The following discussion applies to the zoning objectives of this area. Section 3.080 of the Tillamook Land Use Ordinance states the purpose of a Planned Development Overlay Zone:

"...the intent is to encourage development designs that preserve and/or take advantage of the natural features and amenities of a property such as, but not limited to, views, water frontage, wetlands, sloping topography, geologic features and drainage areas. A Planned Development should conform to the general objectives as presented by the comprehensive plan for the area and it should be compatible with the established and proposed surrounding land uses."

All of the elements addressed in this proposal have been discussed at length in this summary statement. The proposed Planned Development is intended to preserve and take advantage of all of the site amenities such as the view of the ocean, natural dune areas, sloping topography, marshes, and wetlands. The development will protect the sensitive areas on the site. The development will be compatible with surrounding areas by clustering building lots, as well as using the site's natural amenities as buffers. Natural features that this property will take advantage of are the beautiful surrounding areas, including the ocean and marshes. The lots are designed and situated in such a way to maximize views, yet will require minimal grading. Drainage areas, such as the beach and dune and wetland areas will be preserved through the use of oil/water separators and detention basins. All of the natural areas located on the property including the dunes and wetlands will be protected by not allowing any development or land disruption in these areas.

Conclusion: The resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area. This criterion of approval is met.

Criterion 3: "(3) The plan can be completed within a reasonable period of time."

Discussion: All of the proposed improvements – the local streets, the improvements to Highway 101, the extension of utilities, and the community sewerage system – are common improvements for subdivisions and require no specialized knowledge beyond what would normally be required of a licensed civil engineer and an experienced contractor. The construction of all subdivision improvements are planned for the summer of 2005.

Conclusion: This criterion of approval is met.

Criterion 4: "(4) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area."

Discussion: The applicant has completed and submitted to Oregon Department of Transportation a Traffic Impact Analysis (TIA). See Exhibit 4. The TIA shows that the proposed entry on Sahhali Drive off of Highway 101 can be made adequate for the development by implementing a few changes. Specifically, the north bound passing lane on Highway 101 along the frontage of the subject property, which terminates almost at the entrance drive of Sahhali Drive, should be eliminated. This right of way can then be used to create a protected left turn refuge lane for traffic turning onto Sahhali Drive. The TIA shows, and ODOT concurs, that a right turn only lane from Highway 101 is not warranted. The existing travel lane and shoulder are sufficient for this movement.

The local streets, while private, will meet or exceed all Tillamook County Road Department standards. The proposed road section and street profiles are shown on the plans, Exhibit 3. The construction plans for the local streets will be submitted for Tillamook County review and approval.

Conclusion: By eliminating the north bound passing lane and installing the protected left turn refuge lane, the proposed development actually improves the traffic safety on Highway 101. These improvements, as approved by ODOT,

insure the functionality of streets outside the planned area. This criterion of approval is met.

Criterion 5: "(5) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed."

Discussion: The proposed drainage plan for the development includes concrete curbs which will collect surface runoff and disperse the runoff into various catch basins located throughout the development. These catch basins will be constructed with oil/grease separators. Collected storm drainage will then be directed by a piped storm drainage system first to a sedimentation pond/basin and then the water will travel by sheet flow through vegetation before entering the wetlands.

Other utilities such as electric, water and cable are adequate as mentioned before for the densities and amount of lots proposed.

Conclusion: Based upon the information discussed previously, the proposed utility and drainage facilities are adequate for the population densities and type of development proposed. The criterion of approval is met.

Criterion 6: "(6) The parcel is suitable for the proposed use, considering its size, shape, location, topography, existence of improvements, and natural features."

Discussion and Conclusion: This criterion of approval is identical to Conditional Use Criterion 3. The same evidence, discussion and conclusions as stated previously apply. The criterion of approval is met.

Criterion 7: "(7) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone."

Discussion and Conclusion: This criterion of approval is identical to Conditional Use Criterion 4. The same evidence, discussion and conclusions as stated previously apply. The criterion of approval is met.

Criterion 8: "(8) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use."

Discussion and Conclusion: This criterion of approval is identical to Conditional Use Criterion 6. The same evidence, discussion and conclusions as stated previously apply. The criterion of approval is met. **Criterion 9:** "(9) Proposed uses which are not otherwise permitted by the underlying zoning on the parcel are accessory uses within the entire development."

Discussion: The Planned Development anticipates the following uses and improvements:

- Single family residential structures
- A possible future community center
- Electrical, telephone, and cable television utility lines located underground
- The existing pedestrian footpath and bridge

The Tillamook County Land Use Ordinance defines the term accessory as "...a land use that is incidental and subordinate to the established primary use of a piece of property and which is located on the same property as is the primary use..."

Conclusion: Based upon the definition above, the proposed single family dwellings are the primary uses permitted under the RR zoning. All other uses listed are concluded to be accessory because they are incidental and subordinate to the permitted dwellings. The criterion of approval is met.

LEGAL DESCRIPTION

PARCEL NO. 1:

All of Government Lot 28 in Section 13, Township 5 South, Range 11 West, and that portion of Government Lot 5, Township 5 South, Range 11 West, Tillamook County, Oregon, which lies North of the following described line:

Commencing at the one-quarter Section corner common to Sections 13 and 24, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, the said one-quarter Section corner being monumented by a Tillamook County Surveyor brass cap;

thence South 20° 02' 37" West 889.07 feet to a 5/8" iron bar with a plastic cap marked "A Duncan LS 793", which is denoted as Point A for purposes of this description, and is also the point of beginning of the following described line, to wit:

thence South 89° 59' 21" West 367.27 feet to a 5/8" iron bar with plastic cap marked "A Duncan LS 793";

thence continuing South 89° 59' 21" West 200 feet, more or less, to the West line of Government Lot 5 of said Section 24.

ALSO: Beginning at Point A;

thence North 89° 59' 21" East 286.78 feet, more or less, to the East line of said Government Lot 5.

PARCEL NO. 2:

That portion of the Northwest quarter of the Northwest quarter of Section 19, Township 5 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon, lying West of Old U.S. Highway 101 (now known as Aeolian Way).

ALSO: Government Lots 1, 2, 3, and 4, lying West of Old U.S. Highway 101 (now known as Aeolian Way) in Section 24, Township 5 South, Range 11 West of the Willamette Meridian, less tract conveyed to W. Clayton McMinimee and Elizabeth McMinimee by Deed dated July 1, 1971 ad recorded in Book 235, page 613, Tillamook County Records, and less tract condemned by State of Oregon, Case No. 19-301, Circuit Court, Tillamook County, Oregon, Judgment Order entered January 21, 1982.

Page 7 Report No. 29-69502

EXHIBIT "A" Page ____ of__

LEGAL DESCRIPTION

Map 5S 11 13 Tax Lot 405

Government Lots 31 and 32, in Section 13, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, lying West of the East line of relocated Highway 101.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by instrument recorded June 6, 1979, in Book 263, Page 329, Tillamook County Records; and also by instrument recorded March 15, 1982, in Book 280, Page 754, Tillamook County Records.

EXHIBIT "B" Page ____ of__

Title No. 29-68121

Escrow No. 29-68121

(

EXHIBIT " C" Page / of 3

EXHIBIT 'A'

Legal Description:

Beginning at a ¾" iron pipe which is South 180.27 feet and West 1836.83 feet from the Northeast corner of Section 24, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon;

Thence South 14° 48' West 123.33 feet; Thence North 75º 12' West 4 feet;

Thence South 14º 48' West 86.40 feet;

Thence North 75° 12' West 128.66 feet to a point; Thence continuing North 75° 12' West 17.34 feet;

Thence North 14º 48' East 209.73 feet;

Thence South 75° 12' East 60.41 feet to a 3/4" iron pipe;

Thence continuing South 75º 12' East 89.59 feet to the point of beginning.

Bearings used in the above description are derived from the South boundary of Neskowin North subdivision, which bears West,

RESERVING unto Grantors, their heirs, personal representatives, successors and assigns the right to use in common with Grantees, their heirs, personal representatives, successors and assigns the right to use in common the Northerly 40 feet of said tract for an underground sewer drainage area for a single family dwelling.

NOTE: The forthcoming conveyance should contain the following recital:

The right in common with others to the use of the existing road presently running to and from said parcel to the U.S. Highway 101, and of any hereafter constructed road running to and from said aforesaid property to the Pacific Ocean.

Subject to:

Taxes for the fiscal year 2003/04, a lien in an amount to be determined, but not yet payable.

The premises herein described lie within and are subject to the statutory powers, including the power of assessment of Neskowin Water Agency,

Notwithstanding Paragraph 4 of the insuring clause of the policy, the policy does not insure against loss arising by reason of any lack of a right of access to and from the land.

Easement, including the terms and provisions thereof,			
From:	Warren A. McMinimee and Louise B. McMinimee		
То:	Tillamook People's Utility District		
Recorded:	November 6, 1970		
Book:	221 Page: 365		
Records of Tillamook County, Oregon.			
Affects:	covers other property also		

Amendment recorded April 27, 1971 in Book 222, page 912, Tillamook County Records.

Easement as reserved in Warranty Deed, including the terms and provisions thereof,				
From:	Warren A. McMinimee and Louise B. McMinimee			
To:	W. Clayton McMinimee and Elizabeth McMinimee			
Recorded:	March 14, 1974			
Book:	235 Page: 613			
Records of Tillamook County, Oregon.				

Correction recorded June 18, 1974 in Book 236, page 783, Tillamook County Records.

Page 2

Title No. 29-68121Escrow No. 29-68121Easement as granted in Warranty Deed, including the terms and provisions thereof,
From:Warren A. McMinimee and Louise B. McMinimeeTo:W. Clayton McMinimee and Elizabeth McMinimeeRecorded:March 14, 1974Book:235Page: 613Records of Tillamook County, Oregon.

Correction recorded June 18, 1974 in Book 236, page 783, Tillamook County Records.

Agreement, including the terms and provisions thereof,Contained in:DocumentBetween:Neskowin Water Co., Inc./Neskowin Enterprises, Inc.And:Arthur Baltzor, et alDated:January 22, 1974Recorded:May 20, 1974Book:236Page: 432Records of Tillamook County, Oregon.

Agreement, including the terms and provisions thereof,

Contained in:	Document			
Between:	Neskowin Enterprises, Inc.			
And:	James A. Kats, et al			
Dated:	December 18, 1969			
Recorded:	June 5, 1974			
Book:	236 Page: 606			
Records of Tillamook County, Oregon.				

Amendment to Agreement, including the terms and provisions thereof, between Neskowin Water Co., Inc., Neskowin Enterprises, Inc., and Neskowin North, Inc., et al dated January 22, 1974, recorded May 20, 1974 in Book 236, page 432, Tillamook County Records.

Easement as granted in document, including the terms and provisions thereof,

From:	Warren A. McMinimee				
To:	Neskowin North, Inc.				
Recorded:	March 2, 1979				
Book:	26 1 I	Page:	709		
Records of Tillamook County, Oregon.					

Road Maintenance Agreement, including the terms and provisions thereof,Contained in:EasementBetween:Warren A. McMinimeeAnd:Neskowin North, Inc.Recorded:March 2, 1979Book:261Page: 709Records of Tillamook County, Oregon.

 Agreement, including the terms and provisions thereof,

 Contained in:
 Document

 Between:
 Corolyn M. Merchant and Janet M. Foster

 And:
 Janet M. Foster, as Personal Representative of the Estate of

 Elizabeth McMinimee

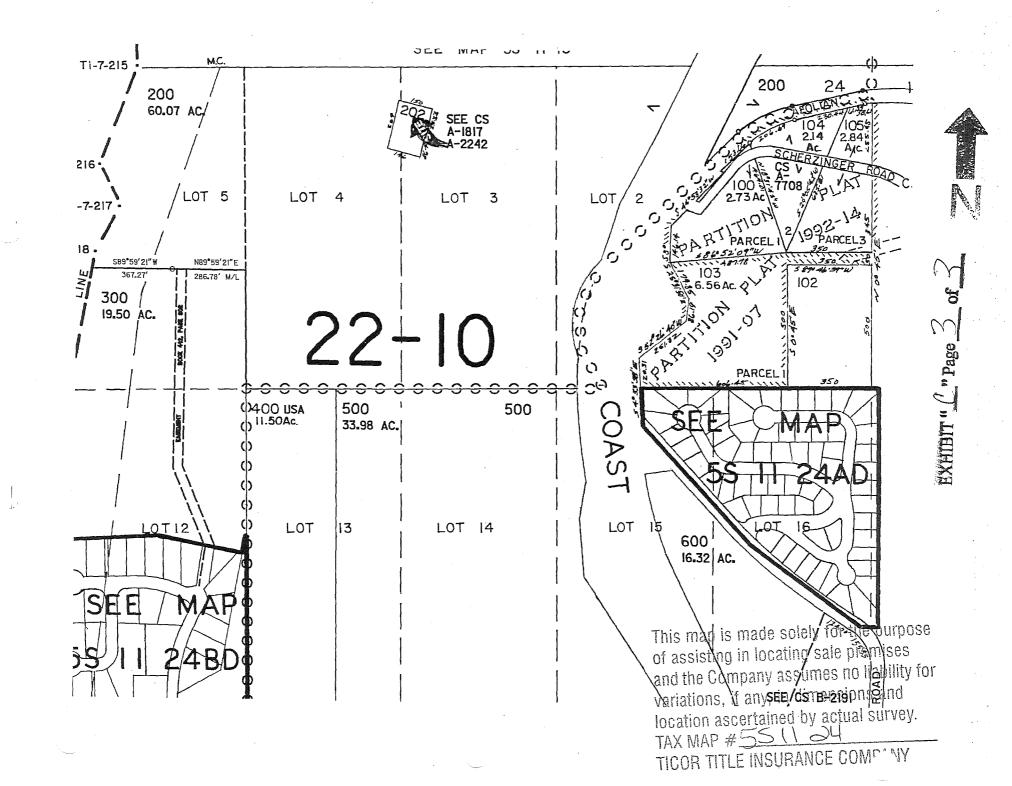
 Recorded:
 July 15, 2003

 Instrument No.:
 2003422921

 Records of Tillamook County, Oregon.

Page 3

EXHIBIT " C" Page 2 of 3





p.o. box 219 • 160 laneda avenue • manzanita, oregon 97130 (503) 368-5394 • fax (503) 368-5847 www.hlb-otak.com

February 15, 2007

LEGAL DESCRIPTION for SAHHALI SOUTH LLC for BEACH ACCESS TRAIL EASEMENTS

TRAIL EASEMENT #1:

A 10 foot wide strip of land for the purpose of Beach Access Trail Easement over a portion of that tract of land described in Instrument #2004-010802, Tillamook County Deed Records, situated in Section 24, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, said strip being 5 feet each side of the following described centerline:

COMMENCING at the east one-sixteenth corner on the north line of said Section 24, said point being marked by a 5/8" iron rod;

thence South 88°44'45" East 463.03 feet along the North line of said Section 24 to the beginning of a tangent 50.00 foot radius curve to the right;

thence on said curve through a central angle of 153°35'41" (the long chord bears South 11°56'55" East 97.36 feet) an arc distance of 134.04 feet to **POINT OF BEGINNING #1**, which point is located on the south right-of-way line of the cul-de-sac of Heron View Drive, **SAHHALI SOUTH** subdivision;

thence South 25°04'34" West 198.34 feet;

thence South 43°37'18" West 37.57 feet;

thence South 29°24'46" West 286.94 feet;

thence South 37°57'36" West 29.21 feet;

thence South 46°49'40" West 27.64 feet;

thence South 60°30'31" West 95.91 feet;

thence South 65°16'41" West 74.63 feet;

thence South 53°19'26" West 122.93 feet;

thence South 80°47'23" West 101.24 feet;

Exhibit "D" Page 1 of 5

thence South 70°15'05" West 91.28 feet;

thence South 81°00'54" West 233.97 feet;

thence South 48°11'33" West 142.63 feet;

thence South 38°07'42" West 94.77 feet;

thence South 54°12'10" West 152.44 feet;

thence South 69°41'15" West 72.25 feet;

thence North 88°15'19" West 19.27 feet to Point 'A';

thence North 61°09'31" West 78.41 feet;

thence North 35°10'28" West 165.57 feet;

thence North 24°05'35" West 34.10 feet;

thence North 17°23'21" West 74.81 feet to the East end of a Foot Bridge;

thence North 12°48'33" West 16.20 feet along said Foot Bridge;

thence North 37°55'39" West 11.09 feet along said Foot Bridge;

thence North 64°15'36" West 159.13 feet along said Foot Bridge to the end thereof;

thence North 55°32'18" West 142.87 feet;

thence North 68°44'21" West 38.53 feet;

thence South 77°01'05" West 41.09 feet;

thence South 49°25'39" West 28.36 feet;

thence South 59°54'42" West 59.32 feet;

thence South 70°02'08" West 72.08 feet;

thence South 89°12'11" West 280.11 feet;

thence North 81°52'41" West 120.73 feet to the Ocean Shores Boundary.

TRAIL EASEMENT #2:

A 10 foot wide strip of land for the purpose of Beach Access Trail Easement over a portion of that

Exhibit D"Pg. Zof 5 Page 2 of 4

tract of land described in Instrument #2004-010802, Tillamook County Deed Records, situated in Section 24, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, said strip being 5 feet each side of the following described centerline:

COMMENCING at the east one-sixteenth corner on the north line of said Section 24, said point being marked by a 5/8" iron rod;

thence North 88°44'45" West 261.46 feet on the North line of said Section 24;

thence South 09°27'38" East 86.66 feet to the beginning of a tangent 125.00 foot radius curve to the right;

thence on said curve through a central angle of 39°33'56" (the long chord bears South 10°19'20" West 84.61 feet) an arc distance of 86.32 feet;

thence South 30°06'18" West 119.85 feet to the beginning of a tangent 125.00 foot radius curve to the right;

thence on said curve through a central angle of 34°56'33" (the long chord bears South 47°34'35" West 75.06 feet) an arc distance of 76.23 feet to the end thereof;

thence South 65°02'51" West 101.54 feet to the beginning of a tangent 275.00 foot radius curve to the left;

thence on said curve through a central angle of 29°07'38" (the long chord bears South 50°29'02" West 138.30 feet) an arc distance of 139.80 feet;

thence South 35°55'13" West 211.23 feet to the beginning of a tangent 125.00 foot radius curve to the right;

thence on said curve through a central angle of 11°58'55" (the long chord bears South 41°54'41" West 26.09 feet) an arc distance of 26.14 feet;

thence South 47°54'08" West 73.00 feet to the beginning of a tangent 50.00 foot radius curve to the left;

thence on said curve through a central angle of 91°45'08" (the long chord bears South 02°01'34" West 71.78 feet) an arc distance of 80.07 feet to the beginning of a tangent 55.00 foot radius reverse curve to the right;

thence on said curve through a central angle of 89°20'50" (the long chord bears South 00°49'27" West 77.34 feet) an arc distance of 85.77 feet, said point also being **POINT OF BEGINNING #2**, which point is located on the southeasterly right-of-way line of the cul-de-sac of Proposal Point Drive, **SAHHALI SOUTH** subdivision.

thence South 23°20'33" East 28.41 feet;

Exhibit D' Rq. 3of 5 Page 3 of 4

thence South 14°59'59" East 25.70 feet;

thence South 20°30'45" West 128.49 feet;

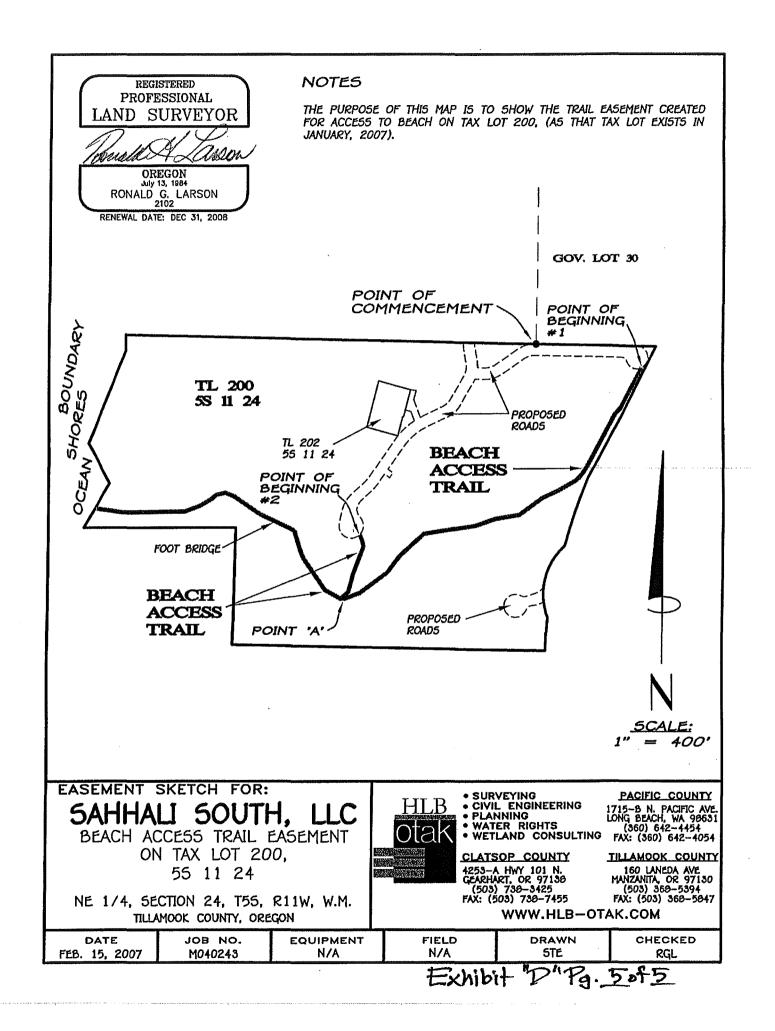
thence South 15°18'00" West 82.01 feet;

thence South 50°34'54" West 46.69 feet to POINT 'A'.

REGISTERED PROFESSIONAL LAND SURVEYOR Usa 1.11 OREGON JULY 13, 1984 2102 RONALD G. LARSON Renewal 12/31/08

<M:\Legals\2006\Sah So Trail Easment.doc>

Exhibit "D" Pg. 4 of 5 Page 4 of 4



BEFORE THE PLANNING COMMISSION OF TILLAMOOK COUNTY, OREGON

APPLICANT: Sycan B Corporation, Tim Hovet, 840 Beltline, Suite 202, Springfield, OR 97477

The above-named applicant applied to Tillamook County requesting the Planning Commission to review a Conditional Use Permit to amend a Master Plan and Tentative Subdivision Plat for Sahhali South. The above-entitled matter was held before the Tillamook County Planning Commission on May 26, 2005 and July 28, 2005; and a decision was made on July 28, 2005.

The Tillamook County Planning Commission hereby orders that the applications for Sahhali South Master Plan and Tentative Subdivision Plat, is APPROVED, and adopts staff's findings of fact, as corrected during hearing, the conclusions contained within the staff report, written testimony received, and oral testimony received at the hearing and adopts the Conditions of Approval as modified, Exhibit A. The effective date of this Order is twelve (12) days following the signing of this order.

This decision may be appealed to the Board of County Commissioners, by an affected party by filing an application for an appeal, submitting written justification supporting the appeal, and submitting the required filing fees with the Tillamook County Board of Commissioners within twelve (12) days of this date.

DATED this August 3, 2005

TILLAMOOK COUNTY PLANNING COMMISSION

Kurt Heckeroth, Chairperson

ADOPTED CONDITIONS OF APPROVAL FOR GEOLOGIC HAZARD REPORT, GH-05-11:

This approval is valid for two years from the date of this Staff Report. This approval does not apply to Tax Lot 600 of Section 13, Township 5 South, Range 11 West of the Willamette Meridian and Tax Lot 800 of Section 19B, Township 5 South, Range 10 West of the Willamette Meridian Tillamook County, Oregon.

All development on this parcel shall meet the following conditions:

- 1. By accepting this approval the property owner agrees to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval.
- 2. The property owner shall obtain all other local, state, and federal permits prior to the start of development. Development within the wetlands may require permits from both the Department of State Lands and the US Army Corps of Engineers. Development within the riparian setbacks for any perennial waterway **shall** require a Development Permit from the Tillamook County Department of Community Development.
- 3. The property owner shall submit a statement or geologic hazard report addendum from the project engineer, confirming the proposed development plans meet the mandatory development requirements of the geologic hazard report, to this department prior to receiving final plat approval.
- 4. The property owner shall ensure that all of the development standards of Section 4.070 (2) (attached) shall be incorporated into any development activity on the subject parcel and all recommendations and mandatory requirements contained within the geologic hazard report shall be incorporated into any development activity on the parcel and shown on submitted building plans.
- 5. The property owner shall adhere to the requirements of the Section 3.320, Neskowin Rural Residential Zone (NeskRR) and Section 3.080, Planned Development Overlay Zone (PD).
- 6. The property owner shall submit site specific Geologic Hazard Reports for all lots with slopes greater than 19 percent present anywhere on the property; however, <u>all oceanfront parcels shall require a site-specific geologic hazard report</u>. These reports shall be obtained prior to the application for a building permit. The reports shall also address the location of driveways.
- 7. The property owner shall setback all development a minimum of 50 feet from the edge of the escarpment in "Area A" and shown on Exhibit C unless adequate justification can be provided for a lesser setback.

- 8. The property owner shall revegetate all disturbed areas immediately following completion of any approved site development. All bare slopes shall be promptly revegetated to avoid erosion. An appropriate fertilizer shall be used to speed the establishment of the cover material. A jute matting, straw cover, or other stabilization product shall be placed over the soil to protect against erosion, before the seeds are allowed to germinate. Native shrubs and trees, such as salal, Sitka spruce, elderberry, etc., shall be planted to contribute to the long-term stability of the site. All plantings shall be done during the growing season (February 15 April 1). Vigorous plant growth and mulching shall occur on all exposed soils, especially slopes.
- 9. The property owner shall adhere to the land grading requirements as described in Section C of the Engineering Geologic Hazard Report dated February 9, 2005.
- 10. The property owner shall adhere to the road development standards and requirements in Section B of the Engineering Geologic Hazard Report dated February 9, 2005.
- 11. <u>Prior to the development of this parcel</u>, the property owner shall submit a stormwater and drainage plan to this department, which shows the methods to be used to contain, control and redirect all stormwater runoff to appropriate drainage ways. Such appropriate methods shall be verified by the Public Works Department and shall be employed during construction and post construction. Such a plan is necessary to obtain a Building Permit approval. Temporary measures shall be taken to control storm water runoff and erosion of soils, and shall be shown on construction plans for any approved development. Recommendations for stormwater management (pre-, during, and post-construction) in Section G of the Engineering Geologic Hazard Report dated February 9, 2005 shall be included in any plans.
- 12. The property owner shall periodically monitor site conditions and take actions to ensure the recommended development standards are implemented and that these Conditions of Approval are met. The property owner shall supply the general contractor or builder with a copy of the Geologic Hazards Report and Final Geologic Investigation as well as these Conditions of Approval and instruct that person to adhere to these Conditions of Approval.

CONDITIONS OF APPROVAL FOR TENTATIVE PLAT:

- A. Section 25 REVIEW OF TENTATIVE PLAT limits this approval to 24 months, unless an extension pursuant to Section 30 of the Land Division Ordinance is approved. Extension requests must be received by the Department at least 60 days prior to expiration of this approval.
- **B.** The applicant/owner shall obtain necessary permits and authorizations from Tillamook County Public Works, and shall comply with any requirements of that agency.
- **C.** The applicant/owner shall conform to all Federal, State, and County regulations, and shall obtain all required permits prior to construction and/or development.
- **D.** All taxes owed shall be paid in full.

- E. The applicant/owner shall develop a Storm Water Control Plan including water quality monitoring and system failure provisions which will assure that storm water will not degrade the water quality of surface waters as described in the Statewide Water Quality Management Plan (OAR Section 340, Chapter 41). That plan shall include testing in the wetlands on a scheduled basis. Improvement plans shall include a design for stormwater disbursement so that erosion does not occur and to ensure that stormwater does not create a potential hazard for proposed or existing lots.
- F. All areas designated as open space, common area, wetlands, or the areas designated for development shall not be further subdivided for development purposes; however Lot 13 may be further partitioned into two separate lots at a future date subject to amendment of this Master Plan.
- **G.** The applicant/owner shall develop the community sewer system to the number of lots approved as part of this plat. All lots shall have an available guaranteed connection, and is required prior to final plat approval.
- **H.** The wording submitted by the Oregon Department of Fish and Wildlife in their May 17, 2005 letter shall be included in the covenants for all lots created. Exhibit D.
- **I.** The applicant shall meet all Conditions of Approval of Geologic Hazard Report GH 05-11 submitted in support of this application.
- **J.** Lots 28-39, 48A & 48B and 51-52 shall be ocean front lots with a maximum building height not to exceed 24 feet.
- **K.** The applicant/owner shall comply with the June 13, 2005 letter from the Nestucca Rural Fire Protection District.

EXHIBIT A

Conditional Use Permit, CU-05-03: Conditions of Approval.

Sections 6.070: COMPLIANCE WITH CONDITIONS, AND 6.080: TIME LIMIT require compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with conditions and start of construction. Failure to comply with the conditions of approval and ordinance provisions could result in nullification of this approval.

- 1. The applicant/owner shall obtain all Federal, State, and Local permits, as applicable, prior to construction/development.
- 2. The applicant/owner shall meet all of the requirements of the letter from the Tillamook County Public Works Department.
- **3.** This approval shall be void two years, (24 months), from the date of the Order from the Planning Commission, unless all of the conditions are met, or an extension is requested from, and approved by, this department before expiration.
- 4. The applicant/owner shall meet all requirements of the Neskowin Rural Residential (Nesk RR) zone.
- 5. The applicant/owner shall meet all requirements for sanitation, water, and access.
- 6. The applicant/owner shall maintain a minimum of 50 feet from the embankment for lots 38-39, 40 feet for lots 36-37 and 30 feet for lots 34-35, to preserve the view of the existing residence on 5S11 24 TL 202, where site specific Geologic Hazard reports support a lesser setback from 50 feet as described in GH-05-11. The more restrictive setbacks shall apply.
- 7. Failure to comply with these conditions may result in nullification of this Conditional Use approval.
- 8. The applicant shall submit site specific Geologic Hazard Reports as required.
- 9. Lots 28-39, 48A & 48B and 51-52 shall be ocean front lots with a maximum building height not to exceed 24 feet
- **10.** All areas designated as open space, common area or wetlands shall not be further subdivided for development purposes.

ADOPTED CONDITIONS OF APPROVAL FOR GEOLOGIC HAZARD REPORT, GH-05-11:

This approval is valid for two years from the date of this Staff Report. This approval does not apply to Tax Lot 600 of Section 13, Township 5 South, Range 11 West of the Willamette Meridian and Tax Lot 800 of Section 19B, Township 5 South, Range 10 West of the Willamette Meridian Tillamook County, Oregon.

All development on this parcel shall meet the following conditions:

- 1. By accepting this approval the property owner agrees to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval.
- 2. The property owner shall obtain all other local, state, and federal permits prior to the start of development. Development within the wetlands may require permits from both the Department of State Lands and the US Army Corps of Engineers. Development within the riparian setbacks for any perennial waterway **shall** require a Development Permit from the Tillamook County Department of Community Development.
- 3. The property owner shall submit a statement or geologic hazard report addendum from the project engineer, confirming the proposed development plans meet the mandatory development requirements of the geologic hazard report, to this department prior to receiving final plat approval.
- 4. The property owner shall ensure that all of the development standards of Section 4.070 (2) (attached) shall be incorporated into any development activity on the subject parcel and all recommendations and mandatory requirements contained within the geologic hazard report shall be incorporated into any development activity on the parcel and shown on submitted building plans.
- 5. The property owner shall adhere to the requirements of the Section 3.320, Neskowin Rural Residential Zone (NeskRR) and Section 3.080, Planned Development Overlay Zone (PD).
- 6. The property owner shall submit site specific Geologic Hazard Reports for all lots with slopes greater than 19 percent present anywhere on the property; however, <u>all oceanfront parcels shall</u> require a site-specific geologic hazard report. These reports shall be obtained prior to the application for a building permit. The reports shall also address the location of driveways.
- 7. The property owner shall setback all development a minimum of 50 feet from the edge of the escarpment in "Area A" and shown on Exhibit C unless adequate justification can be provided for a lesser setback.
- 8. The property owner shall revegetate all disturbed areas immediately following completion of any

- E. The applicant/owner shall develop a Storm Water Control Plan including water quality monitoring and system failure provisions which will assure that storm water will not degrade the water quality of surface waters as described in the Statewide Water Quality Management Plan (OAR Section 340, Chapter 41). That plan shall include testing in the wetlands on a scheduled basis. Improvement plans shall include a design for stormwater disbursement so that erosion does not occur and to ensure that stormwater does not create a potential hazard for proposed or existing lots.
- **F**. All areas designated as open space, common area, wetlands, or the areas designated for development shall not be further subdivided for development purposes; however Lot 13 may be further partitioned into two separate lots at a future date subject to amendment of this Master Plan.
- **G.** The applicant/owner shall develop the community sewer system to the number of lots approved as part of this plat. All lots shall have an available guaranteed connection, and is required prior to final plat approval.
- **H.** The wording submitted by the Oregon Department of Fish and Wildlife in their May 17, 2005 letter shall be included in the covenants for all lots created. Exhibit D.
- **I.** The applicant shall meet all Conditions of Approval of Geologic Hazard Report GH 05-11 submitted in support of this application.
- J. Lots 28-39, 48A & 48B and 51-52 shall be ocean front lots with a maximum building height not to exceed 24 feet.
- **K.** The applicant/owner shall comply with the June 13, 2005 letter from the Nestucca Rural Fire Protection District.

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

If you have any questions about this decision, please call this department any weekday at (503) 842-3408.

Sincerely,

Tillamook County Department of Community Development

Bill Campbell Director

BEFORE THE PLANNING COMMISSION OF TILLAMOOK COUNTY, OREGON

APPLICANT: Sycan Development by and through Whitney Landes, 840 Beltline Road, Suite 202, Springfield, Oregon 97477

PROPERTY OWNER: Sahhali South, LLC., 840 Beltline Road, Suite 202, Springfield, Oregon 97477

The above-named applicant applied to Tillamook County requesting the Planning Commission to review a Conditional Use Permit to amend the Master Plan for Sahhali South. The aboveentitled matter was held before the Tillamook County Planning Commission on September 27, 2007, October 11, 2007, November 15, 2007 and December 13, 2007; and a final decision was made on December 13, 2007.

The Tillamook County Planning Commission hereby orders that the request, is APPROVED, and adopts staff's findings of fact, the conclusions contained within the staff report, written testimony received, and oral testimony received at the hearing and adopts the Conditions of Approval as modified, Exhibit A. The effective date of this Order is twelve (12) days following the signing of this order.

This decision may be appealed to the Board of County Commissioners, by an affected party by filing an application for an appeal, submitting written justification supporting the appeal, and submitting the required filing fees with the Tillamook County Board of Commissioners within twelve (12) days of this date.

DATED this 18th day of December, 2007

TILLAMOOK COUNTY PLANNING COMMISSION

Kurt Heckeroth, Chairperson

EXHIBIT A CU-07-14 Planning Commission Decision 12-13-07 PC-07-13

V. ADOPTED CONDITIONS OF APPROVAL FOR CONDITIONAL USE:

Sections 6.070: COMPLIANCE WITH CONDITIONS, AND 6.080: TIME LIMIT require compliance with approved plans and conditions of this decision, and all other ordinance provisions, and allow 24 months for compliance with conditions and start of construction. Failure to comply with the conditions of approval and ordinance provisions could result in nullification of this approval.

- 1. The applicant/owner shall obtain all Federal, State, and Local permits, as applicable, prior to construction/development.
- 2. The applicant/owner shall partition Lots 13 and 48 subject to the Tillamook County Land Division Ordinance.
- 3. This approval shall be void two years, (24 months), from the date of the Order from the Planning Commission, unless all of the conditions are met, or an extension is requested from, and approved by, this department before expiration.
- 4. The applicant/owner shall adhere to the requirements of the Section 3.320, Neskowin Rural Residential Zone (NeskRR) and Section 3.080, Planned Development Overlay Zone (PD).
- 5. The applicant/owner shall meet all requirements for sanitation, water, and access.
- 6. Lot 48 shall be considered an oceanfront lot and subject to a 24' height limitation.
- 7. All areas designated as open space, common area, wetlands, or the areas designated for development shall not be further subdivided for development purposes.
- 8. The applicant/owner shall construct a turnaround at the end of Vanora Lane to the proposed partition lots for Lot 48. This turnaround will be developed and approved during the Major Partition process.
- 9. The development of the proposed partitions for Lots 13 and 48 shall be limited to the following: townhomes are approved for Lot 13 as partitioned into 2 lots and a single family detached dwelling is approved for each of the two proposed partition lots from Lot 48.
- 10. The Conditions of Approval in GH-07-35 shall be incorporated into these Conditions of Approval. This approval is valid for two years from the date of this

Staff Report. This approval shall apply to both site development including the roadway and the construction of homes on the proposed lots.

For All Lots

14.

- 11. By accepting this approval the property owner agrees to indemnify, defend, save and hold hamless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval.
 - 12. The property owner shall obtain all other local, state, and federal permits prior to the start of development. Development within the wetlands may require permits from both the Department of State Lands and the US Army Corps of Engineers. Development within the riparian setbacks for any perennial waterway shall require a Development Permit from the Tillamook County Department of Community Development.
 - 13. The property owner shall submit a statement or Geologic Hazard Report addendum from the project engineer, confirming the proposed development plans meet the mandatory development requirements of the Geologic Hazard Report and Conditions of Approval, to this department prior to Building Permit approval. Building permits will not be issued until evidence is submitted showing that all proposed development plans, including accessory structures, meet all requirements of the Geologic Hazard Report including requirements for clearing, grading, soil erosion control, drainage, and construction of building footings and foundations. This statement or addendum shall also be submitted confirming that the mandatory development requirements have been met prior to the Final Plat approval.
 - The property owner shall ensure that all of the development standards of Section 4.070 (2) (attached) shall be incorporated into any development activity on the subject parcel and all recommendations and mandatory requirements contained within the Geologic Hazard Report shall be incorporated into any development activity on the parcel and shown on submitted building plans.
 - 15. The property owner shall revegetate all disturbed areas immediately following completion of any approved site development by mulching with straw and seeding with grass. All bare slopes shall be promptly revegetated to avoid erosion. An appropriate fertilizer shall be used to speed the establishment of the cover material. A jute matting, straw cover, or other stabilization product shall be placed over the soil to protect against erosion, before the seeds are allowed to germinate. Native shrubs and trees, such as salal, Sitka spruce, elderberry, etc., shall be planted to contribute to the long-term stability of the site. All plantings shall be done during the growing season (February 15 April 1). Vigorous plant growth and mulching shall occur on all exposed soils, especially slopes. The Revegetation Plan shall be shown on the submitted Building Permit plans.

- 16. The property owner shall periodically monitor site conditions and take actions to ensure the recommended development standards are implemented and that these Conditions of Approval are met. The property owner shall supply the general contractor or builder with a copy of the submitted materials as well as these Conditions of Approval and instruct that person to adhere to these Conditions of Approval.
- 17. A site specific topographic survey shall be obtained to develop lot-specific development site plans for each lot.
- 18. The property owner shall not grade the site beyond that necessary for construction to take place.
- 19. The property owner shall clearly flag the boundaries of the clearing limits prior to the start of any land clearing.
- 20. The property owner <u>shall not remove any vegetation</u> beyond the clearing limit line. The clearing limit line shall be the building envelope plus 15-feet extending around its perimeter for equipment usage as well as the easement width for the access road and driveways.
- 21. The property owner shall hold a pre-construction on-site meeting with the appropriate individuals (at a minimum, the project engineer and the general contractor), prior to commencement of development on each lot, including the Tillamook County Department of Community Development who will be given a written notice 5 working days prior to the meeting. In this instance pre-construction is defined as prior to any development (land disturbance or tree removal) on the site. At that time, the property owner shall establish a timeframe for the work period and schedule a second meeting, at a minimum, with the Department of Community Development during the land disturbance or foundation excavation phase of the project.
- 22. The property owner shall notify a planner from the Department of Community Development within 7 days of the completion of land disturbance and/or foundation excavation to schedule an on-site meeting to determine if the appropriate erosion control and stormwater management measures are in place and functioning.
- 23. The property owner shall adhere to the following erosion control and stormwater management measures pre-, during, and post- construction:
 - a) Excavation and land disturbance shall occur between May 1st and October 1st;
 - b) No excavation or land disturbance shall be done during rain events;

- c) Erosion control measures such as silt fences and hay bales shall be installed prior to the start of excavation or land disturbance;
- d) All disturbed areas shall be stabilized immediately upon the completion of the groundwork with silt fences, by mulching with hay, and other acceptable erosion control measures;
- e) All disturbed areas shall be seeded with grass and upon completion of development of the site with native vegetation;
- f) The outfalls at either location near Lots 13 and 48 shall be monitored prior to development on the lots to establish a baseline for water quality;
- g) Daily erosion control inspection reports shall be prepared and submitted to the Tillamook County Department of Community Development during active land disturbance (including but not limited grading, construction of roadways, and foundation excavation);
- h) Monitoring shall occur on a biannual basis upon the completion of the Final Plat approval for 5 years by either Sycan Corporation or the Homeowners Association. In the event that the water quality is being adversely affected, the property owner shall work with Staff and other appropriate entities to remedy the situation.
- i) In the event a lot is developed and construction takes place after the 5-years have elapsed, the individual property owner shall comply with the water quality requirements enumerated in Exhibit B and this requirement will run with the deed. In the event that the water quality is being adversely affected, the property owner shall work with Staff and other appropriate entities to remedy the situation.
- 24. The property owner shall submit a letter from an engineer, geologist, certified engineering geologist or geotechnical specialist verifying that an inspection of the foundation excavation occurred and that the appropriate materials were exposed for the foundation. The letter shall be submitted by the property owner to the Tillamook County Department of Community Development prior to a footing inspection by the local building inspector.
- 25. The property owner shall not alter existing site conditions on adjacent properties as a result of development of the proposed partitioned lots, 13 and 48.
- 26. The property owner shall protect adjoining public and private property from damage during construction, remodeling, and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roots. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The property owner shall provide written notice to the owners of adjoining buildings, and the Tillamook County Department of

Community Development, advising them that the excavation is to be made and that they adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation. These general standards are outlined in the 2007 Oregon Structural Specialty Code.

Additional Conditions of Approval for Lot 13 (Engineering Portion of Geologic Hazard Report for Portion of Tax Lot 00200, Map 05S 11W 24 (Map 05S 11W 24AB), Lot 13 of Sahhali South, Neskowin, Tillamook County, Oregon)

- 27. The property owner shall site the structure at a minimum as shown on Figure 1-1 of the Engineering Geologic Hazard Report.
- 28. The property owner shall adhere to the land grading practices outlined in Section C of the Engineering Geologic Hazard Report.
- 29. The property owner shall adhere to the foundation standards in Section E of the Engineering Geologic Hazard Report.
- 30. Prior to the development of this parcel, the property owner shall submit a stormwater and drainage plan to this department, which shows the methods to be used to contain, control and redirect all stormwater runoff to appropriate drainage ways. Such appropriate methods may be verified by the appropriate entity and shall be employed during construction and post construction. Such a plan is necessary to obtain a Building Permit approval. Temporary measures shall be taken to control storm water runoff and erosion of soils, and shall be shown on construction plans for any approved development. Recommendations for stormwater management (pre-, during, and post-construction) in Section G and H of the Engineering Geologic Hazard Report shall be included in any plans. The property owner shall collect stormwater and convey it in a watertight pipe to the existing storm drain system.

Additional Conditions of Approval for Lot 48 (Engineering Portion of Geologic Hazard Report for Portion of Tax Lot 00200, Map 05S 11W 24 (Map 05S 11W 24AB), Lot 48 of Sahhali South, Neskowin, Tillamook County, Oregon

- 31. The property owner shall setback all development on Lot 48 east of the Geologic Hazard Line as determined in GH-05-11 or as shown on Figure 1-1 in the Engineering Geologic Hazard Report, whichever is more restrictive.
- 32. The property owner shall adhere to the land grading requirements as described in Section C of the Engineering Geologic Hazard Report.
- 33. The property owner shall adhere to the foundation designs outlined in Section E of the Engineering Geologic Hazard Report.

- 34. The property owner shall adhere to the road development standards and requirements in Sections B and F of the Engineering Geologic Hazard Report dated June 25, 2007.
- 35. Prior to the development of this parcel, the property owner shall submit a stormwater and drainage plan to this department, which shows the methods to be used to contain, control and redirect all stormwater runoff to appropriate drainage ways. Such appropriate methods may be verified by the appropriate entity and shall be employed during construction and post construction. Such a plan is necessary to obtain a Building Permit approval. Temporary measures shall be taken to control storm water runoff and erosion of soils, and shall be shown on construction plans for any approved development. Recommendations for stormwater management (pre-, during, and post-construction) in Sections G and H of the Engineering Geologic Hazard Report shall be included in any plans. Sections G and H detail acceptable methods for managing stormwater.

1. ATTENTION CONTRACTORS: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1897). AT LEAST TWO (2) BUSINESS DAYS PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE OREGON UTILITY NOTIFICATION CENTER OF THE DATE AND LOCATION OF THE PROPOSED CONSTRUCTION AND THE TYPE OF WORK TO BE PERFORME 2. ALL EXISTING FACILITIES TO BE MAINTAINED IN-PLACE BY THE CONTRACTOR UNLESS OTHERWISE SHOWN OR DIRECTED. CONTRACTOR TO LEAVE EXISTING FACILITIES IN AN EQUAL OR BETTER THAN ORIGINAL CONDITION AND TO THE SATISFACTION OF THE ENGINEER. 3. EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE ONLY. CONTACT UTILITY COMPANIES FOR PREMARKING. POTHOLE ALL UTILITY CROSSINGS BEFORE CONSTRUCTION TO PREVENT GRADE AND ALIGNMENT CONFLICTS . TECHNICAL SPECIFICATIONS FOR CONSTRUCTION ARE TO FOLLOW THE MOST CURRENT EDITION OF THE AMERICAN PUBLIC WORKS ASSOCIATION (APWA) SPECIFICATIONS. SEE SPEC'S FOR CONSTRUCTION METHODS AND OTHER NOTES PERTINENT TO THIS PROJECT. 5. ALL FINAL DESIGNS AND SPECIFICATIONS TO BE APPROVED BY DEQ, OSHD, LOCAL AGENCY AND OTHER ASSOCIATED UTILITIES PRIOR TO ANY CONSTRUCTION 6. UPON COMPLETION OF CONSTRUCTION OF THE PROJECT, CONTRACTOR TO SUBMIT RECORD DRAWINGS TO THE ENGINEER OR COUNTY. ROADWORK / SITEWORK 7. ALL CONSTRUCTION SHALL BE COMPLETED ACCORDING TO THE REQUIREMENTS OF THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT. B. CONTRACTOR SHALL RESTORE ALL SURFACES TO MATCH EXISTING AND ADJACENT GRADES. SIGNAGE 9. CONTRACTOR SHALL ERECT AND MAINTAIN BARRICADES, WARNING SIGNS, TRAFFIC CONES PER OSHA REQUIREMENTS. ACCESS TO EXISTING DRIVEWAYS AND BUSINESSES TO BE MAINTAINED AT ALL TIMES. 10. SEWER SYSTEM TO BE INSPECTION BY ENGINEER. INSPECTION OF SERVICE LATERALS PRIOR TO ANY BACK FILL. 11. SEWER SERVICE SHALL BE 2" DIAMETER. 12. ALL SERVICES SHALL BE A MINIMUM OF 3' DEEP AT THE PROPERTY LINE, OR AS SHOWN HEREON, OR AS DIRECTED BY THE ENGINEER. 13. MARK SEWER SERVICE STUBS WITH NEW SEWER SERVICE BOXES. 14. ALL SEWER LINES SHALL SUCCESSFULLY PASS AN AIR TEST PRIOR TO ACCEPTANCE AND SHALL BE FREE OF VISIBLE LEAKAGE. ALL DETAILS OF TESTING PROCEDURE SHALL BE SUBJECT TO APPROVAL OF THE ENGINEER. WATER 15. INSPECTION BY ENGINEER OR DISTRICT REPRESENTATIVE OF WATER SYSTEMS PRIOR TO BACKFILL SHALL BE REQUIRED 16. COORDINATE PLACEMENT OF WATER SERVICE METER WITH THE DISTRICT.

17. CONNECTION OF NEW WATER SERVICE TO EXISTING MAIN SHALL BE COORDINATED WITH THE DISTRICT. ALL WATER MAIN VALVES SHALL BE OPERATED BY DISTRICT PERSONNEL. <u>NO EXCEPTIONS UNLESS AUTHORIZED IN WRITING.</u>

18. POTHOLE EXISTING STUB-OUTS OR STORM MAIN FOR CONNECTION OF NEW STORM DRAIN TO EXISTING MAIN. CONTACT COUNTY PUBLIC WORKS FOR LOCATIONS OF EXISTING STUB OUTS.

19. ALL STORM DRAINAGE PIPE SHALL BE HDPE CONFORMING TO ASTM F-405, ASTM F-667, AASHTO M252 AND AASHTO M-294, TYPE 5' - JOINTS SHALL BE FULL WRAP-AROUND COUPLER WITH NEOPRENE GASKET AS PER PIPE MANUFACTURER'S RECOMMENDATIONS.

<u>UTILITIE5</u> 20. TELEPHONE AND CABLE TELEVISION COMPANIES TO COORDINATE THEIR INSTALLATION EFFORTS WITH POWER

21. ALL LENGTHS, SIZES AND SPECIFICATIONS OF PIPE, CONDUIT AND CABLE FROM RIGHT-OF-WAY TO BUILDING ARE TO BE MADE BY UTILITIES COMPANIES

22. PHONE AND POWER SERVICE TO BE COORDINATED WITH APPLICABLE UTILITY AGENCY. LOCATION OF TRANSFORMER TO SERVE PROPOSED BUILDING AND PROPOSED LIGHT STANDARDS TO BE COORDINATED WITH TILLAMOOK PUBLIC UTILITY DISTRICT

23. NOT ALL ELECTRICITY, AND CABLE TV SHOWN FOR SAKE OF CLARITY. ALL SERVICE LINES TO BE PROVIDED THROUGH UNDERGROUND SERVICES WITHIN THE RIGHT-OF-WAY OR APPROVED EASEMENTS.

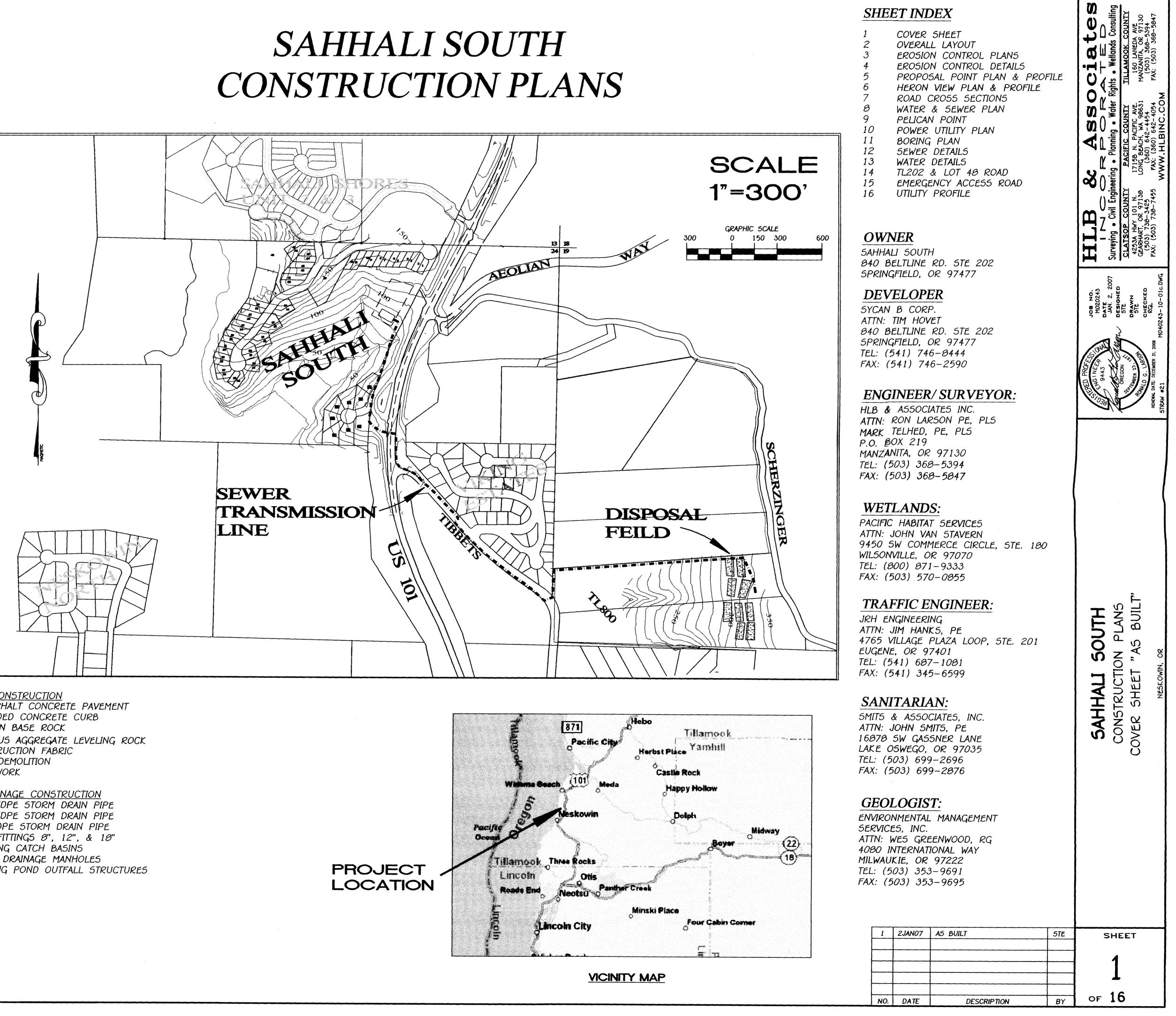
SCOPE OF WORK

WATER LINE CONSTRUCTION 8" & AWWA C-900 PVC CL200 WATERMAIN 8" & MJx8" & MJ 45° BENDS 8" & MJx8" & MJ 22.5° BEND5 8" « MJx 8" « MJ 11.25 ° BEND5 6" & AWWA C-900 PVC CL200 WATERMAIN 6" ø MJx6" ø MJ 45° BENDS 6" & MJx6" & MJ 22.5° BEND5 6" Ø MJx6" Ø MJ 11.25° BEND5 1" WATER SERVICE CONNECTIONS. 2120 LF FIRE HYDRANT ASSEMBLY BLOW OFF ASSEMBLY AIR RELEASE VALVE

UNDERGROUND ELECTRICAL UTILITIES PRIMARY POWER CONDUIT 2" & PVC SECONDARY POWER CONDUIT 3" & PVC CABLE TV CONDUIT 2" & PVC TELEPHONE CONDUIT 2" & PVC POWER TRANSFORMER VAULTS 36" DEEP UTILITY TRENCH 48" DEEP UTILITY TRENCH SEWER FORCE MAIN

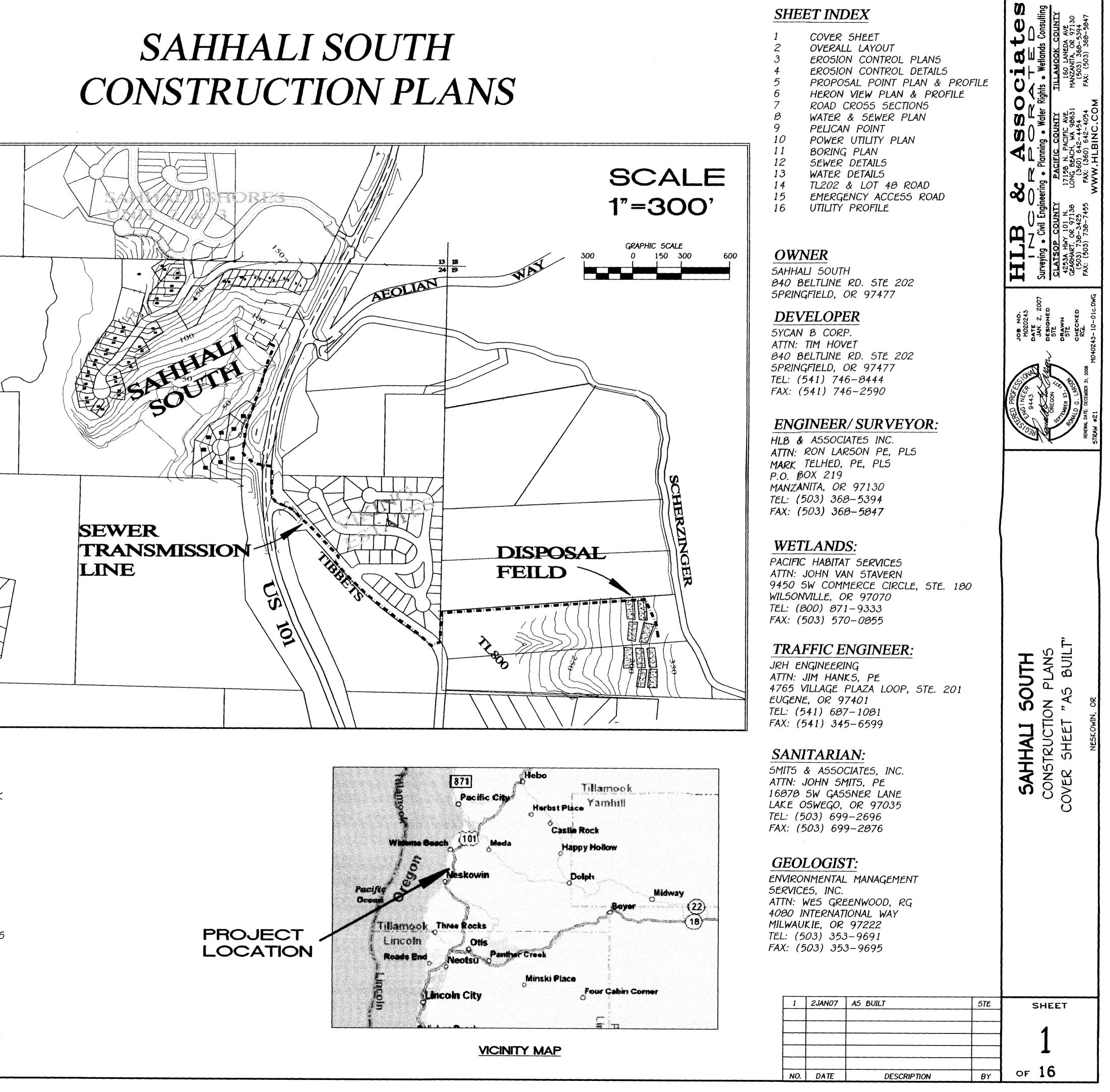
3" & SCH 40 PVC PIPE 2" ø SCH 40 PVC PIPE SEWER SERVICE ASSEMBLIES 2" & PIGGING PORT 3" & PIGGING PORT HORIZONTAL BORE WITH CASING PIPE

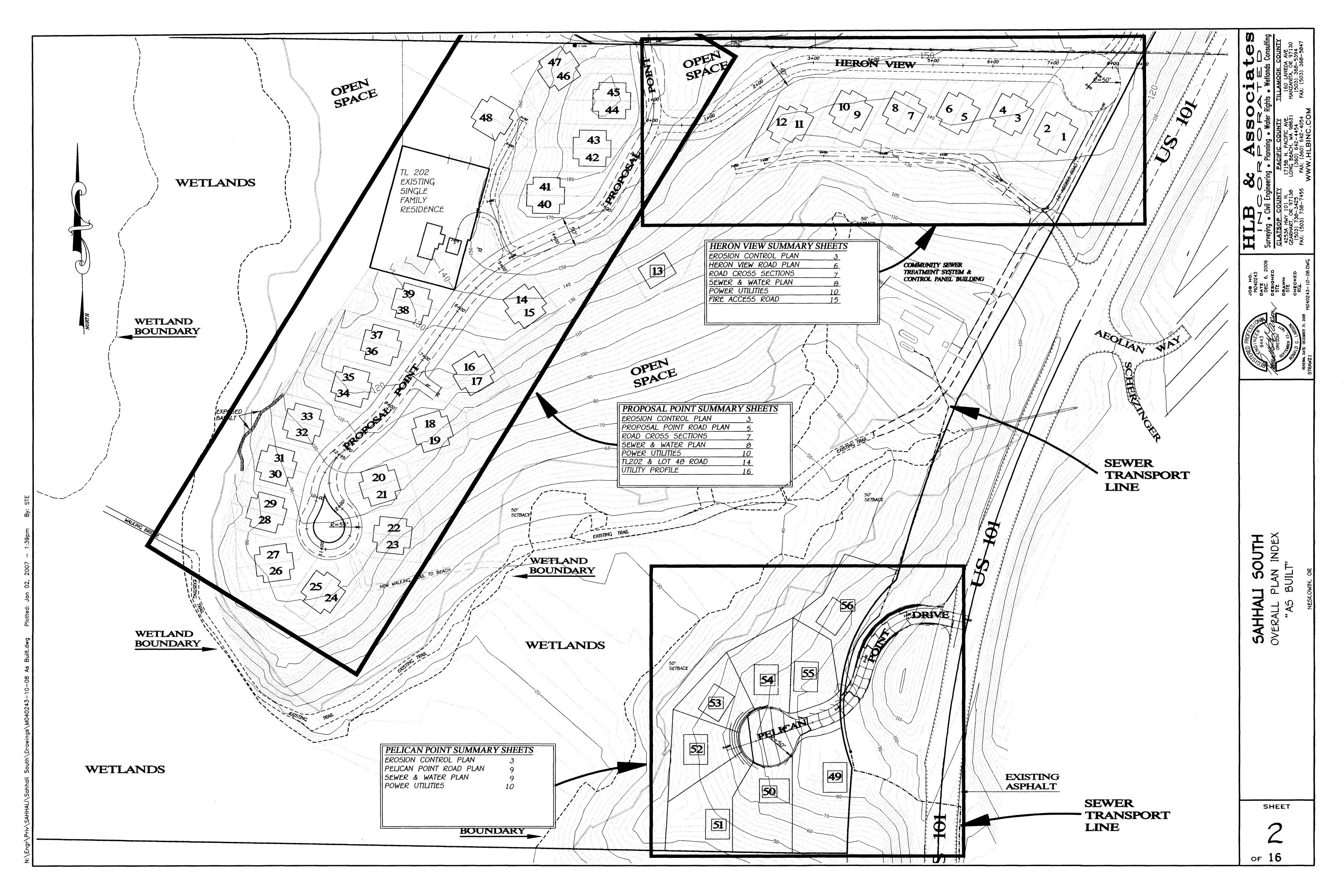
EROSION CONTROL FACILITIES BIO BAGS SEDIMENT FENCE GRASS SEEDING AND MULCH EROSION CONTROL MAINTENANCE

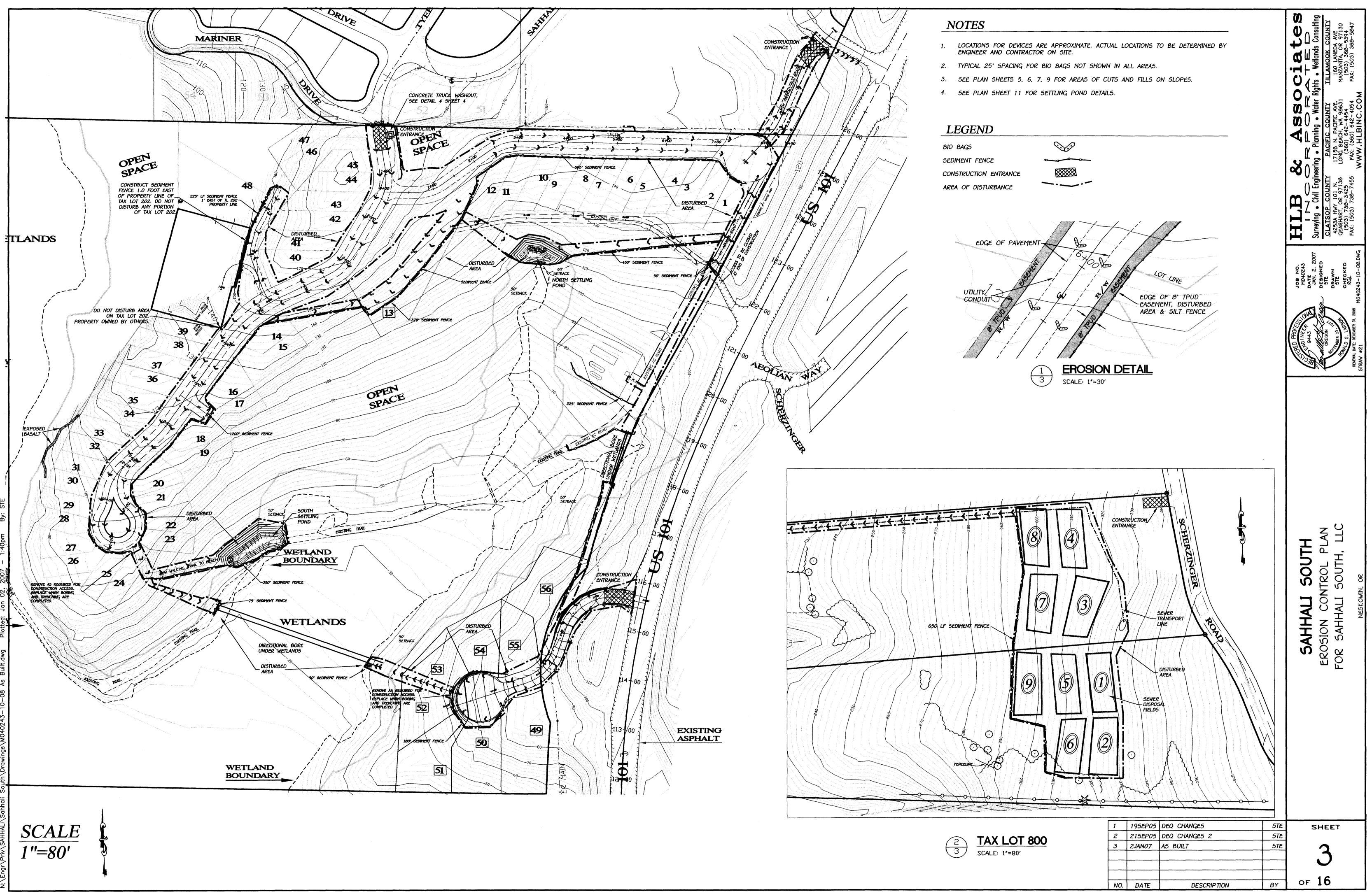


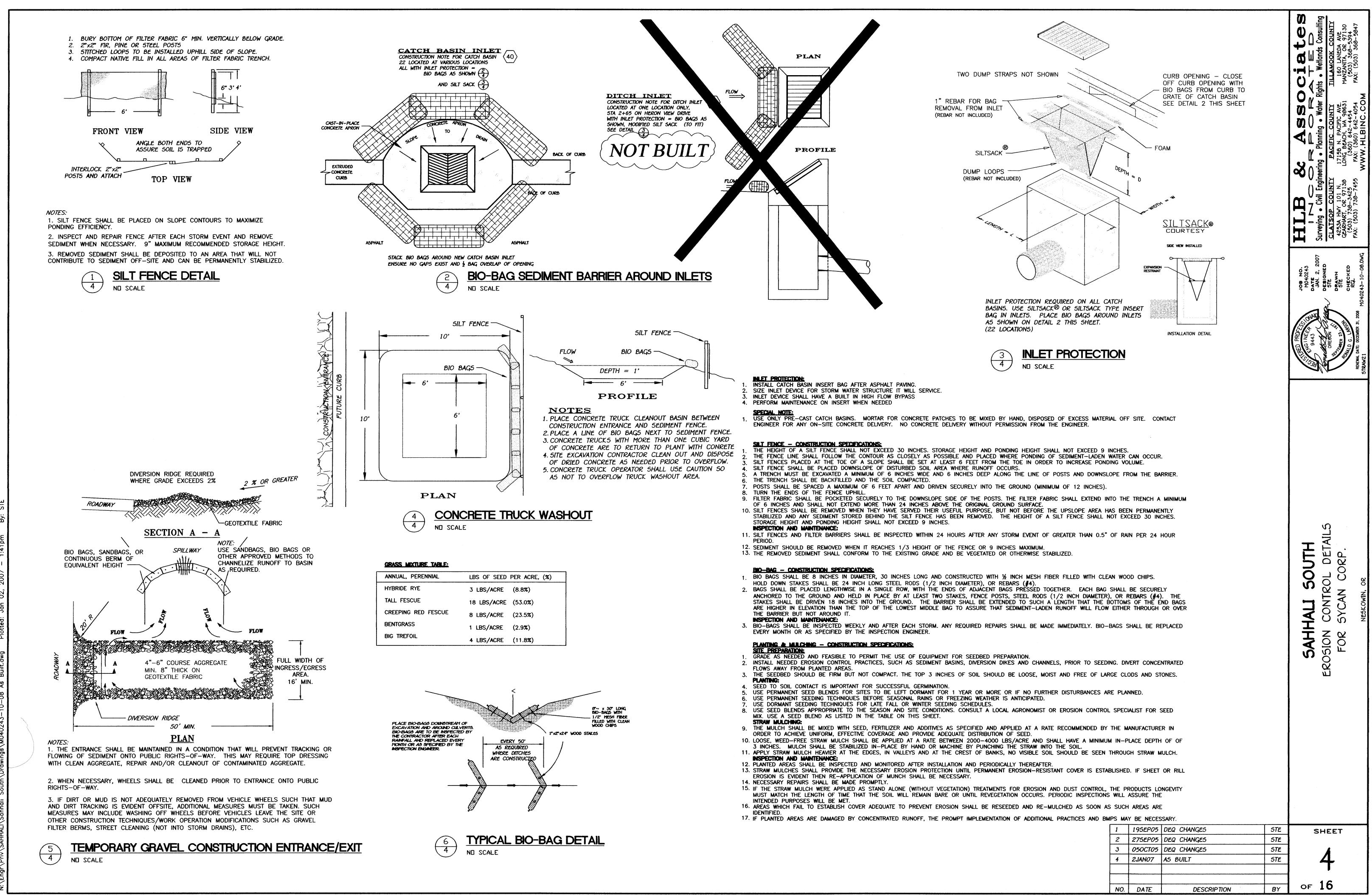
ROADWAY CONSTRUCTION 3" ASPHALT CONCRETE PAVEMENT EXTRUDED CONCRETE CURB PIT RUN BASE ROCK $\frac{3}{4}$ " MINUS AGGREGATE LEVELING ROCK CONSTRUCTION FABRIC CURB DEMOLITION EARTHWORK

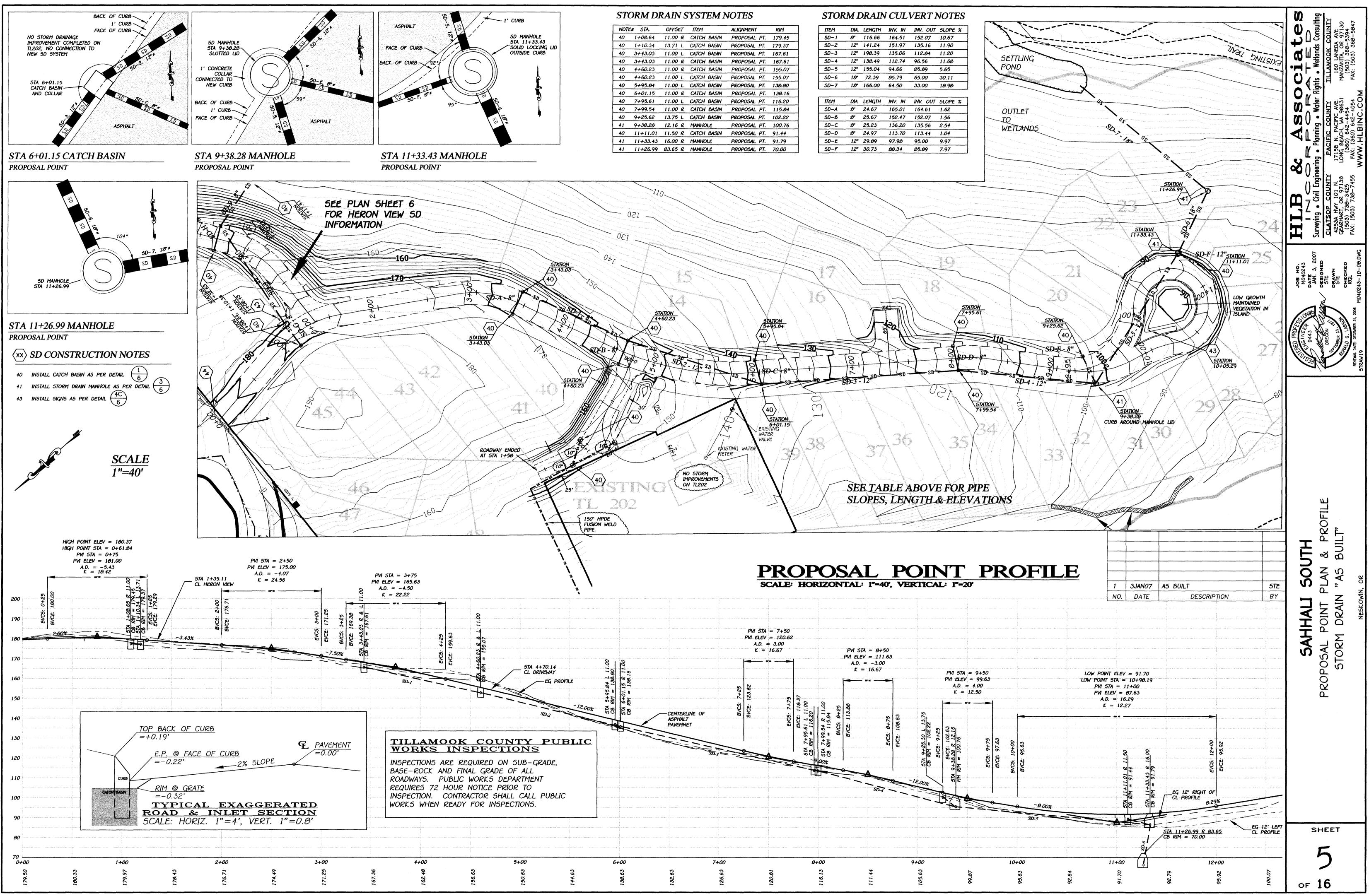
STORM DRAINAGE CONSTRUCTION 18" & HOPE STORM DRAIN PIPE 12" & HDPE STORM DRAIN PIPE 8" # HDPE STORM DRAIN PIPE HOPE FITTINGS 8", 12", & 18" TRAPPING CATCH BASINS STORM DRAINAGE MANHOLES SETTLING POND OUTFALL STRUCTURES





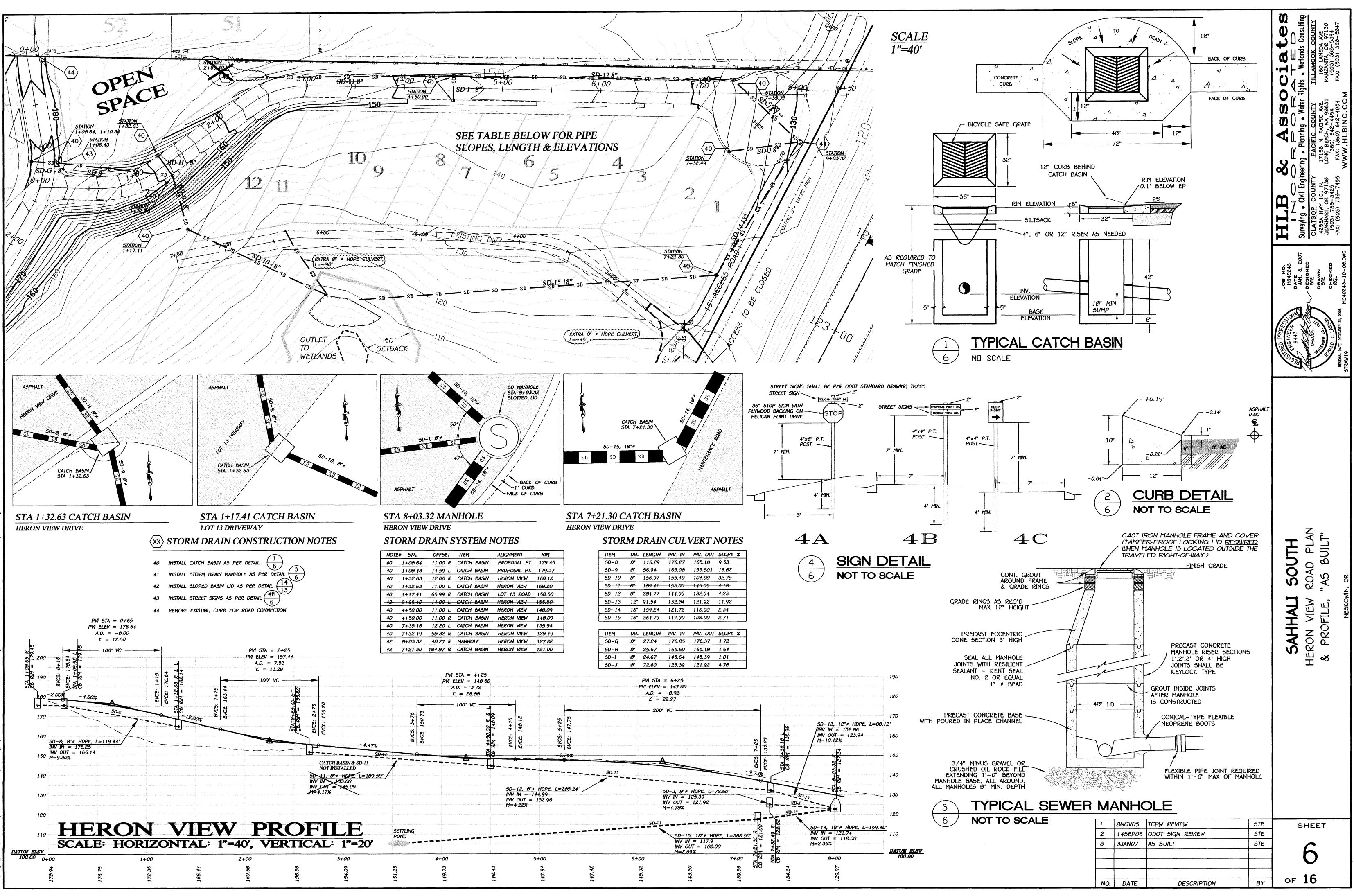




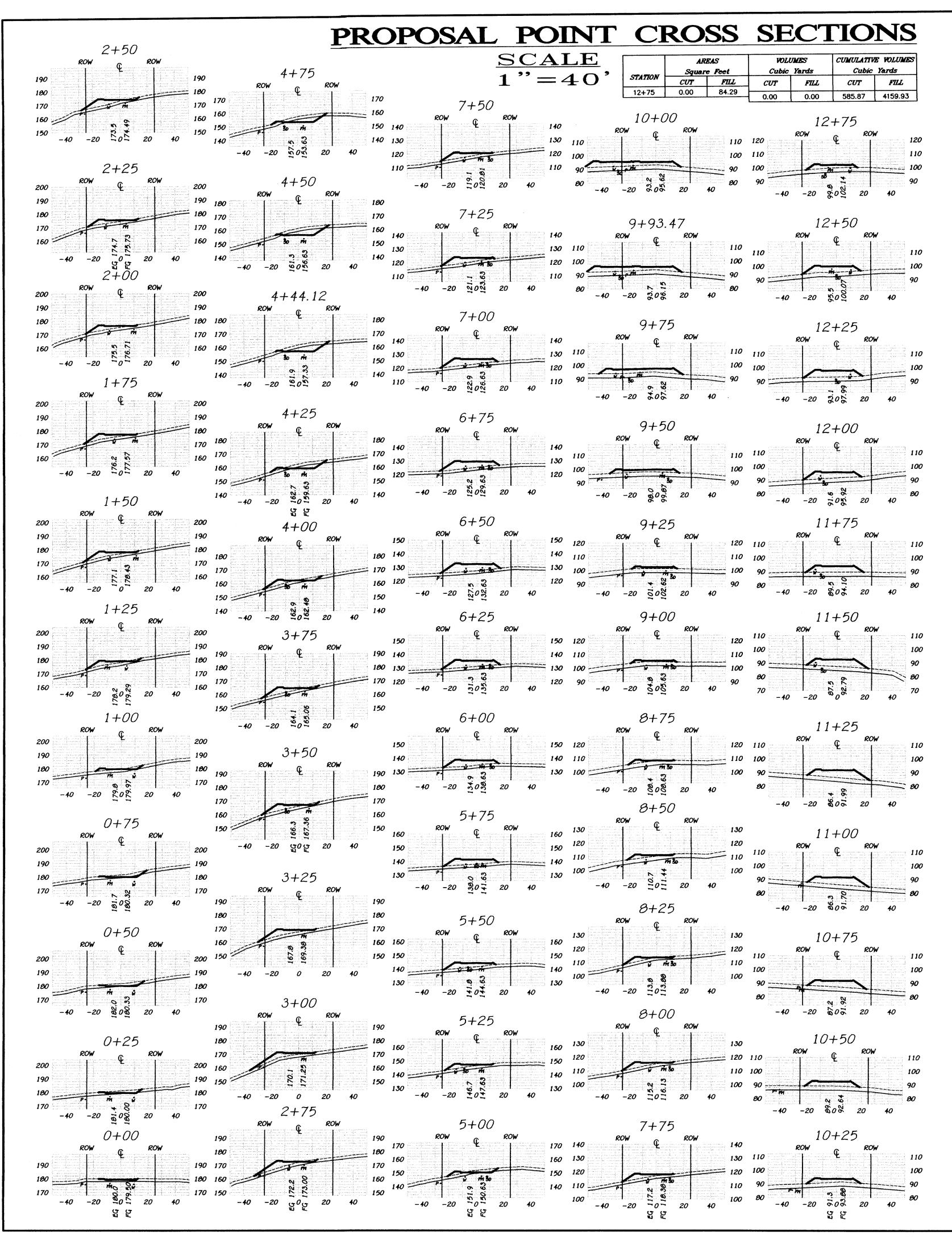


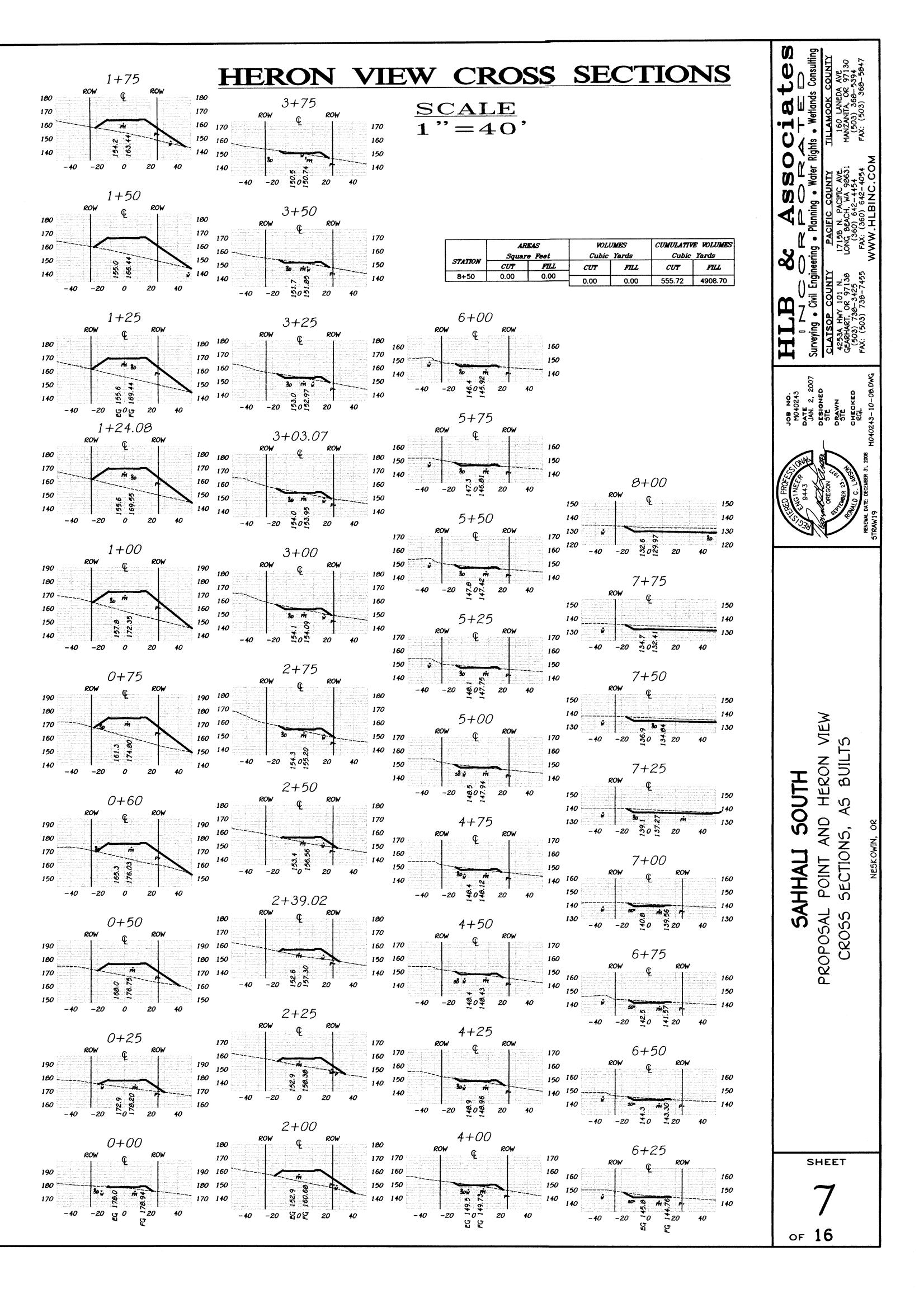
NOTE	# 5TA.	OFFSET	ПЕМ	ALIGNMENT	RIM
40	1+08.64	11.00 R	CATCH BASIN	PROPOSAL PT.	179.45
40	1+10.34	13.71 L	CATCH BASIN	PROPOSAL PT.	179.37
40	3+43.03	11.00 L	CATCH BASIN	PROPOSAL PT.	167.61
40	3+43.03	11.00 R	CATCH BASIN	PROPOSAL PT.	167.61
40	4+60.23	11.00 R	CATCH BASIN	PROPOSAL PT.	155.07
40	4+60.23	11.00 L	CATCH BASIN	PROPOSAL PT.	155.07
40	5+95.84	11.00 L	CATCH BASIN	PROPOSAL PT.	138.80
40	6+01.15	11.00 R	CATCH BASIN	PROPOSAL PT.	138.16
40	7+95.61	11.00 L	CATCH BASIN	PROPOSAL PT.	116.20
40	7+99.54	11.00 R	CATCH BASIN	PROPOSAL PT.	115.84
40	9+25.62	13.75 L	CATCH BASIN	PROPOSAL PT.	102.22
41	9+38.28	12.16 R	MANHOLE	PROPOSAL PT.	100.76
40	11+11.01	11.50 R	CATCH BASIN	PROPOSAL PT.	91.44
41	11+33.43	16.00 R	MANHOLE	PROPOSAL PT.	91.79
41	11+26.99	83.65 R	MANHOLE	PROPOSAL PT.	70.00

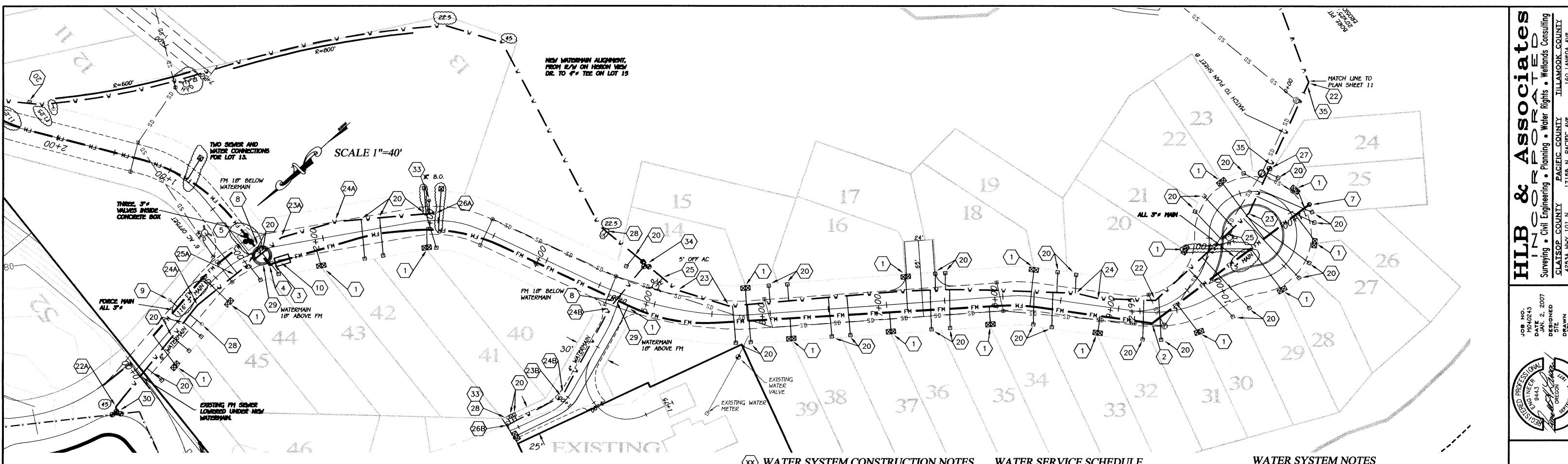
ПЕМ	DIA.	LENGTH	INV. IN	INV. OUT	SLOPE %
50-1	8"	116.66	164.51	152.07	10.67
50-2	12"	141.24	151.97	135.16	11.90
50-3	12"	198.39	135.06	112.84	11.20
5D-4	12"	138.49	112.74	96.56	11.60
5D-5	12"	155.04	94.66	85.89	5.65
5D-6	1 <i>8</i> °	72.39	<i>8</i> 5.79	65.00	30.11
50-7	18	166.00	64.50	33.00	18.98
ПЕМ	DIA.	LENGTH	INV. IN	INV. OUT	SLOPE %
5D-A	8"	24.67	165.01	164.61	1.62
5D-B	8"	25.67	152.47	152.07	1.56
5D-C	8"	25.23	136.20	135.56	2.54
5D-D	8"	24.97	113.70	113.44	1.04
5D-E	12"	29. <i>8</i> 9	97.98	95.00	9.97
5D-F	12"	30.73	88.34	85.89	7.97



\Engr\Priv\SAHHALI\Sahhali South\Drawings\M040243-10-08 As Built.dwg Plotted: Jan 03, 2007 - 12:47pm By:







SEWER SERVICE SCHEDULE

LOT	5TA.	OFFSET	LENGTH
1	7+46.25	45.63 R	22'
2	7+46.25	45.63 R	22'
3	6+59. 4 8	8.00 R	17'
4	6+59. 4 8	8.00 R	17'
5	5+70.00	8.00 R	17'
6	5+70.00	8.00 R	17'
7	4+80.52	8.00 R	17'
8	4+80.52	8.00 R	17'
9	3+92.85	7.20 R	18'
10	3+92.85	7.20 R	18'
11	2+98.23	1.77 R	23'
12	2+98.23	1.77 R	6'
13	1+42.61	0.00 R	300'

SEWER SERVICE SCHEDULE

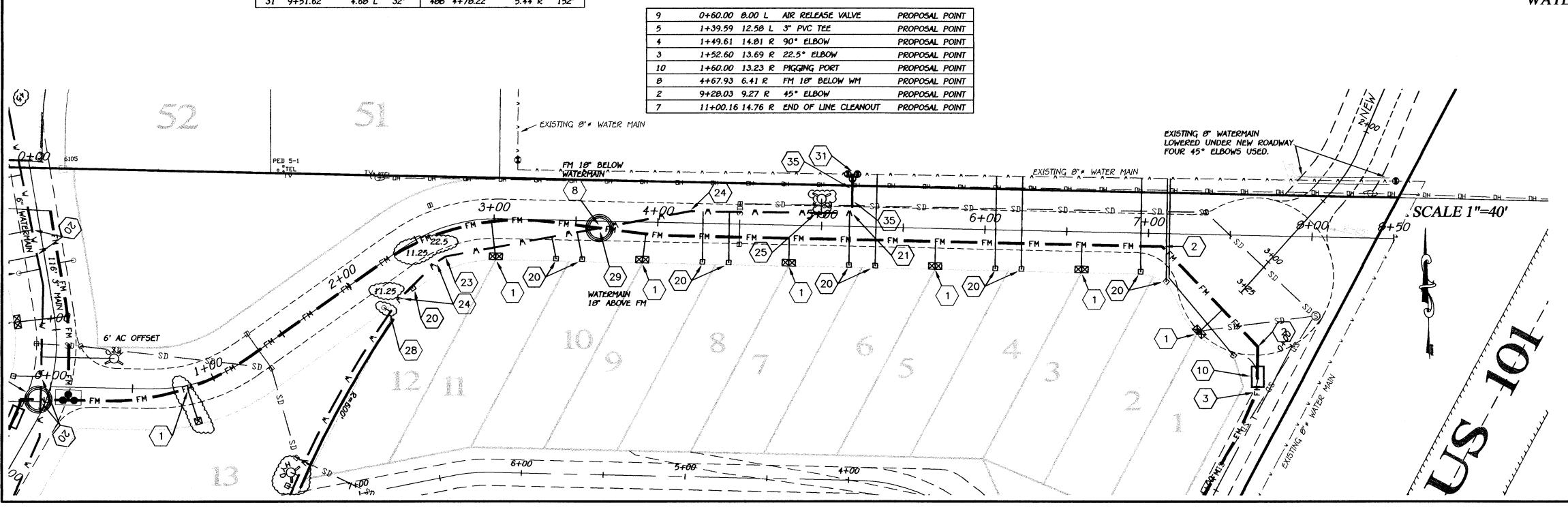
PROF	POSAL POII	NT DRI	VE				
LOT	STA.	OFFSET	LENGTH	LOT	STA.	OFFSET	LENGT
14	5+ <i>8</i> 0.07	5.19 R	30°	32	8+85.02	8.49 R	17'
15	5+ <i>8</i> 0.07	5.19 R	30'	33	8+85.02	8.49 R	17'
16	7+17.69	6.76 R	32'	34	7+87.83	7.56 R	18'
17	7+17.69	6.76 R	32'	35	7+87.83	7.56 R	18
18	8+24.31	8.53 R	34'	36	7+02.22	6.58 R	19'
19	8+24.31	8.53 R	34'	37	7+02.22	6.50 R	19'
20	9+85.31	13.31 L	(58'	38	6+16.61	5.61 R	19'
21	9+85.31	13.31 L	58.	39	6+16.61	5.61 R	19'
22	10+68.56	27. 4 8 L	63'	40	2+ <i>8</i> 9.69	7.83 R	18'
23	10+68.56	27. 4 8 L	63'	41	2+ 89 .69	7.83 R	18'
24	11+00.16	14.76 R	19'	42	1+92.84	9.59 R	16'
25	11+00.16	14.76 R	19'	43	1+92.84	9.59 R	16'
26	10+96.32	2.62 R	31'	44	0+92.94	7.81 R	33,
27	10+96.32	2.62 R	31'	45	0+92.94	7.81 R	33,
28	10+23.61	26.31 L	46'	46	0+27.75	8.00 R	34'
29	10+23.61	26.31 L	4 6'	47	0+27.75	8.00 R	34'
30	9+51.62	4.68 L	32'	48A	4+76.22	5.44 R	152'
31	9+51.62	4.68 L	32'	<i>48</i> 8	4+78.22	5.44 R	152'
·······			**************************************				

$\langle xx \rangle$ SEWER SYSTEM CONSTRUCTION NOTES

1	INSTALL 2" DEWER SERVICE AS PER
2	INSTALL 3"# 45° ELBOW
3	INSTALL 3"# 22.5° ELBOW
4	INSTALL 3"# 90° ELBOW
5	INSTALL 3" # TEE
6	SEWER CONFLICT, LOWER OR MOVE
7	INSTALL END OF LINE CLEAN OUT AS
8	ENSURE 18" VERTICAL CLEARANCE B
9	INSTALL AIR RELEASE VALVE AS PER
10	INSTALL PIGGING PORT AS PER DETA
11	-INSTALL 3" TO 2" REDUCER NOT IN
SE	WER SYSTEM NOTES

NOTE# STATION OFFSET ITEM

NOTE#	STATION	OFFSET	ITEM	ALIGNMENT
8	3+64.46	4.30 R	FM 18" BELOW WM	HERON VIEW
2	7+00.61	8.00 R	45° ELBOW	HERON VIEW
2	7+68.38	67.77 R	45° ELBOW	HERON VIEW
10	7+68.38	85.50 R	PIGGING PORT	HERON VIEW
3	7+68.38	95.10 R	22.5° ELBOW	HERON VIEW
9	0+60.00	8.00 L	AIR RELEASE VALVE	PROPOSAL POINT
5	1+39.59	12.58 L	3" PVC TEE	PROPOSAL POIN
4	1+49.61	14.81 R	90° ELBOW	PROPOSAL POINT
3	1+52.60	13.69 R	22.5° ELBOW	PROPOSAL POIN
10	1+60.00	13.23 R	PIGGING PORT	PROPOSAL POINT
8	4+67.93	6.41 R	FM 18" BELOW WM	PROPOSAL POIN
2	9+28.03	9.27 R	45° ELBOW	PROPOSAL POINT
7	11+00.16	5 14.76 R	END OF LINE CLEANOUT	PROPOSAL POINT



r service as per details $\begin{pmatrix} 1 \\ 12 \end{pmatrix}$ or $\begin{pmatrix} 2 \\ 12 \end{pmatrix}$ LBOW ELBOW ELBOW

LOWER OR MOVE AS NOTED INE CLEAN OUT AS PER DETAIL $\begin{pmatrix} 3\\ 12 \end{pmatrix}$ TICAL CLEARANCE BELOW WATERMAIN ASE VALVE AS PER DETAIL PORT AS PER DETAIL REDUCER- NOT INSTALLED

$\langle xx \rangle$ WATER SYSTEM CONSTRUCTION NOTES

- 20 INSTALL I" # WATER SERVICE AS PER DETAIL 21 INSTALL 8" # 90° ELBOW
- INSTALL 8° 45° ELBOW
- 23 INSTALL 8" 22.5" ELBOW
- INSTALL 8" # 11.25° ELBOW 25 INSTALL FIRE HYDRANT ASSEMBLY & $\theta^{*} \neq x \theta^{*} \neq x$
- 26 INSTALL 6"# OR 4"# CAP
- 27 INSTALL $\theta^* \neq$ VALVE AS PER DETAIL $\begin{pmatrix} 4 \\ 13 \end{pmatrix}$
- 20 INSTALL AR-VACUUM RELEASE VALVE AS PER DETAIL $\begin{pmatrix} 0 \\ 13 \end{pmatrix}$
- 29 WATER CONFLICT, FM SEWER LINE 18" MIN. BELOW
- 30 CONNECTION #1 TO EXISTING 6" MAIN AS PER DETAIL
- CONNECTION #2 TO EXISTING O" MAIN AS PER DETAIL 31 32 CONNECTION #3 TO EXISTING θ^{*} MAIN AS PER DETAIL $\begin{pmatrix} 3 \\ 13 \end{pmatrix}$
- 33 INSTALL WATER BLOW OFF AS PER DETAIL A OR 6
- 34 CONNECTION TEE 8" # x8" # x4" #
- 35 INSTALL VERTICAL BEND
- NOTE NUMBERS WITH "A" DESIGNATES 6" WATERMAIN
- NOTE NUMBERS WITH "B" DESIGNATES 4"# WATERMAIN

WATER SERVICE SCHEDULE

LOT	STATION	OFFSET	LENGTH	LOT STATION	OFFSET	LENGTH
13	3+02.55	98.88 L	10'	32 9+20.92	10.21 L	34'
15	6+00.69	9.11 L	15'	33 8+42.33	5.88 L	30'
14	4+82.34	30.82 L	12'	34 8+26.54	4.24 L	28'
17	7+42.73	9.75 L	14'	35 7+54.88	9.08 L	34'
16	6+16.69	9.37 L	15'	36 7+30.23	9.96 L	34'
19	8+45.72	6.24 L	18'	37 6+66.66	10.17 L	34'
18	7+51.22	9.30 L	14'	38 6+50.66	9.91 L	34'
20	<i>0</i> +61.55	7.89 L	16'	39 5+81.06	8.80 L	33'
21	12+00.98	10.00 L	33'	40 2+90.17	5.88 L	31'
22	11+83.61	19.71 L	37*	41 2+50.97	8.66 L	33'
23	11+31.75	7.63 R	19'	42 2+35.09	10.02 L	34'
24	11+30.12	17.19 R	10'	43 1+45.87	2.78 R	23'
25	11+33.13	1.84 R	4 9'	44 1+30.43	7.05 R	17'
26	11+35.05	4.03 L	54'	45 0+53.48	9.67 R	14'
27	10+33.96	51.36 L	6 8'	46 0+37.49	10.14 R	14'
28	10+40.28	53.11 L	70'	47 0+05.15	12.57 R	12'
29	9+93.47	33.94 L	60'	48A 4+30.70	131.66 R	5'
30	9+75.85	29.82 L	56'	488 4+28.77	133.96 R	5'
31	9+35.21	12.53 L	37'	TL202 5+67.39	7.96 L	32'

WATER SERVICE SCHEDULE HERON VIEW DRIVE

LOT	5TA.	OFFSET	LENGTH
1	8+02.04	97.73 L	102'
2	7+10.81	33.65 L	63'
Э	6+95.11	33.51 L	57 '
4	6+22.23	32.86 L	56'
5	6+06.24	32.72 L	56'
6	5+33.26	32.07 L	56'
7	5+16.97	7.99 L	32'
8	4+43.50	7.33 L	31'
9	4+27.50	7.19 L	31'
10	3+50.87	7.13 R	17'
11	3+35.53	10.32 R	14'
12	2+27.93	18.25 R	6'

WATER SYSTEM NOTES

PROPOS	AL POINT DRIVE	
NOTE#	STATION OFFSET ITEM LENGTH	ALIGNMENT
30	0-34.01 8.08 R CONNECTION #1	PROPOSAL POINT
23 A	0-1.24 13.99 R 6*# 22.5* ELBOW	PROPOSAL POINT
28	0+62.00 9.29 R AIR-VACUUM VALVE	PROPOSAL POINT
24A	0+96.99 8.25 R 6"# 11.25° ELBOW	PROPOSAL POINT
25A	1+17.47 8.75 R FIRE HYDRANT 45'	PROPOSAL POINT
29	1+45.15 4.58 R WM 18" OVER FM	PROPOSAL POINT
23A	1+65.08 6.56 L 6" # 22.5° ELBOW	PROPOSAL POINT
24A	2+13.12 11.09 L 6" 11.25° ELBOW	PROPOSAL POINT
33A	2+93.00 5.00 L 4" BLOW OFF	PROPOSAL POINT
26A	2+96.00 6.07 L 6"# CAP, END MAIN	PROPOSAL POINT
23	2+52.37 130.40 L 8" # 22.5° ELBOW	PROPOSAL POINT
23	3+06.63 97.04 L 8"# 22.5° ELBOW	PROPOSAL POINT
268	4+29.26 141.91 R 4" & CAP, END MAIN	ACCESS ROAD
28	4+26.83 136.26 R AIR-VACUUM VALVE	ACCESS ROAD
33	4+26.83 136.26 R 2* BLOW OFF	ACCESS ROAD
23B	4+56.59 100.50 R 4" # 22.5° ELBOW	ACCESS ROAD
2 4 8	4+57.22 97.73 R 4" 11.25° ELBOW	ACCESS ROAD
2 4 8	4+65.00 15.14 R 4*+ 11.25° ELBOW	ACCESS ROAD
29	4+67.93 6.41 R WM 18" OVER FM	PROPOSAL POINT
34	4+82.34 30.82 L 4" CONNECTION TEE	PROPOSAL POINT
25	5+45.17 12.00 L FIRE HYDRANT 10'	PROPOSAL POINT
23	5+16.55 16.09 L 8* 22.5° ELBOW	PROPOSAL POINT
23	5+64.57 7.63 L 8"# 22.5" ELBOW	PROPOSAL POINT
24	8+60.84 8.07 L 8*# 11.25* ELBOW	PROPOSAL POINT
24	8+81.40 6.16 L 8"\$ 11.25° ELBOW	PROPOSAL POINT
22	9+32.08 10.12 L 8"# 45° ELBOW	PROPOSAL POINT
25	10+10.98 43.46 L FIRE HYDRANT 5'	PROPOSAL POINT
23	10+33.96 51.36 L 8"# 22.5" ELBOW	PROPOSAL POINT
27	11+29.61 21.12 R 8" # VALVE	PROPOSAL POINT
22	11+25.52 101.63 L 8"# 45° ELBOW	PROPOSAL POINT
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WATER SYSTEM NOTES HERON VIEW DRIVE

TERUN	VIEW D	RIVE		
NOTE#	STATION	OFFSET	ITEM LENGTH	ALIGNMENT
23	2+27.93	18.25 R	8"# 22.5" ELBOW	HERON VIEW
23	2+62.84	17.22 R	8" + 22.5" ELBOW	HERON VIEW
29	3+64.46	4.30 R	WM 18" OVER FM	HERON VIEW
24	4+19.33	7.12 L	8" # 11.25° ELBOW	HERON VIEW
21	5+18.40	8.00 L	8" # 90° ELBOW	HERON VIEW
31	5+18.19	31.94 L	CONNECTION #2	HERON VIEW
25	5+00.00	32.03 L	FIRE HYDRANT	HERON VIEW

-	19.33	7.12 L 8"	# 11.25° ELBOW	HERON	VIEW		
+	18.40	8.00 L 8"	• 90° ELBOW	HERON	VIEW		
F	18.19	31.94 L CO	NNECTION #2	HERON	VIEW		
F	00.00	32.03 L FIR	RE HYDRANT	HERON	VIEW		
	1	310CT05	NRWD CHANGE	5		5TE	SHEET
	2	BNOV05	NRWD CHANGE	5 #2		5TE	
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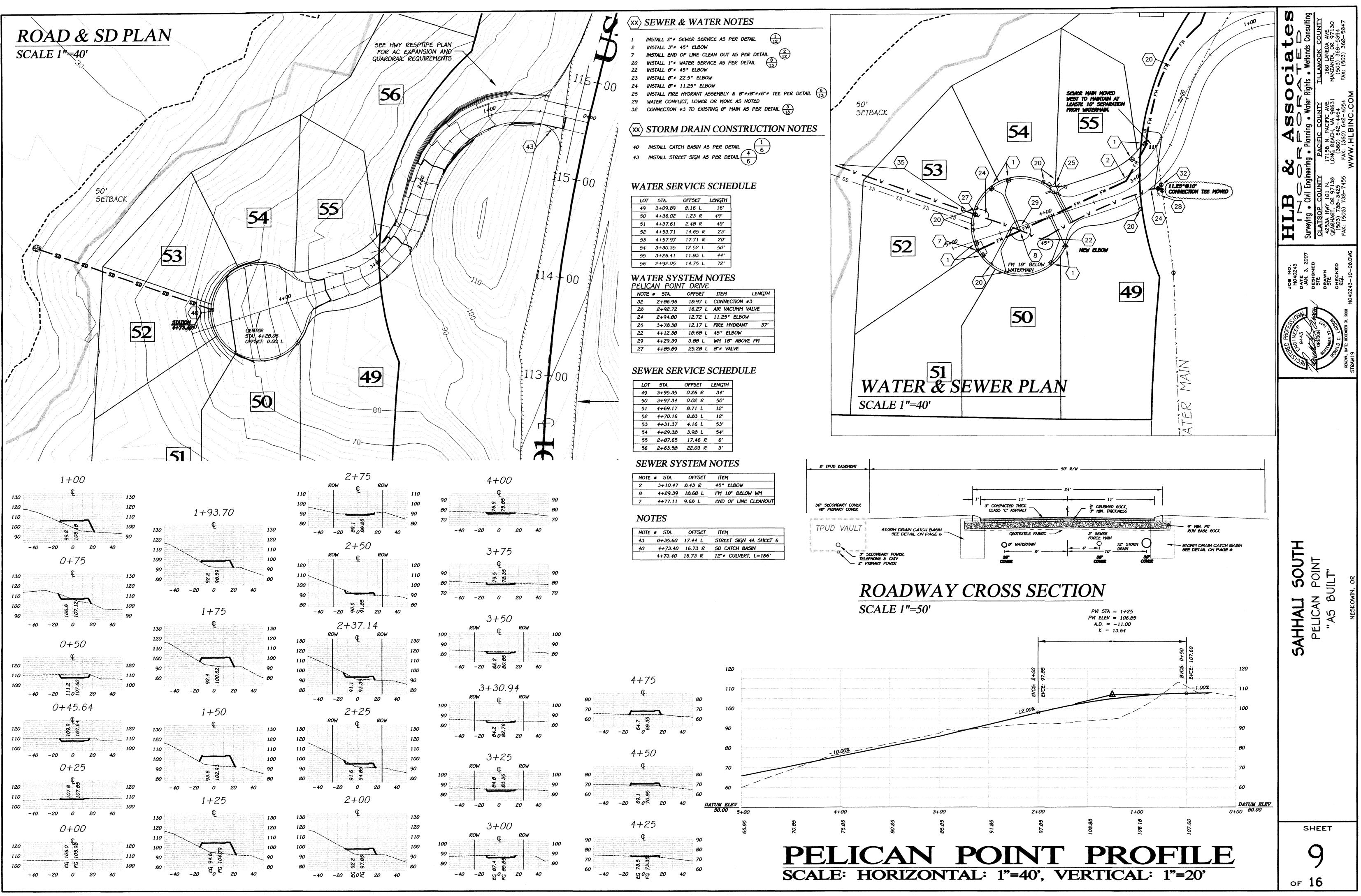
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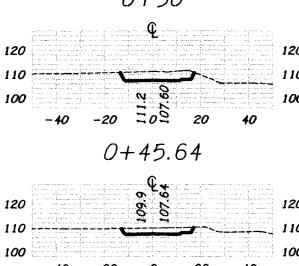
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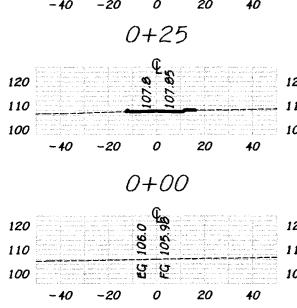
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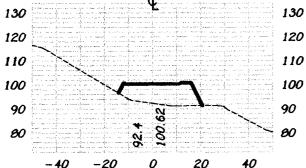
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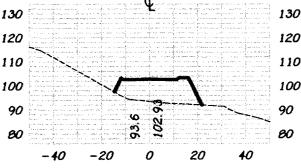




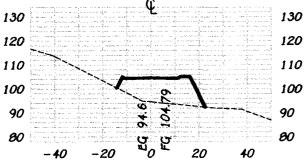






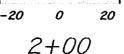




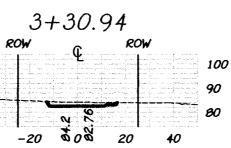


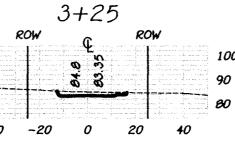
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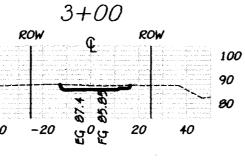
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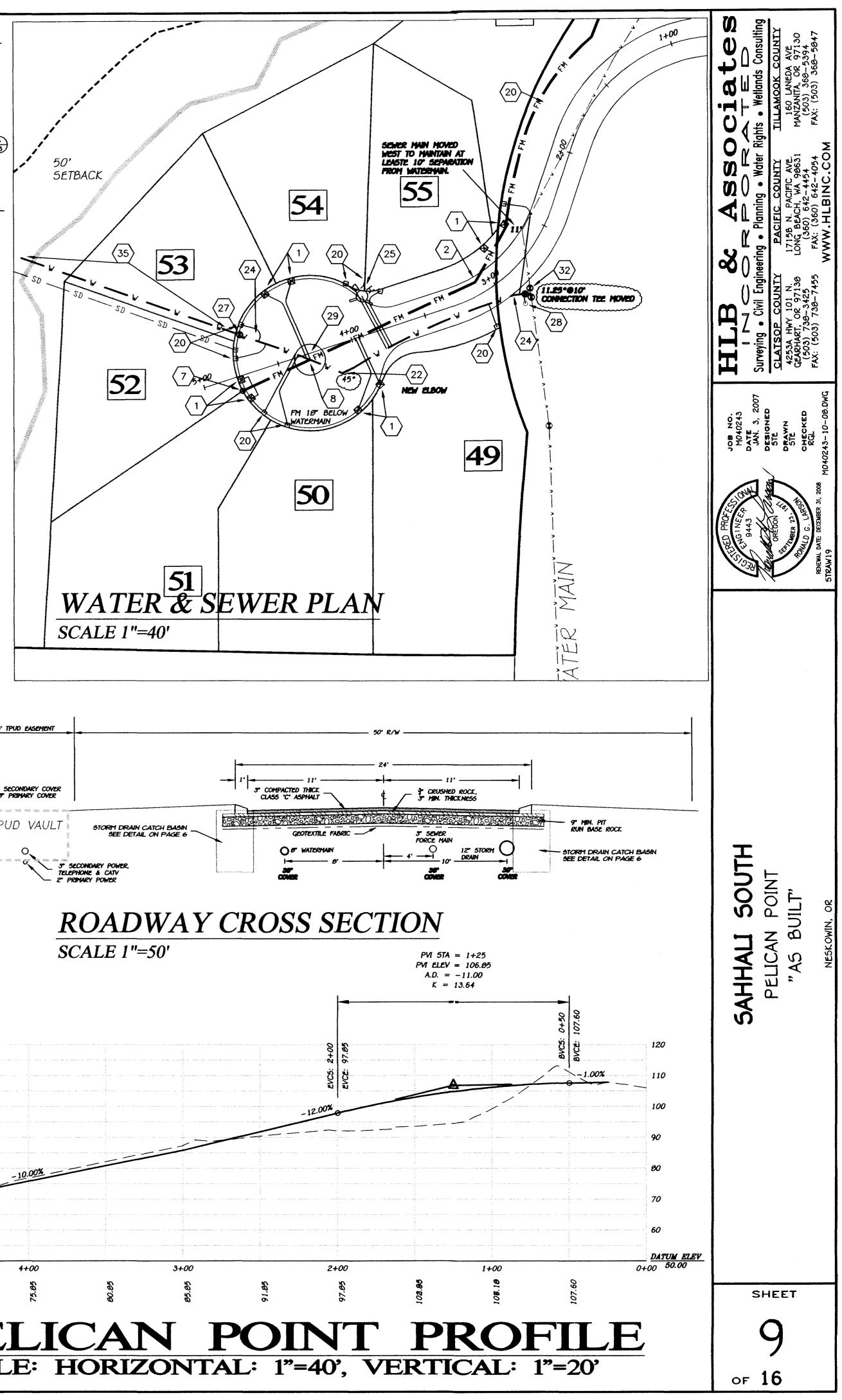
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	49	3+09.89	8.16 L	16'
	50	4+36.02	1.23 R	4 9'
	51	4+37.61	2.48 R	4 9'
1	52	4+53.71	14.65 R	23'
	53	4+57.97	17.71 R	20'
	54	3+30.35	12.52 L	50'
	55	3+26.41	11.83 L	44'
	56	2+92.05	14.75 L	72'

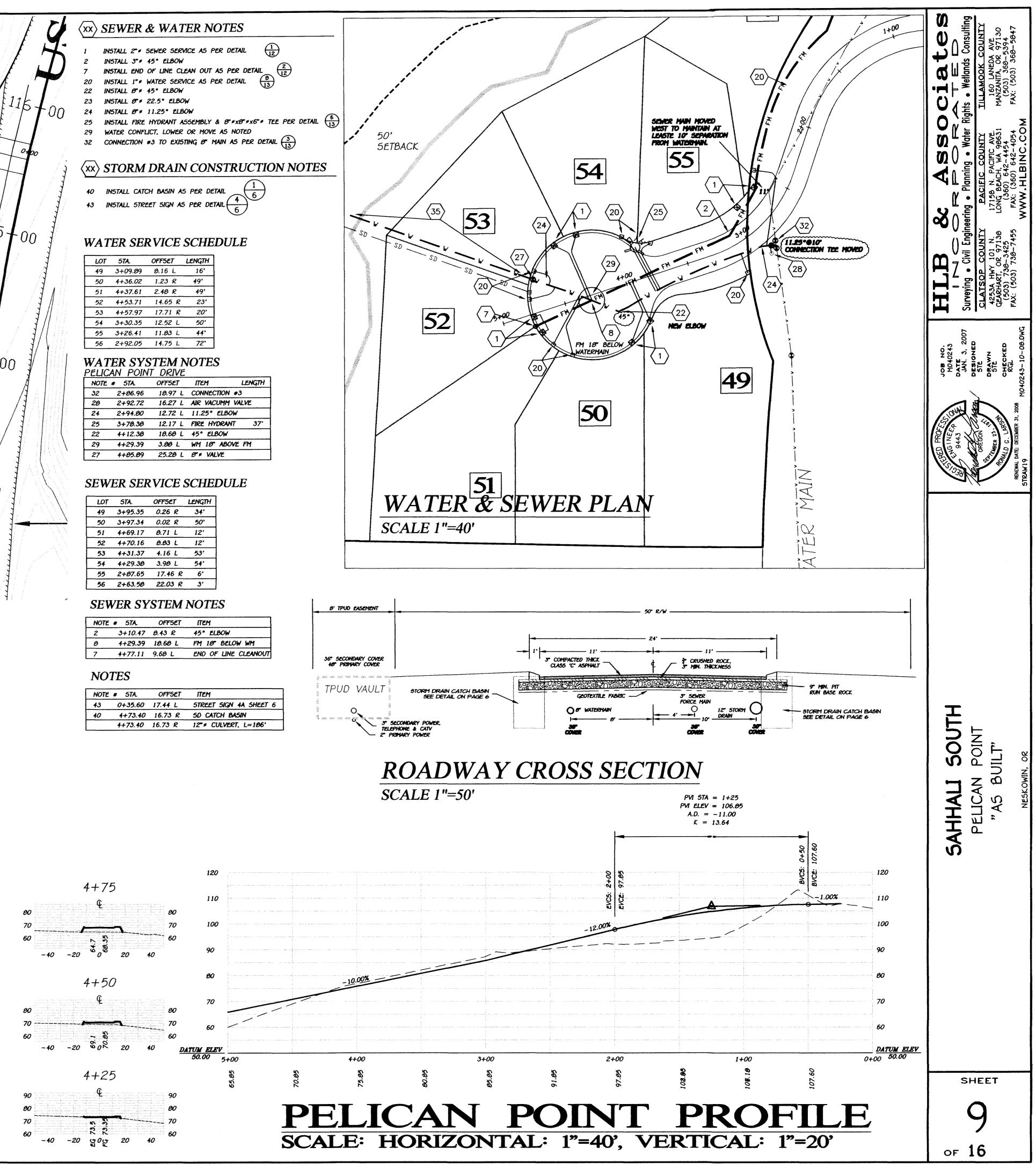
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NOTE	# STA.	OFFSET	ITEM LENGTH
32	2 +8 6.96	18.97 L	CONNECTION #3
28	2+92.72	16.27 L	AIR VACUMM VALVE
24	2+94.80	12.72 L	11.25° ELBOW
25	3+78.38	12.17 L	FIRE HYDRANT 37'
22	4+12.38	18.68 L	45° ELBOW
29	4+29.39	3.88 L	WM 18" ABOVE FM
27	4+85.89	25.28 L	8" # VALVE

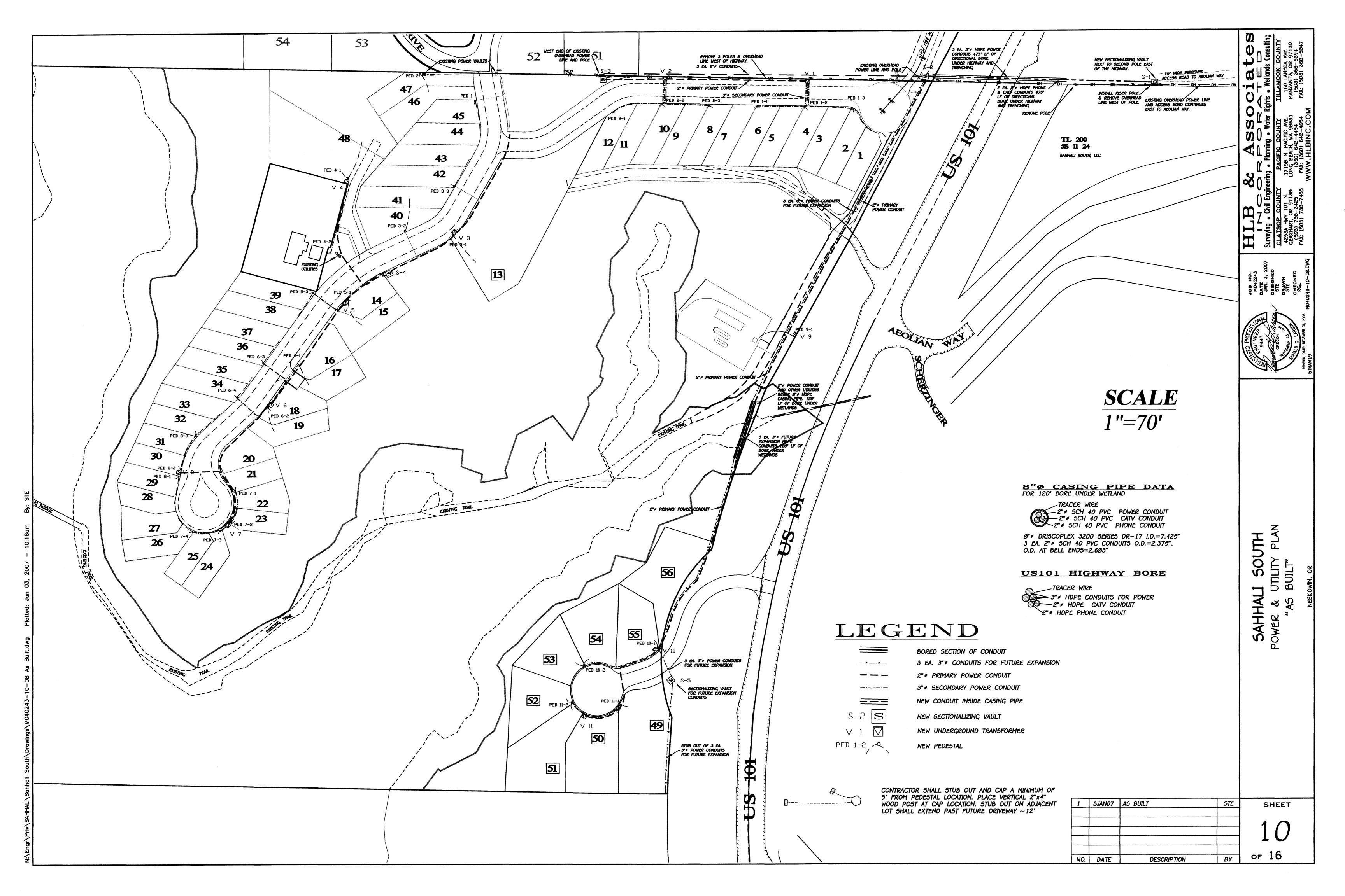
LOT	STA.	OFFSET	LENGTH
49	3+95.35	0.26 R	34'
50	3+97.34	0.02 R	50 '
51	4+69.17	8.71 L	12'
52	4+70.16	8.83 L	12'
53	4+31.37	4.16 L	53'
54	4+29.38	3.90 L	54'
55	2+87.65	17.46 R	6'
56	2+63.58	22.03 R	3'

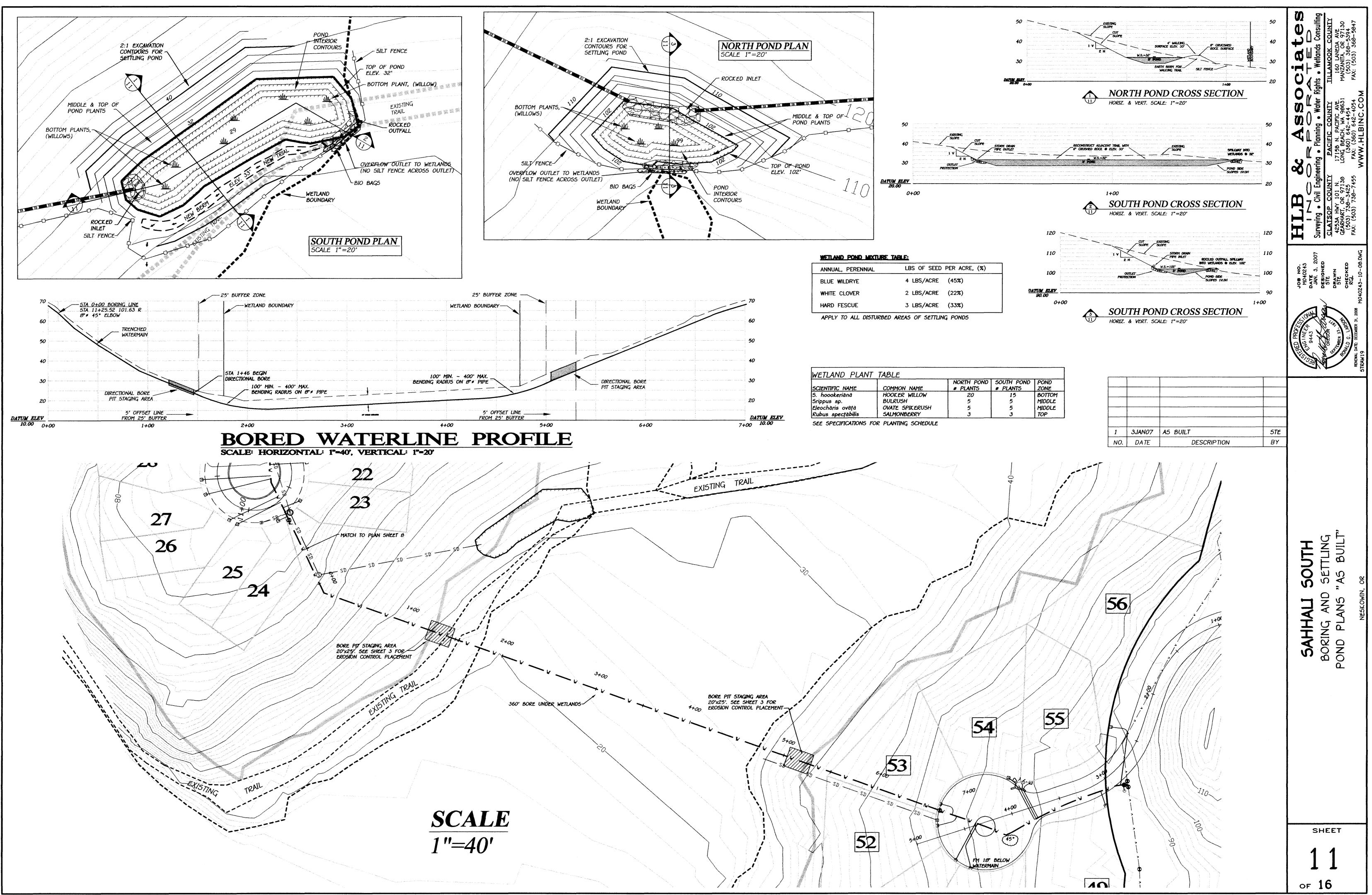
NOTE	# 5TA.	OFFSET	ITEM
2	3+10.47	8.43 R	45° ELBOW
8	4+29.39	18.68 L	FM 18" BELOW WM
7	4+77.11	9.68 L	END OF LINE CLEANOU

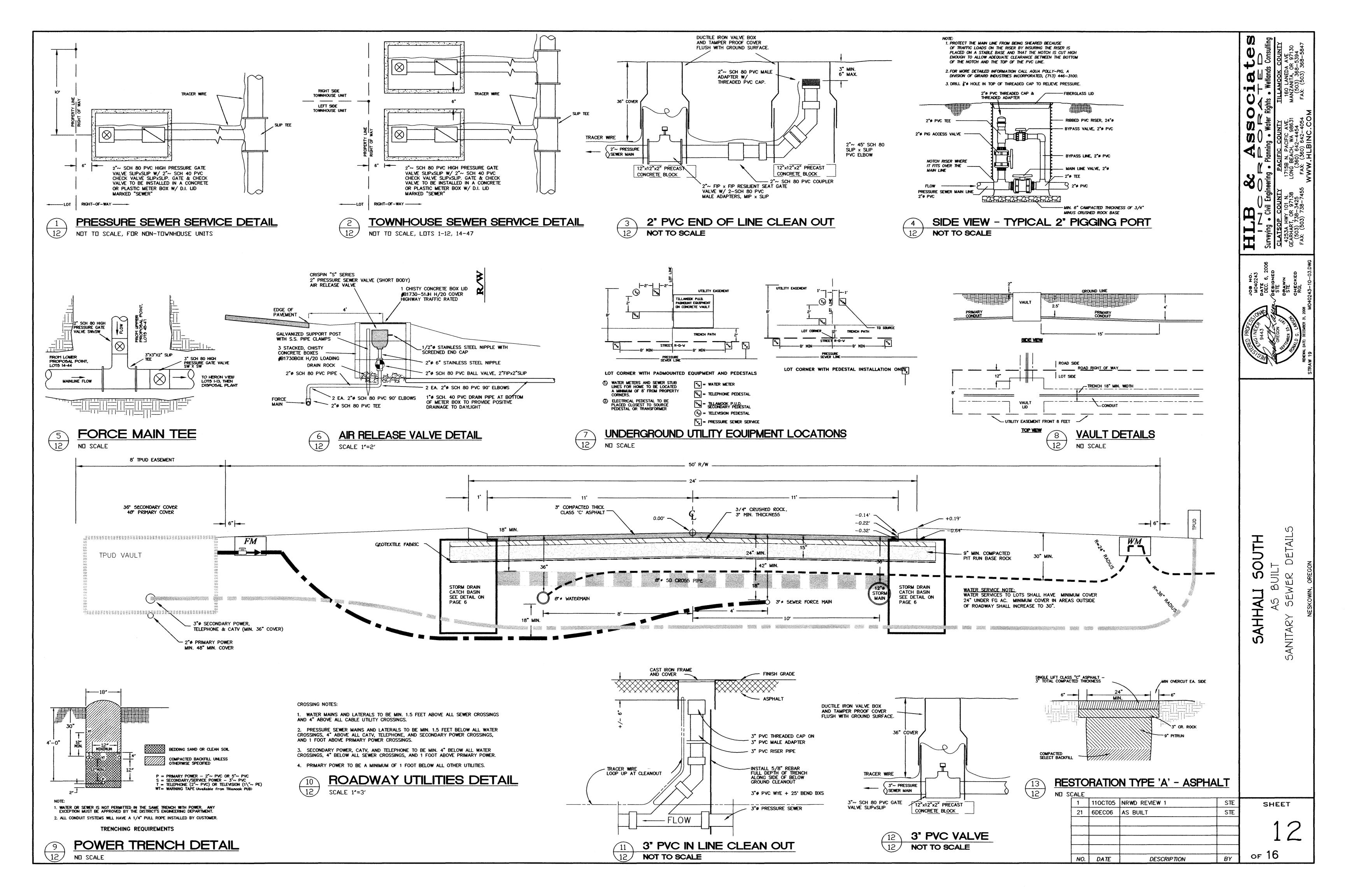
NOTE	# 5TA.	OFFSET	ITEM
4 3	0+35.60	17.44 L	STREET SIGN 4A SHEET 6
40	4+73.40	16.73 R	5D CATCH BASIN
	4+73.40	16.73 R	12" # CULVERT, L=186'

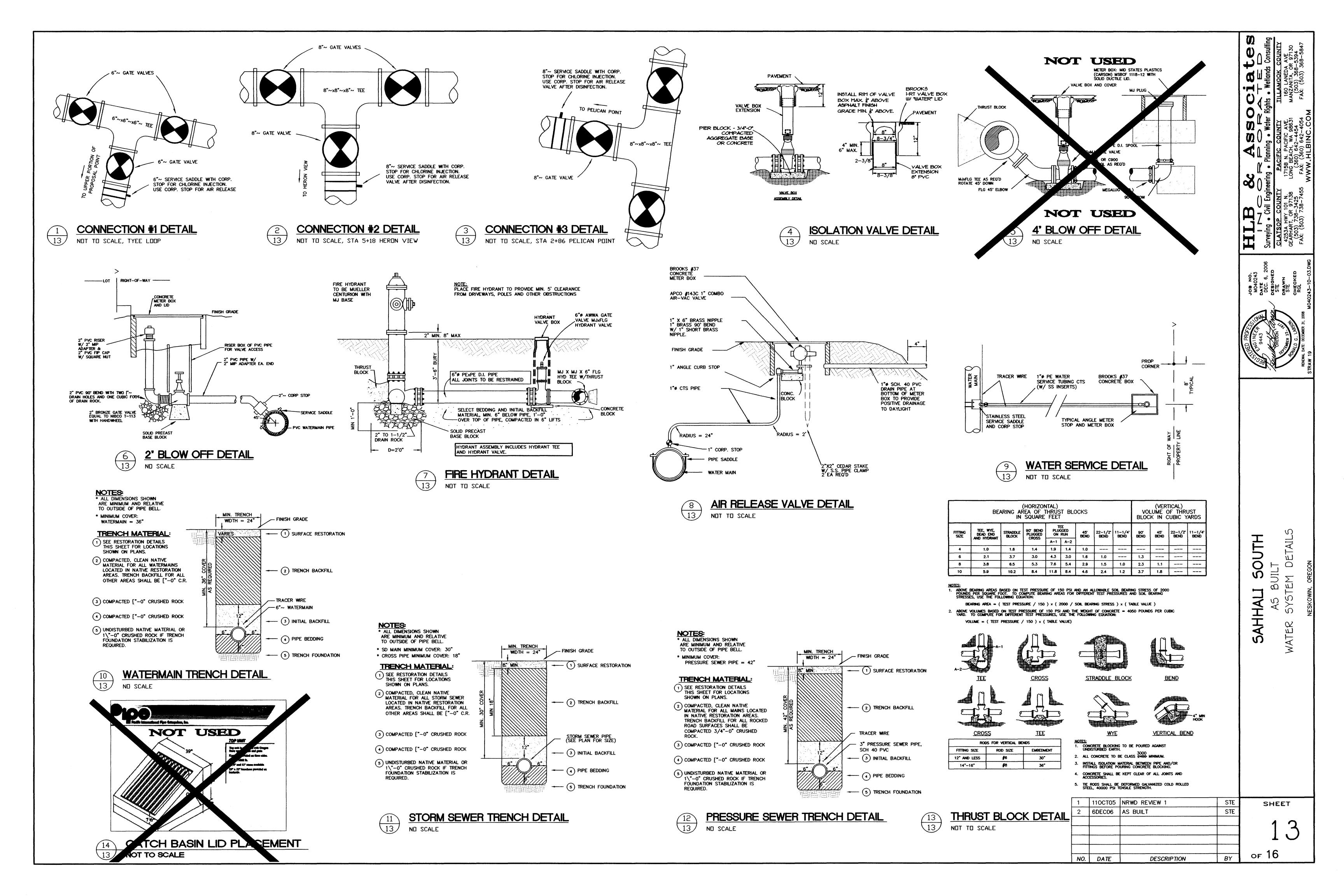


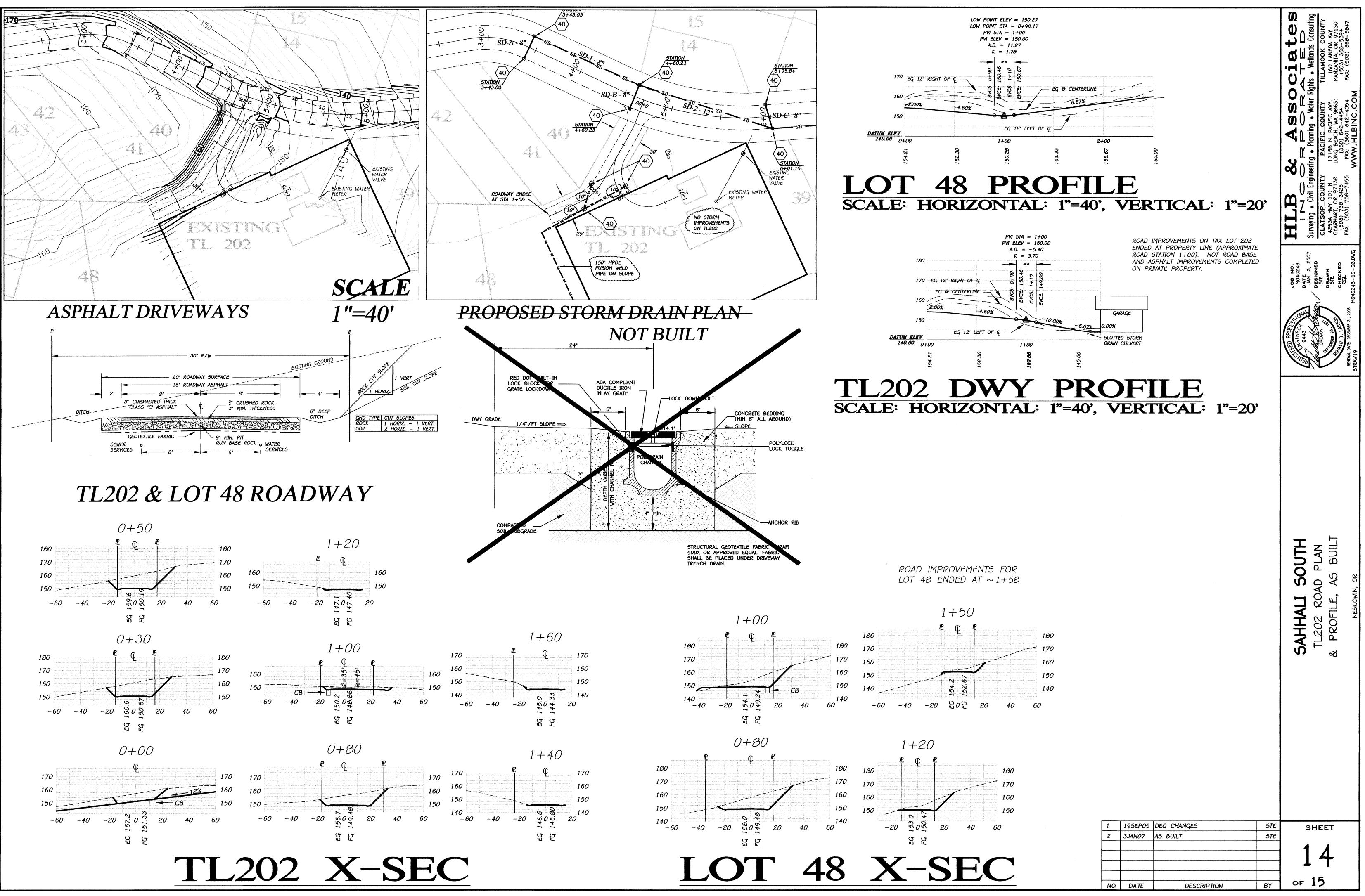


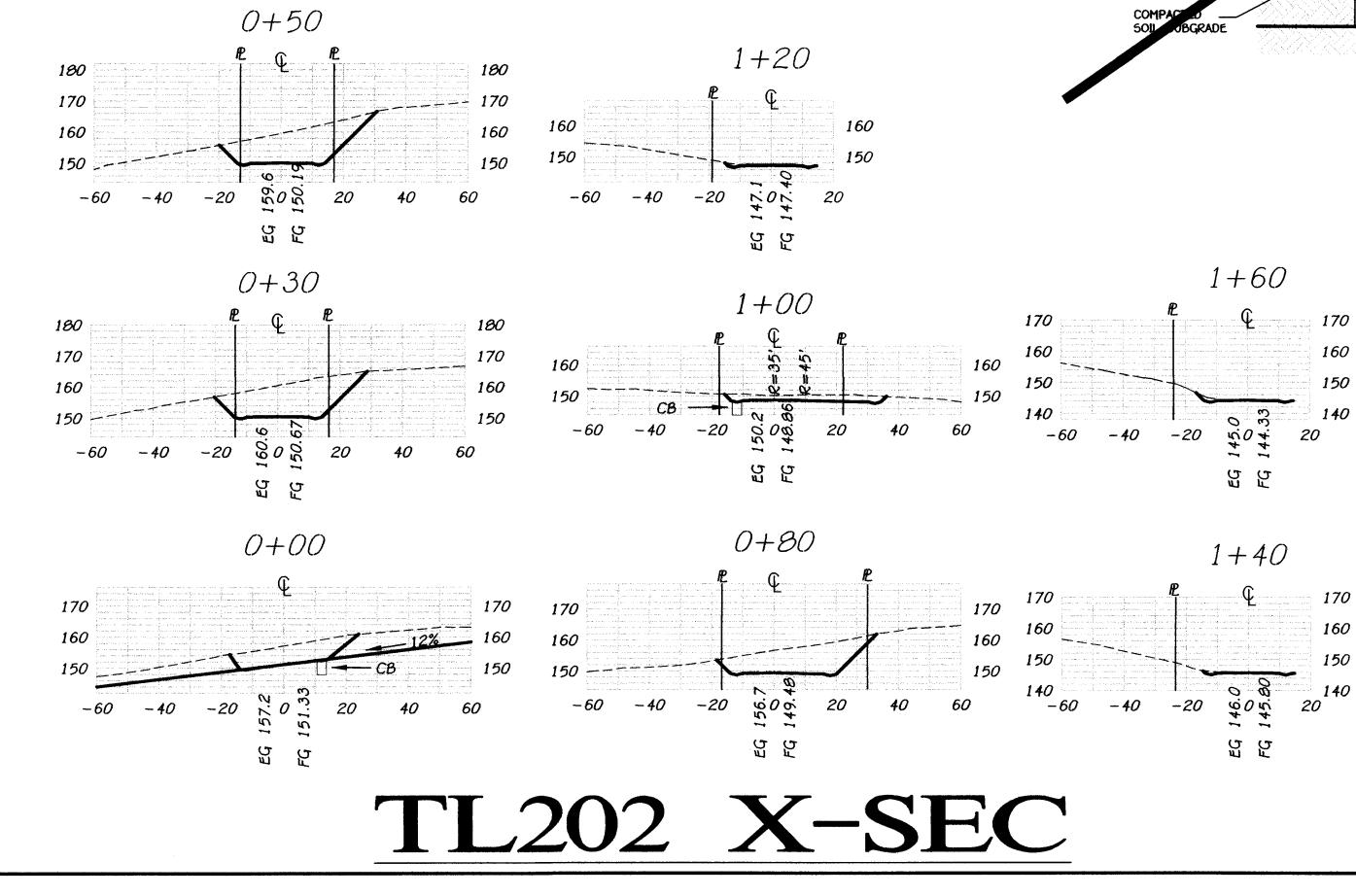


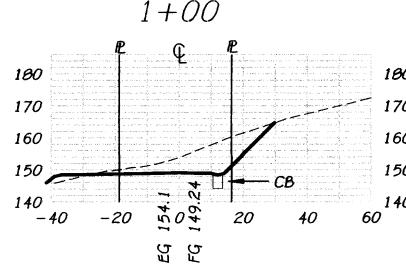


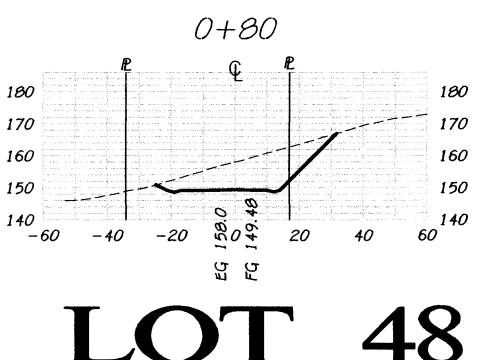


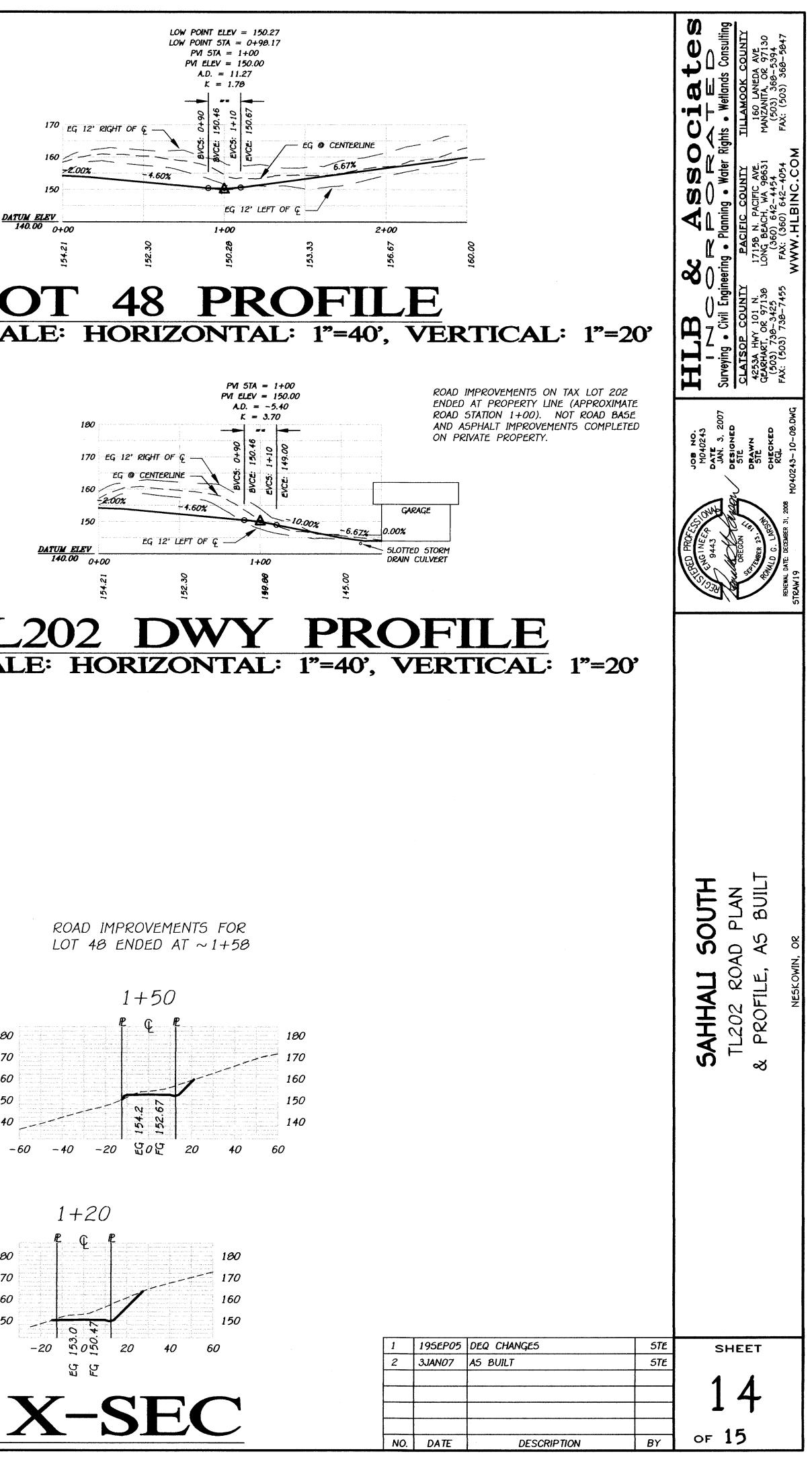


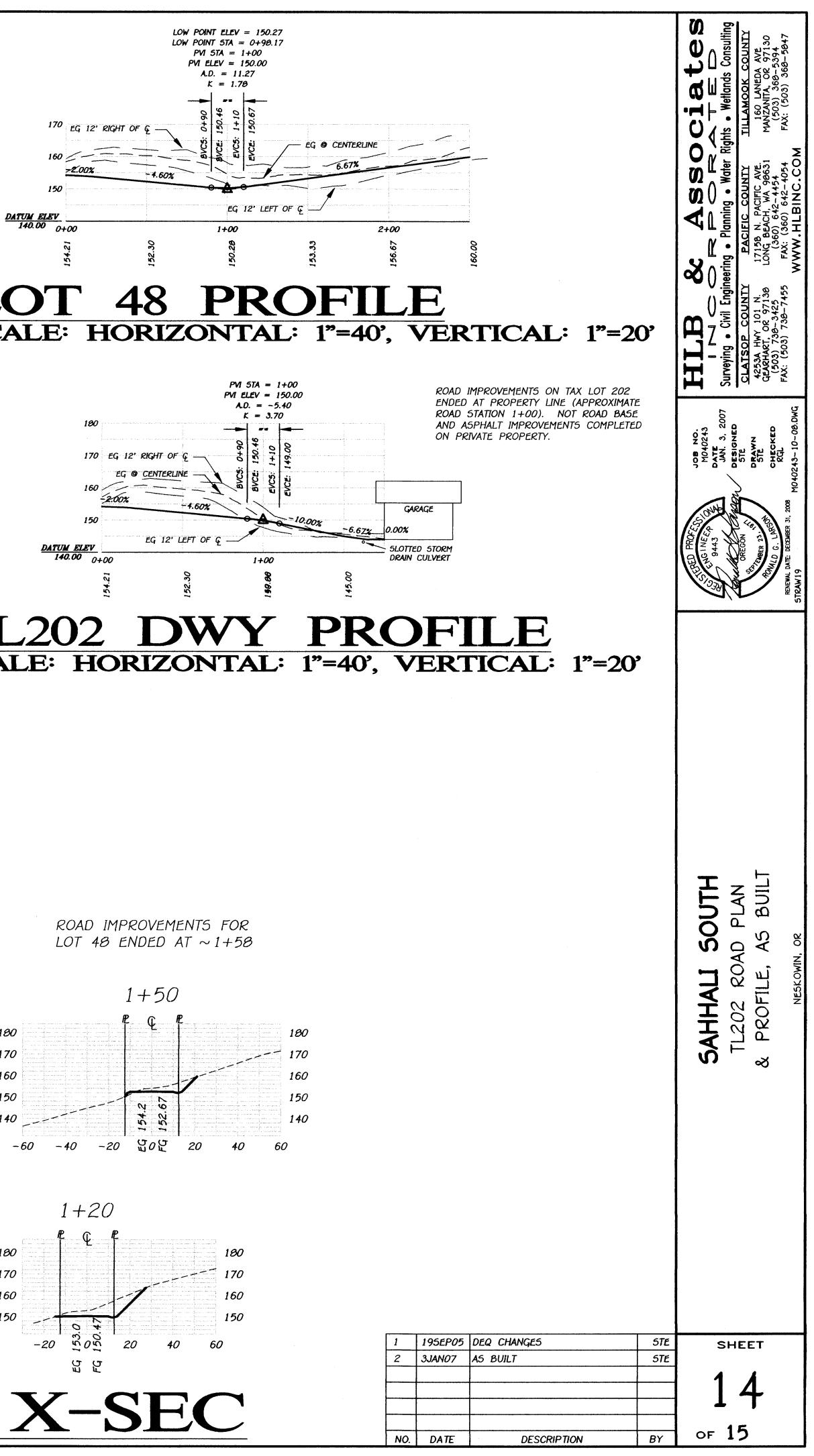


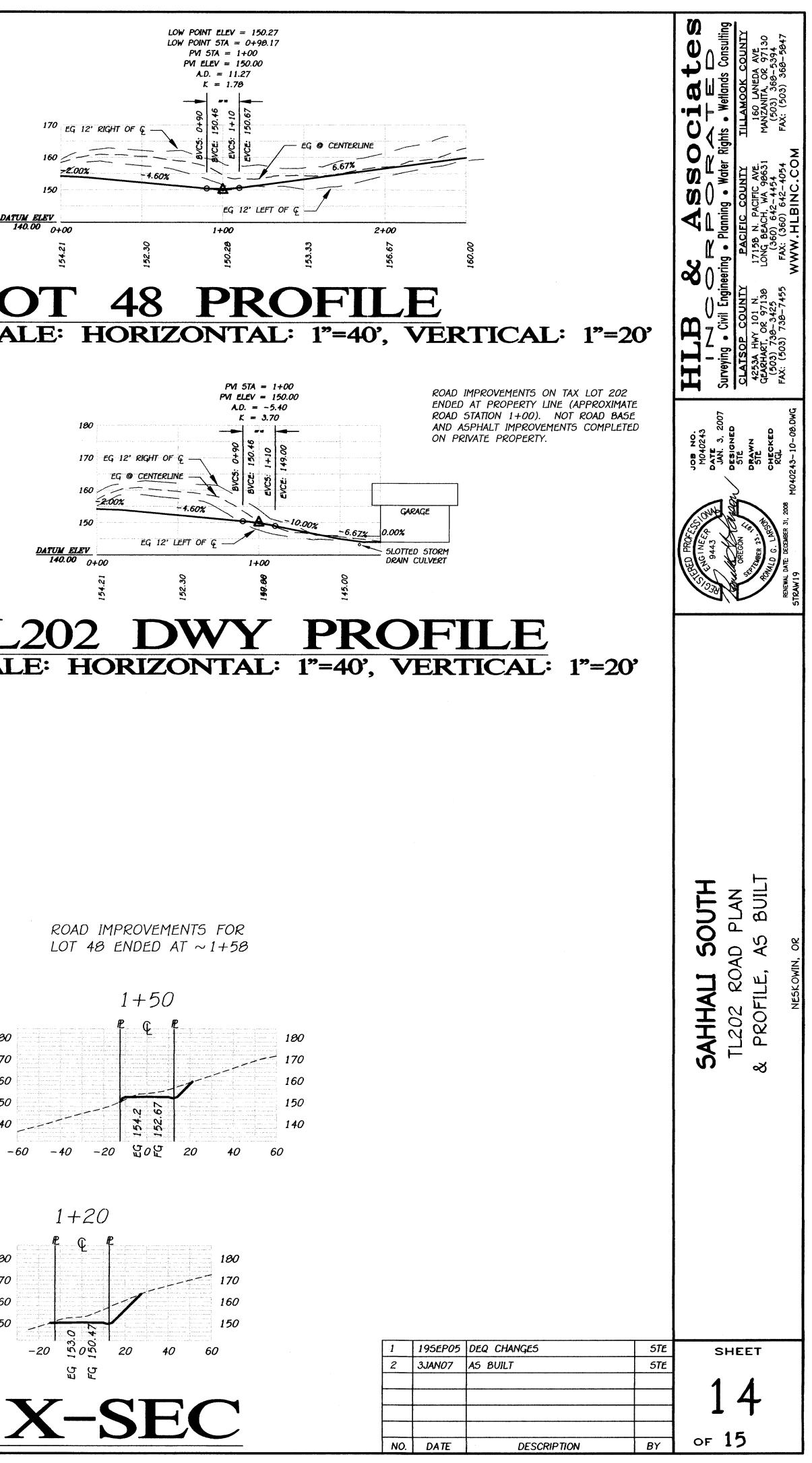


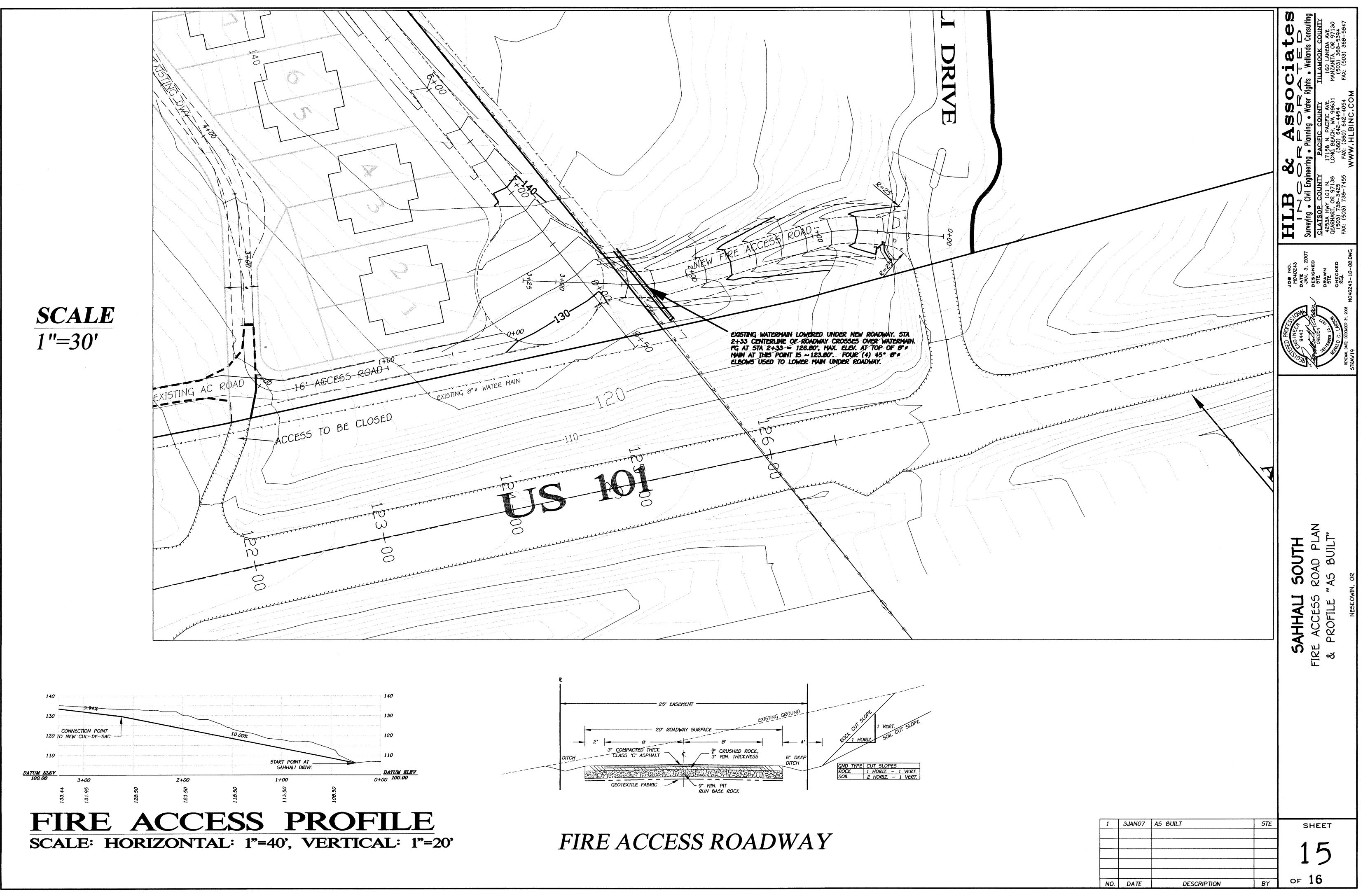


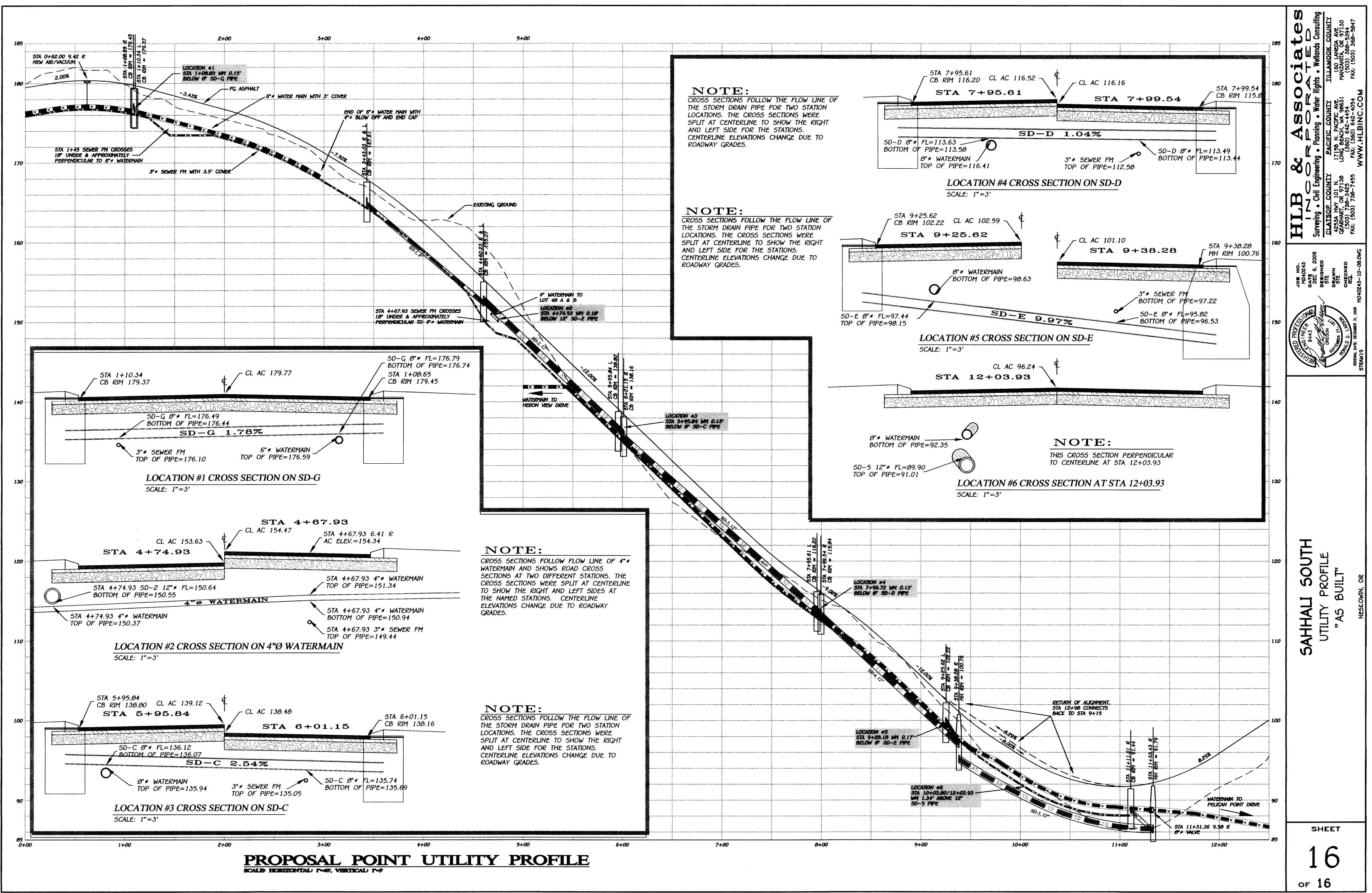












DEVELOPMENT SUMMARY

THIS PLAT SHOWS TWO MAJOR PARTITIONS APPLICATIONS.

LOT IS, SAHHALI SOUTH, A DULY RECORDED SUBOMISION LOT, WILL BE PARTITIONED TO CREATE ONE ADDITIONML PARCEL AND A PARTITION ROAD TO PROVIDE ACCESS. THALASSA DREVE WILL PROVIDE ACCEST TO THE TWO RESULTING PARCELS PROM LOT IS. THERE CURRENTLY ARE NO EXISTING STRUCTURES ON LOT IS.

LOT 48, SAHHALI SOUTH, A DULY RECORDED SUBDIVISION LOT, WILL BE PARTIMONED TO CREATE ONE ADDITIONAL PARCEL AND A PARTITION ROAD TO PROVIDE ACCESS. WARKD APORY WILL PROVIDE ACCESS TO THE TWO RESULTING PARCELS RECKI LOT 48 AS HELL AS ACCESS TO THE EXISTING HOME AT LOT 202. THREE CURRENTLY ARE NO ASTIMUS STRUCTURES ON LOT 48.

LOT INFORMATION

CURRENT LOT AREA LOT 13 = 38,462 5.F. = 0.08 ACRES

PROPOSED LOT AREAS PARCEL 1 = 19,372 S.F. = 0.44 ACRES PARCEL 2 = 19,090 S.F. = 0.44 ACRES

CURRENT LOT AREA LOT 40 = 46,294 5.F. = 1.06 ACRES

PROPOSED LOT AREAS PARCEL I = 22,578 S.F. = 0.52 ACRES PARCEL 2 = 17,846 S.F. = 0.41 ACRES

ROAD INFORMATION VANORA SIREET AREA = 5,870 S.F. = 0.13 ACRES

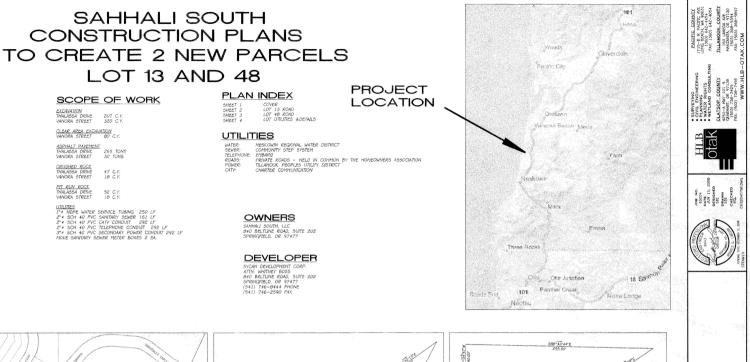
THALASSA DRIVE AREA = 23,255 S.F. = 0.53 ACRES

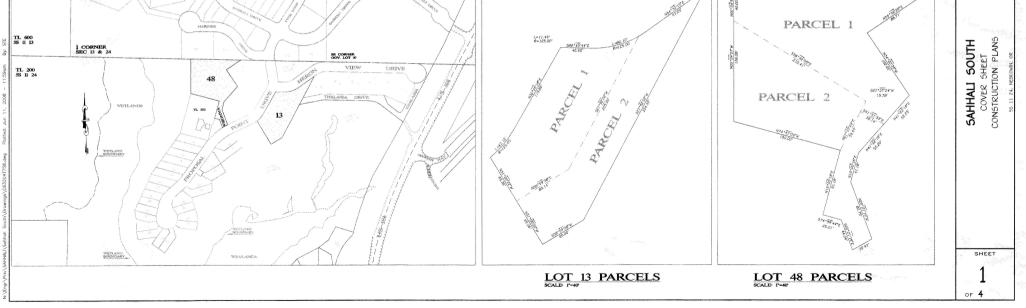
HLB OTAK INC. ATTN: RON LARSON, PE PL5 P.O. BOX 219 MANZANITA, OR 97130 (503) 368-5947 PHONE (503) 368-5947 FAX

THE UNE EXPERIMENT OF THE SECTION CORPER COMMON TO SECTION 13.16.19.24, MD 5/87 IRON SEBAR LOCATO ALONG THE NORTH SIDE OF BARBED WIRE FORCE SOUTH BAST OF NITREBERTION TO THE LOOP RD, AND SAHBALL DRIVE BEARS N 88°44497 W, THE RECORD VALUE PER MAP. C-393.

PROJECT BENCHMARK

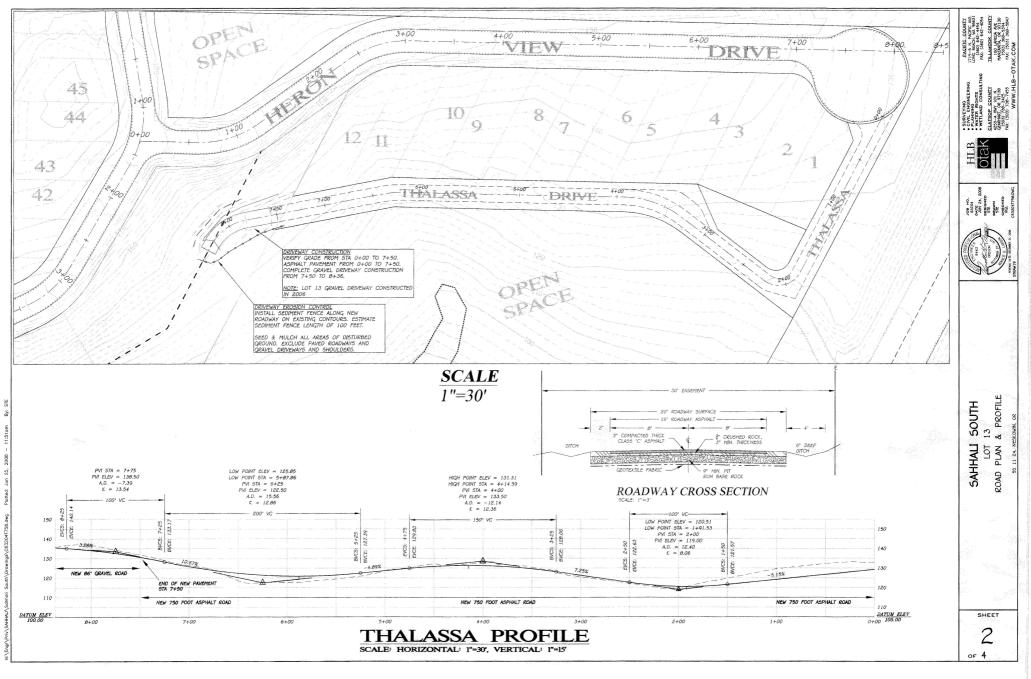
LEVATION DATUM IS BASED UPON AN ASSUMED ELEVATION OF 151.21' ON THE NORTHEAST PROPERTY CORNER OF TAX LOT 202. THIS IS A COMMON CORNER WITH LOT 48 OF SWHIALI SOUTH SUBDIVISION.





* ENGINEER/SURVEYOR/PLANNER

BASIS OF BEARING



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