



**PARTITION REQUEST #851-20-000526-PLNG: LA CONTRADA LLC & ONION PEAK DESIGN
ADMINISTRATIVE DECISION AND STAFF REPORT**

DECISION: Approved with Conditions

DECISION DATE: October 7, 2021

REPORT PREPARED BY: Angela Rimoldi, Planning Technician

I. GENERAL INFORMATION:

Request: A partition request to create three (3) residential parcels.

Location: Located within the Unincorporated Community of Neahkahnie, the subject property is designated as Tax Lot 500 of Section 20BC, Township 3 North Range 10 West of the Willamette Meridian, Tillamook County Oregon. The subject property is accessed via a private access easement from the north along Meadow Loop and Vantage Road from the south, both local access roads.

Zone: Neahkahnie Urban Residential (NK-15)

Applicant: Onion Peak Design, P.O. Box 326, Nehalem, Oregon 97131

Property Owner: La Contrada, LLC, 8015 Circle Drive, Nehalem, OR 97131

Description of Site and Vicinity: The subject property is located in Neahkahnie, an Unincorporated Community, is irregular in shape and 3.40-acres of residentially NK-15 zoned land. The subject property has also been improved with two gates at the north and south access points of that portion of the private easement identified on the plat as an access easement recorded as Tillamook County Clerks Instrument #2020-06283 (Exhibit B).

The subject property is located within an area of geologic hazard with inactive landslide topography and variable slopes located throughout the property (Exhibit A). The subject property is located within in Flood Zone X (Area of Minimal Flood Hazard) per FEMA Flood Insurance Rate Map (FIRM) Panel #41057C0202F dated September 28, 2018 (Exhibit A) and are not located within an area of Special Flood Hazard. No wetlands have been identified on site (Exhibit A).

Given the size and topography of the subject property and subsequent parcels, staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geological Hazard Areas is not applicable at this time, however a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO) and the Tillamook County Land Division Ordinance (TCLDO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. Land Use Ordinance Section 3.300: NKN Neahkahnie Urban Residential Zones
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on September 3, 2021. Two comments were received from the Oregon Department of State Lands (DSL) (Exhibit C).

A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria

Staff finds that the submitted plat meets the requirements of Land Division Ordinance Section 060 and is subject to the following approval criteria in Section 070:

- (1) *Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) 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;*

Findings: The subject property is located within the Neahkahnie Urban Residential (NK-15) zone where the minimum size requirement for new parcels is 15,000 square feet. Minimum parcel width and depth requirements are 60-feet and 75-feet respectively.

As depicted on the submitted plat, the subject property identified as Tax Lot 500 is proposed to be partitioned (Exhibit B) and proposes the creation of two additional parcel for a total of three parcels. Proposed Parcel 1 is 32,992 square feet, Proposed Parcel 2 is 24,012 square feet and Proposed Parcel 3 is 2.07 acres (Exhibit B). As demonstrated on the submitted plat, all proposed parcels exceed the minimum parcel size requirements of the NK-15 Zone (Exhibit B). Access to the proposed parcels will be via an existing easement system and road frontage to all properties associated with this request exceed the minimum 25-foot requirement outlined in the TCLUO and TCLDO (Exhibit B).

Staff concludes that the proposed partition meets the requirements of the NK-15 Zone.

Staff also finds that the requirements of TCLDO Section 150 are addressed in the findings below.

- (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 Sections 150 and 160 of this ordinance;*
- (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) *Provisions for access to and maintenance of off-right-of-way drainage, if any;*

Findings: The applicant's submittal included as "Exhibit B" of this report demonstrates that the above criteria are satisfied. As mentioned above, access to the properties will be via an existing easement system recorded as Tillamook County Clerks Instrument #2020-06283, which connects to Meadow Loop and Vantage Road, both local access roads (Exhibit B).

Land Division Ordinance Section 150 outlines development standards for partitions. Standards within this section either do not apply, evidence submitted by the Applicant confirms the standards are met or that the standards can be met through compliance with the Conditions of Approval.

Staff concludes the above standards and the standards in Sections 150 and 160 of the Land Division Ordinance have been met or can be met through the Conditions of Approval.

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

Findings: Comments were received from DSL stating no state permit required for a partition (Exhibit C). A Condition of Approval can be made to require any additional state and federal permits be obtained prior to development of the proposed parcels.

(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 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.*

Findings: The subject property is served by the Neahkahnie Water District and Nehalem Bay Wastewater Agency; both local public agencies and notated on the preliminary plot map (Exhibit B). A water availability letter from the Neahkahnie Water District is included in the Applicants submittal (Exhibit B)

The property is also served by Nehalem Bay Fire and Rescue District, Tillamook County Sheriffs Office, and the Tillamook County Public Works Department. Given the location of the property, availability of public services existing in the area and absence of natural features on the subject property, staff concluded these criteria have been met or can be met through compliance with the Conditions of Approval.

B. Land Use Ordinance Section 3.300: NKN Neahkahnie Urban Residential Zones

PURPOSE: The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, single-family, urban area has public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that wished to maintain a primarily single-family residential character. The only differences in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.

Section 3.300(4) Standards:

(a) *The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:*

...

(b) *The minimum lot width shall be 60 feet.*

(c) *The minimum lot depth shall be 75 feet.*

Findings: The subject property is zoned Neahkahnie Urban Residential zone (NK-15). As noted above, the three (3) proposed parcels meet or exceed the applicable minimum lot width and depth size requirements of the zone, along with minimum lot size for the NK-15 zone.

Staff concludes that the proposed partition meets the requirements of the NK-15 Zone.

Staff finds these standards are met.

C. Section 4.130: Development Requirements for Geologic Hazard Areas

(1) *The following are GEOLOGIC HAZARD AREAS to which the standards of this Section apply:*

.....

(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;

.....

(3) A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:

(a) For building or mobile home or manufactured home permits in areas identified in (1) (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.

Findings: The proposed partition is located within a geologic hazard area. LIDAR data depicts varying slopes along the subject property (Exhibit A). Future development of the subject property will be subject to development standards of the TCLUO Section 4.130. A Condition of Approval has been made to require site specific reports for development of each parcel as recommended in the GHR.

IV. DECISION: APPROVED WITH CONDITIONS:

Staff concludes that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance, the Tillamook County Land Division Ordinance, and ORS Chapter 92. The Preliminary Partition Plat is hereby tentatively **APPROVED**, subject to the conditions listed below.

By accepting this approval, the applicant and property owners agree 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. The applicant and property owners shall obtain all necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building sites.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on October 19, 2021**.

III. CONDITIONS OF APPROVAL:

This approval is subject to the following conditions:

1. Prior to development, the applicant and property owners shall obtain all Federal, State, and Local permits, as applicable.
2. Future development of the proposed parcels shall adhere to the uses and development standards set forth in the applicable zoning standards, including all other applicable supplemental ordinance requirements of Tillamook County Land Use Ordinance.
3. Prior to the development of each parcel, a site-specific Geologic Hazard Report in accordance with TCLUO Section 4.130 is required and shall be submitted to the Department of Community Development in accordance with the procedures outlined in Article 10 of the TCLUO.
4. A fire suppression system shall be installed in any dwelling unit constructed within this development.
5. A 15-foot riparian setback shall be maintained from the creek in accordance with TCLUO Section 4.140 Requirements for Protection of Water Quality and Streambank Stabilization.
6. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
7. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.

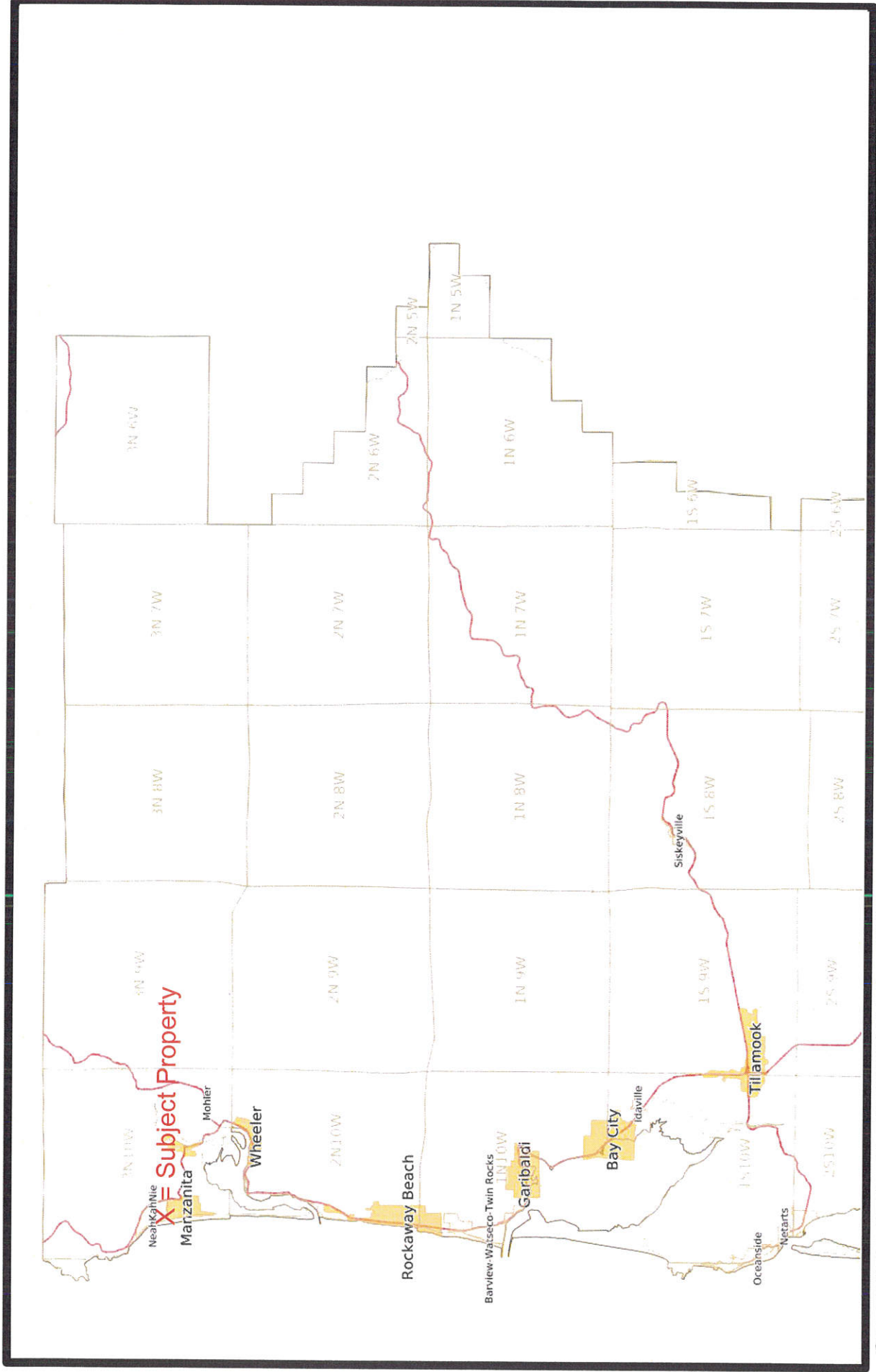
8. The applicant and property owner shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat (June 15, 2021), or apply for an extension of time from this Department prior to expiration of tentative plat approval.
9. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.

VI. EXHIBITS

- A. Property Identification Maps
- B. Applicant's Submittal
- C. Agency Comments

EXHIBIT A

Map



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

S.W. 1/4 N.W. 1/4 SEC. 20 T. 3N., R. 10W., W.M.
TILLAMOOK COUNTY
1" = 100'

03N10W20BC

CANCELLED
1300

SEE MAP 3N 10W 20CB

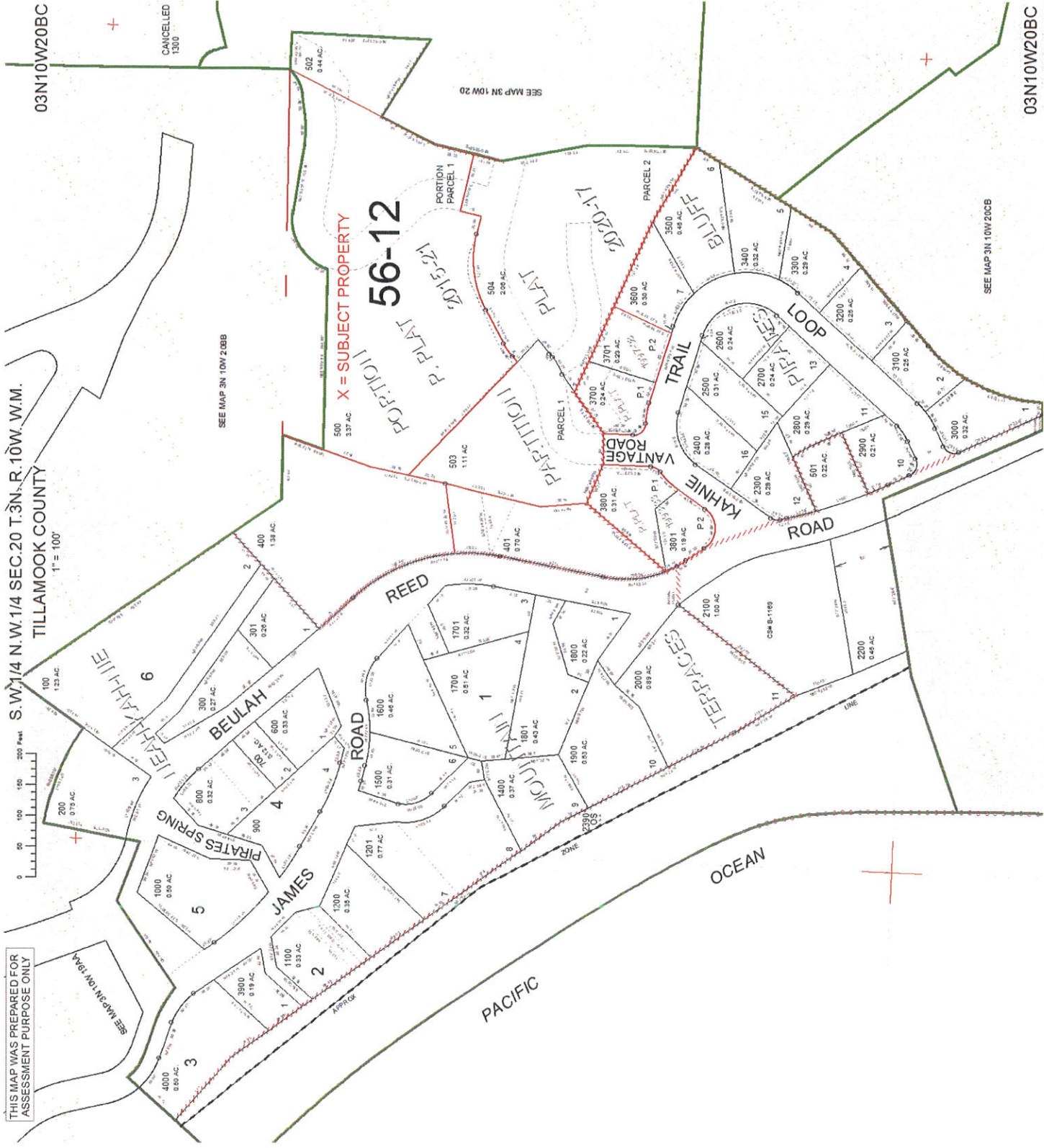
X = SUBJECT PROPERTY
56-12

SEE MAP 3N 10W 20

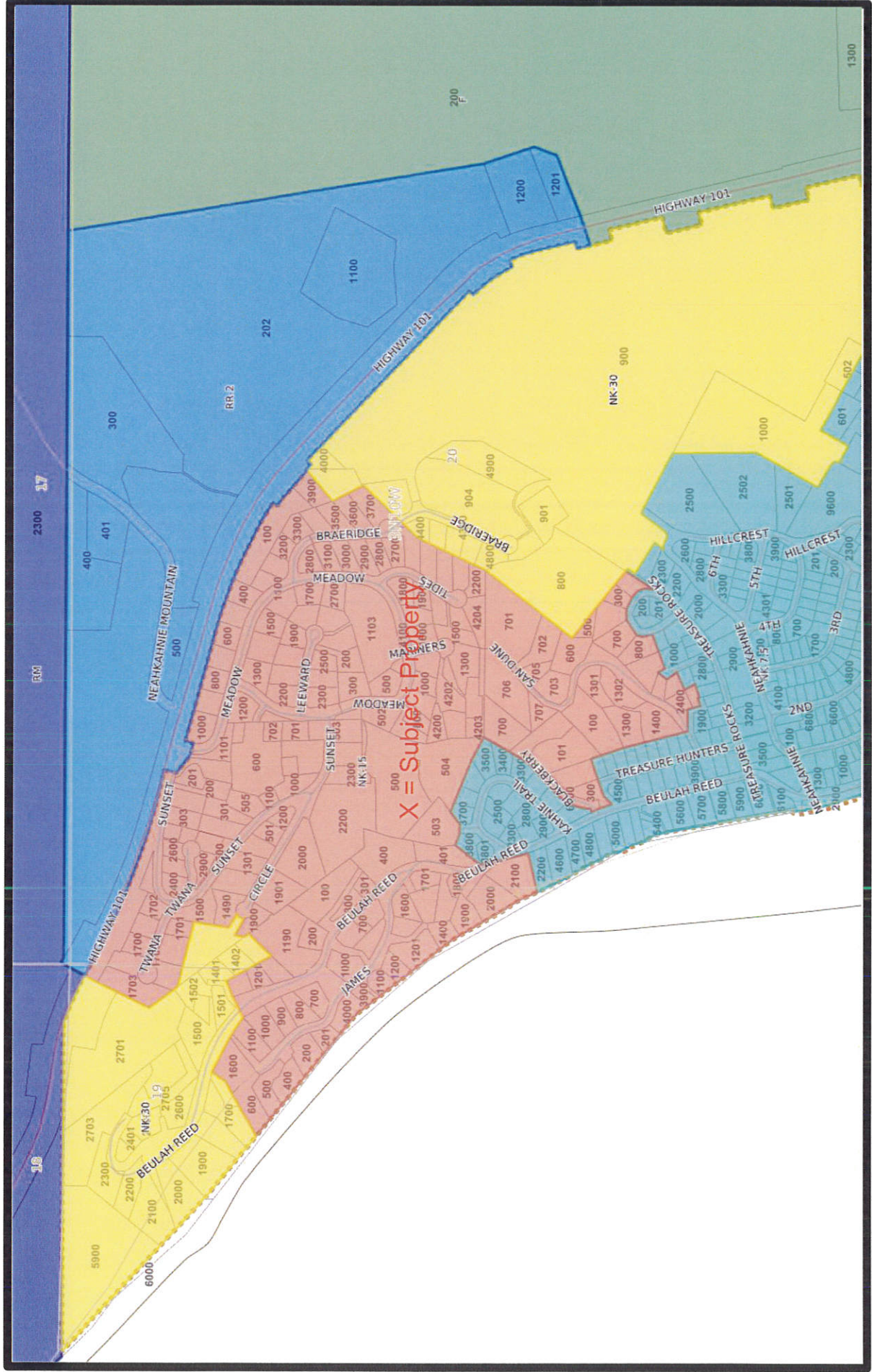
SEE MAP 3N 10W 20CB

03N10W20BC

Revised 03/09/21, WS



Map



National Flood Hazard Layer FIRMette



123°56'52"W 45°44'16"N



123°56'14"W 45°43'51"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE)
Zone AL, V, A99
 - With BFE or Depth *Zone AE, AO, AH, VE, AR*
 - Regulatory Floodway

- OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile *Zone 1*
 - Future Conditions 1% Annual Chance Flood Hazard *Zone X*
 - Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
 - Area with Flood Risk due to Levee *Zone D*

- OTHER AREAS**
- NO SCREEN
 - Area of Minimal Flood Hazard *Zone X*
 - Effective LOMRs
 - Area of Undetermined Flood Hazard *Zone X*
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

- OTHER FEATURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
- Digital Data Available
 - No Digital Data Available
 - Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/4/2024 at 5:51 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



U.S. Fish and Wildlife Service
National Wetlands Inventory

LA CONTRADA PARTITION



October 4, 2021

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

EXHIBIT B



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



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Onion Peak Design Phone: 503-440-4403
 Address: 11460 Evergreen Way
 City: Nehalem State: OR Zip: 97131
 Email: erick.opd@gmail.com

Property Owner

Name: La Contrada, LLC Phone: 503-368-7330
 Address: 6442 Maroa Ave
 City: Fresno State: CA Zip: 93704
 Email: dan@londonproperties.com

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: N/A
Permit No: 851- 10 - 000524 PLNG

Location:

Site Address: N/A

Map Number:	3N	10W	20BC	500
	Township	Range	Section	Tax Lot(s)

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

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

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

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

General Information

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

Existing Conditions

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

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

Other information:

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

Additional Information Required for Subdivisions

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

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

Certificates:

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

Additional Information:

Authorization

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

L & Contrada ^{by} *Doniel J. Cannon - Member/manager*
 L & C

 Property Owner (*Required) Date *12/15/20*

 Applicant Signature Date *7-20-21*

NOTES

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION AS PER THE TILLAMOOK COUNTY PLANNING DEPARTMENT PARTITION PROCEDURES. TAX LOT 500 IS BEING PARTITIONED INTO THREE PARCELS AS SHOWN HEREON.

NO STRUCTURES CURRENTLY EXIST ON THE SUBJECT PROPERTY.

SEWER AND WATER SERVICES ARE PROVIDED BY LOCAL PUBLIC AGENCIES.

*NOTE THAT THE ACCESS EASEMENT EXTENDS FROM THE SUBJECT PROPERTY TO OREGON COAST HIGHWAY #101 OVER MEADOW LOOP, THROUGH NEAH-KAH-NIE MEADOW, DESCRIBED IN INSTRUMENT #2010-007998.

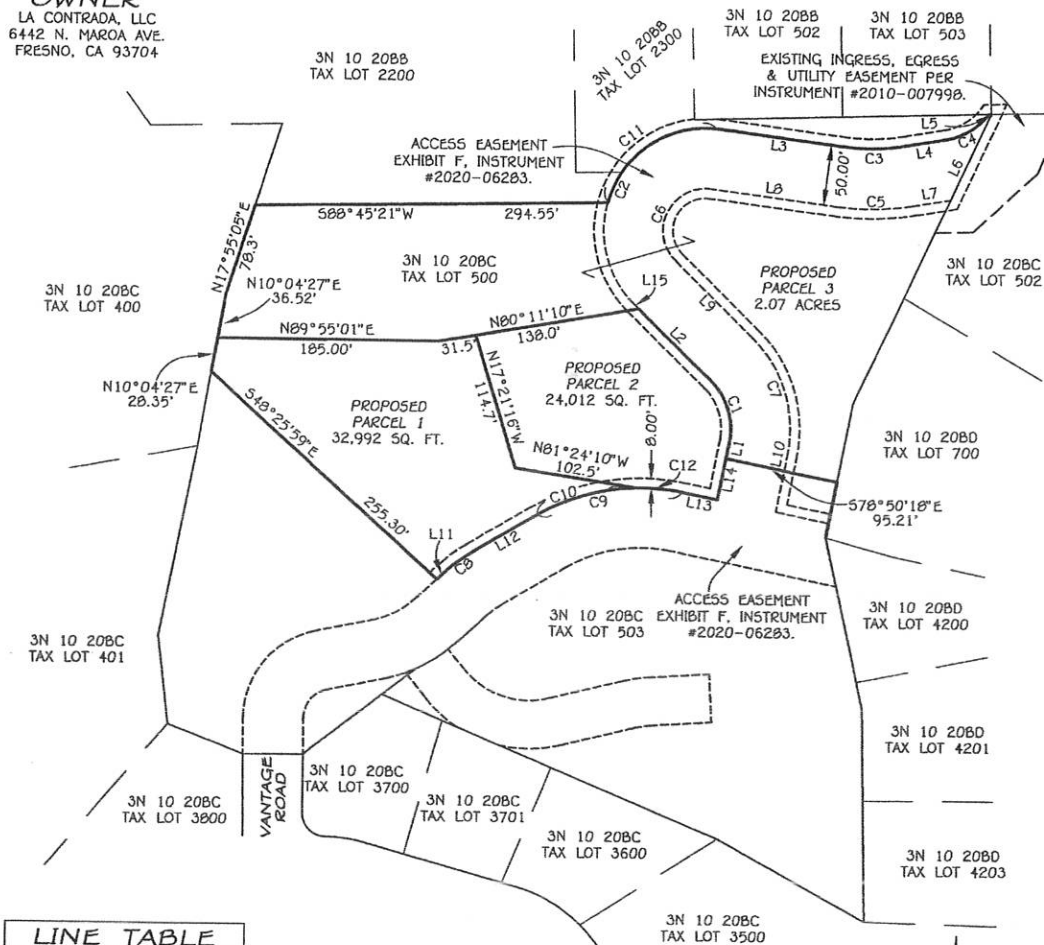
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric M White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572

RENEWS 6/30/2022

OWNER
LA CONTRADA, LLC
6442 N. MAROA AVE.
FRESNO, CA 93704



LINE	BEARING	LENGTH
L1	N11°09'42"E	13.79'
L2	N46°01'04"W	85.41'
L3	S82°53'54"E	105.96'
L4	N80°26'15"E	35.28'
L5	N88°11'58"E	2.05'
L6	S24°59'09"W	78.92'
L7	S80°26'15"W	31.07'
L8	N82°53'54"W	105.96'
L9	S46°01'04"E	91.18'
L10	S11°09'42"W	13.79'
L11	S47°34'28"W	29.47'
L12	N59°26'05"E	60.68'
L13	S78°50'18"E	30.06'
L14	N11°09'42"E	35.00'
L15	N46°01'04"W	5.77'

CURVE	RADIUS	LENGTH	DELTA	CH. BEARING	CH. LENGTH
C1	55.00'	54.89'	57°10'46"	N17°25'41"W	52.64'
C2	85.00'	212.32'	143°07'10"	N25°32'31"E	161.27'
C3	175.00'	50.90'	16°39'51"	N88°46'11"E	50.72'
C4	56.18'	42.43'	43°16'22"	N58°48'04"E	41.43'
C5	225.00'	65.44'	16°39'51"	S88°46'11"W	65.21'
C6	35.00'	87.43'	143°07'10"	S25°32'31"W	66.41'
C7	105.00'	104.79'	57°10'46"	S17°25'41"E	100.49'
C8	125.00'	25.88'	11°51'37"	N53°30'17"E	25.83'
C9	175.00'	127.45'	41°43'37"	N80°17'53"E	124.65'
C10	175.00'	88.47'	28°57'55"	N77°55'02"E	87.53'
C11	85.00'	121.29'	81°45'18"	N56°13'27"E	111.26'
C12	175.00'	38.98'	12°45'42"	N85°13'09"W	38.90'

SCALE:
1" = 100'

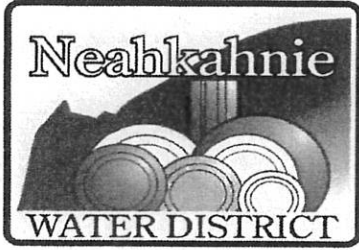
PROPOSED PARTITION FOR:
LA CONTRADA, LLC

**ONION PEAK
DESIGN**

PO BOX 326
NEHALEM, OR 97131
(503) 368-6102
FAX (503) 368-6102

3N 10 20 BC
TAX LOT 500
NW 1/4, SECTION 20, T3N, R10W, W.M.
TILLAMOOK COUNTY
JULY 20, 2021

"ELKCRK" #A2011
CONTRADA2107-EX.DWG



9155 Nehalem Road ♦ Nehalem Oregon 97131
(503) 368-7309

DATE: March 31, 2021

TO: Tillamook County One-Stop Permit Counter

Tillamook County Department of Community Development
1510 – B Third Street
Tillamook, Oregon 97141

FROM: Neahkahnie Water District

Re: Water Availability Letter – Dan Conner - Lavatura Construction LLC, Tax Lot # 500 ①

Dear Sir/Madame,

The property identified in the above-captioned application is included within this District for purposes of receiving water services and is subject to the ordinances of this District:

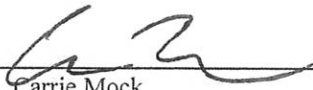
Township: 03N Range: 10W Section: 20BC Tax lot(s): 500

According to our records, the legal owner is: DAN CONNER

8015 Sunset Dr. Nehalem, OR 97131

COMMENTS: Street number not yet assigned - pending

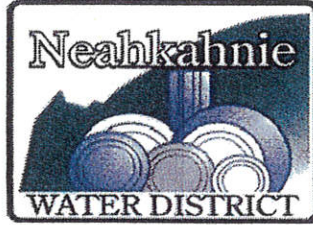
Per District Water Regulations (see current ordinance in force) this letter in and of itself does not guarantee water service connections for any home built on this (these) lots in the future. Each proposed residence shall have an approved building permit from the county. A water service connection will be allowed following submittal of a completed District water service application, payment of fees, and certification of compliance with any and all other District regulations in place at the time water service is requested.


Carrie Mock General Manager
Signature and Title of Authorized Representative

503-368-7309
Phone

C: property owner, Terraforma Architects





9155 Nehalem Road ♦ Nehalem Oregon 97131
(503) 368-7309

September 22, 2020

Sarah Absher
Director
Tillamook County
Department of Community Development
1510 – B Third Street
Tillamook, Oregon 97141

Re: Neahkahnie Water District Confirmation Letter - Installation of water improvements per VILLE del MARE DEVELOPMENT UTILITY IMPROVEMENTS RECORD DRAWINGS dated April 28, 2017

**Tillamook County Partition Request #851-19-00057-PLNG:
Conner/Onion Peak Design**

Including also Villa del Mare Water line Project (PR#60-2017)

Ms. Absher:

The above referenced partition request was conditionally approved by Tillamook County Department of Community Development on October 1, 2019 with the following condition:

“...6. prior to final plat approval, letters confirming satisfactory installation of the water and sewer improvements from the Neahkahnie Water District and Nehalem Bay Wastewater Agency shall be submitted to the Department of Community Development.”

Confirmation of Satisfactory installation of Water Improvements

The Water District has reviewed and approved this project during each step of this application and can verify that the water improvements as depicted on civil

engineering drawings dated April 28, 2017 (the "Morgan Plans") have been installed to the satisfaction of the Neahkahnie Water District.

The Morgan Plans dated April 28, 2017 for the Villa del Mare development located within existing Tillamook County tax lots 500 (3N 10W 20BC) and 503 (3N 10W 20BC) and tax lot 2300 (3N 10W 20BB) were submitted and approved by the Neahkahnie Water District prior to construction of the water facility.

The Neahkahnie Water District has reviewed, inspected and approved each step of this systems construction and hereby certifies that the entire system is now fully completed and has been accepted for public use by the Oregon State Health Authority.

The system as referenced above includes thirteen (13) individual water meter service boxes with individual shut offs located approximately as illustrated in the original Morgan Plans. Three (3) of these boxes, including the one servicing the above referenced partition, now contain active water meters, for which connection fees have been received by the District. The remaining ten (10) meter box locations are also now approved and are available for meter installations as future parcels are created and the appropriate individual connection fees are received by the District.

No further approvals are required by the District for this water facility which has capacity for up to thirteen (13) water meter service connections.

Very truly yours,



ANDREW ROBINS
General Manager

Cc: Dan Conner of La Contrada, Inc., property owner
Jason Morgan, Morgan Civil Engineering, Inc.

TILLACC 2020-37

**Recording Requested By and
When Recorded Return To:**

La Contrada, LLC
8015 Circle Drive
Nehalem, OR 97131

Tillamook County, Oregon
09/18/2020 12:36:00 PM **2020-06283**
DEED-DWARR
\$110.00 \$11.00 \$10.00 \$61.00 - Total =\$192.00
I hereby certify that the within instrument was received
for record and recorded in the County of Tillamook,
State of Oregon.
Tassi O'Neil, Tillamook County Clerk

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS
SHOULD BE SENT TO THE FOLLOWING ADDRESS:

La Contrada, LLC
8015 Circle Drive
Nehalem, Oregon, 97131

Map and Tax Lot # 3N10W20BC0500 &
3N10W20BC0503

SPECIAL WARRANTY DEED

DANIEL J. CONNER, Trustee of the DANIEL J. CONNER SURVIVOR'S TRUST, under declaration of Living Trust dated April 11, 1995 ("Grantor"), for no monetary consideration and as a capital contribution thereto, does hereby convey unto LA CONTRADA, LLC, an Oregon limited liability company ("Grantee"), the following described real property and improvements, in the County of Tillamook, State of Oregon, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by this reference.

EXCEPTING AND RESERVING unto the Grantor for itself and for the benefit of its wholly owned entity DAN CONNER LLC, an Oregon limited liability company, the following easements on and over the property described in Exhibit A (the "**Burdened Property**") from and for the benefit of that certain real property located in Tillamook County, Oregon, as more particularly described on Exhibit B, attached hereto and incorporated by reference (the "**Benefitted Property**"): (1) for the maintenance of views, as described in Exhibit C, attached hereto and incorporated by reference (the "**View Easement**"); (2) for purposes of storm water and surface drainage as described in Exhibit D, attached hereto and incorporated by reference (the "**Drainage Easements**"); (3) for purposes of sanitary sewer utilities, water utilities, electrical utilities, telecommunication utilities and other utilities as described in Exhibit E, attached hereto and incorporated by reference (the "**Utilities Easements**"); (4) for purposes of access, ingress, egress and through travel as described in Exhibit F, attached hereto and incorporated by reference (the "**Access Easement**"); and (5) for the maintenance of existing native trees and foliage, as described in Exhibit G, attached hereto and incorporated by reference (the "**Tree Easement**").

THIS GRANT IS MADE EXPRESSLY SUBJECT TO ALL ENCUMBRANCES DONE, MADE OR SUFFERED BY THE GRANTORS, OR ANY PERSON CLAIMING UNDER THE GRANTORS.

TILLAMOOK 2020-37

**Recording Requested By and
When Recorded Return To:**

La Contrada, LLC
8015 Circle Drive
Nehalem, OR 97131

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS
SHOULD BE SENT TO THE FOLLOWING ADDRESS:

Map and Tax Lot # 3N10W20BC0500 &
3N10W20BC0503

La Contrada, LLC
8015 Circle Drive
Nehalem, Oregon, 97131

SPECIAL WARRANTY DEED

DANIEL J. CONNER, Trustee of the DANIEL J. CONNER SURVIVOR'S TRUST, under declaration of Living Trust dated April 11, 1995 ("Grantor"), for no monetary consideration and as a capital contribution thereto, does hereby convey unto LA CONTRADA, LLC, an Oregon limited liability company ("Grantee"), the following described real property and improvements, in the County of Tillamook, State of Oregon, and more particularly described as follows:

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THIS GRANT IS MADE EXPRESSLY SUBJECT TO ALL ENCUMBRANCES DONE, MADE OR SUFFERED BY THE GRANTORS, OR ANY PERSON CLAIMING UNDER THE GRANTORS.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

"Grantor"

Dated: Aug 26 20




DANIEL J. CONNER, Trustee of the DANIEL J. CONNER SURVIVOR'S TRUST, under declaration of Living Trust dated April 11, 1995

GRANTEE ACKNOWLEDGES THE TERMS AND CONDITIONS OF EACH OF THE EASEMENTS AND RESERVED RIGHTS OF GRANTOR CONTAINED IN EXHIBITS C, D, E, F, G, H, AND I, ATTACHED HERETO. GRANTEE AGREES THAT ANY SUBSEQUENT TRANSFER OF THE PROPERTY CONVEYED HEREBY SHALL BE TRANSFERRED SUBJECT TO THE FOREGOING EASEMENTS, AND ANY TRANSFEREES THEREOF SHALL BE BOUND THEREBY, UNLESS RELEASED IN WRITING BY GRANTOR, OR ITS SUCCESSORS IN AND TO THE BENEFITTED PROPERTY.

"Grantee"

Dated: Aug 26 20

LA CONTRADA, LLC
an Oregon limited liability company



By: Daniel J. Conner, Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California
COUNTY OF Fresno) ss

On August 26, 2020, before me, Christie M. Luevano, Notary Public, personally appeared Daniel J. Corrao, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)

Signature

Christie M. Luevano



EXHIBIT A

A tract of land located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows.

Adjusted Parcels 1 and 2, Exhibit 'A', Instrument #2018-007274, Tillamook County Deed Records.

Less and Excepting the following portion of said Adjusted Parcel 1:

Beginning at the Northwest corner of said Adjusted Parcel 1, said point being marked by a 3/4" iron pipe;

Thence North 88°44'27" East 244.81 feet to a 1 1/2" iron pipe;

Thence North 88°11'58" East 346.70 feet;

Thence Southwesterly along the arc of a 56.18 foot radius curve to the right (radius bears North 52°50'07" West) through a central angle of 43°16'22" a distance of 42.43 feet (chord bears South 58°48'04" West 41.43 feet);

Thence South 80°26'15" West 35.28 feet;

Thence Southwesterly along the arc of a 175.00 foot radius curve to the right through a central angle of 16°39'51" a distance of 50.90 feet (chord bears South 88°46'11" West 50.72 feet);

Thence North 82°53'54" West 105.96 feet;

Thence Southwesterly along the arc of an 85.00 foot radius curve to the left through a central angle of 81°45'18" a distance of 121.29 feet (chord bears South 56°13'27" West 111.26 feet);

Thence South 88°45'21" West 294.55 feet;

Thence North 17°55'05" East 70.72 feet to the **Point of Beginning**.

See Map B-4040, Tillamook County Survey Records (Remainder Parcel) for dimension details.

Containing 6.56 acres.

The purpose of this legal description is not to create a separate tax lot.

EXHIBIT B

(Benefited Property)

PARCEL 1:

A tract of land located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Parcel 1, Exhibit 'A', Instrument #2019-01466, Tillamook County Deed Records.

Together with a portion of Adjusted Parcel 1, Exhibit 'A', Instrument #2018-007274, Tillamook County Deed Records, further described as follows:

Beginning at the Northwest of said Adjusted Parcel 1, said point being marked by a 3/4" iron pipe;

Thence North 88°44'27" East 244.81 feet along the North line of said Adjusted Parcel 1 to a 1 1/2" iron pipe;

Thence South 01°38'57" East 41.86 feet to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence North 88°45'21" West 38.43 feet to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence Southwesterly along the arc of a 85.00 foot radius curve to the left through a central angle of 18°50'07" a distance of 27.94 feet (chord bears South 24°45'51" West 27.82 feet) to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence South 88°45'21" West 294.55 feet through a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN" to the West line of Adjusted Parcel 1;

Thence North 17°55'05" East 70.72 feet along the West line of Adjusted Parcel 1 to the **Point of Beginning**.

See Map B-4040, Tillamook County Survey Records for details.

PARCEL 2:

A tract of land located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Parcel 1, Exhibit 'A', Instrument #2019-01466, Tillamook County Deed Records.

Together with a portion of Adjusted Parcel 1, Exhibit 'A', Instrument #2018-007274, Tillamook County Deed Records, further described as follows:

Commencing at the Northwest corner of said Adjusted Parcel 1, said point being marked by a 3/4" iron pipe;

Thence North 88°44'27" East 244.81 feet along the North line of said Adjusted Parcel 1 to a 1 1/2" iron pipe and the **Point of Beginning**;

Thence North 88°11 '58" East 346.70 feet along the North line of said Adjusted Parcel 1 to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence Southwesterly along the arc of a 56.18 foot radius curve to the right (radius bears North 52°50'07" West) through a central angle of 43°16'22" a distance of 42.43 feet (chord bears South 58°48'04" West 41.43 feet) to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence South 80°26'15" West 35.28 feet to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence Southwesterly along the arc of a 175.00 foot radius curve to the right through a central angle of 16°39'51" a distance of 50.90 feet (chord bears South 88°46'11" West 50.72 feet) to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence North 82°53'54" West 105.96 feet to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence Southwesterly along the arc of an 85.00 foot radius curve to the left through a central angle of 62°55'11" a distance of 93.34 feet (chord bears South 65°38'30" West 88.72 feet) to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence North 88°45'21" West 38.43 feet to a 5/8" rebar with plastic cap stamped "ONION PEAK DESIGN";

Thence North 01°38'57" West 41.86 feet to the **Point of Beginning**.

See Map B-4040, Tillamook County Survey Records for details.

EXHIBIT C

(View Easement)

A perpetual easement for the maintenance of views (the "View Easement") for the benefit of the Benefitted Property, and for any part of it to receive light, air, and an unobstructed view over the Burdened Property, to the extent that such light, air, and view will be received and enjoyed by limiting any structure on the Burdened Property, or any part of it, (except as approved in writing by the Grantor or the Grantor's successor in interest in an to the Benefitted Property) from extending above the plane defined by the following three (3) coordinates (the "View Plane"):

<u>Point</u>	<u>Northing</u>	<u>Easting</u>	<u>Elevation</u>
X	5099.20	5810.36	319.42'
Y	5212.00	5633.38	296.01
Z	5040.56	5631.68	293.20

and further to the extent that such light, air, and view will be received and enjoyed by limiting any trees or shrubs on the Burdened Property, no trees or shrubs under the View Plane shall extend into the View Plane, except as approved in writing by the Grantor or the Grantor's successor in interest in an to the Benefitted Property. Any obstruction of such view above the View Plane, as applicable, except for temporary obstructions (i.e. scaffolding and the like) during construction of a structure in the Burdened Property, shall be considered an unauthorized interference with such right or easement and shall be removed on demand at the expense of Grantee, and (his or her) heirs, successors, and assigns in the ownership of the Burdened Property or any part of it. The View Easement shall be appurtenant to and shall run with the Benefitted and Burdened Properties, and shall inure to the benefit of and bind the successors and assigns of Grantor and Grantee respectively. All of Grantor's rights under this View Easement shall pass to Grantor's successors and assigns in and to the Benefitted Property, and all references to Grantor in this View Easement shall be deemed to be references to such successors and assigns. All of Grantee's rights and obligations under the View Easement shall pass to Grantee's successors and assigns in and to the Burdened Property, and all references to Grantee in this View Easement shall be deemed to be references to such successors and assigns.

NOTE:

Horizontal and Vertical Control: The elevations are based upon assumed & local horizontal and vertical datums. Two control points have been set on site for project control.

Control Point #1 -Lower Gate: Set brass tack and washer in concrete in the Northeast corner of the Easterly gate pillar concrete pad.

Control Point #2- Upper Gate: Set brass tack and washer in concrete pad of Southerly gate pillar. Said brass tack and washer is 0.65' West of rock pillar and 0.4' North of South edge of concrete.

Control Point	Northing	Easting	Elevation
#1	5619.39	5620.94	334.14'
#2	5134.18	5013.28	146.71'

EXHIBIT D

(Drainage Easement)

A perpetual easement on and over the Burdened Property for purposes of storm water and surface drainage (1) over, upon, across, in and through the Burdened Property (the "Surface Drainage Easement"), (2) over, upon over, upon, across, in and through that portion of the Burdened Property defined below as the Drainage Pipeline Easement Area, including the right to construct, install, maintain and repair a pipeline (and in the easement area described below as Easement N, a system of retention walls) in such Drainage Pipeline Easement Area (the "Drainage Pipeline Easement") and (3) the right to connect to and use any and all drainage and water retention systems constructed on the Burdened Property (the "Drainage System Use Easement" and together with the Surface Drainage Easement and the Drainage Pipeline Easement, the "Drainage Easement"); all from and for the benefit of the Benefitted Property. Storm water and surface drainage from the Benefitted Property shall be permitted to discharge upon and flow over, upon, through and under the Burdened Property. Grantee shall maintain the Burdened Property so, at all times, it continues to function as intended. Grantee shall be prohibited from altering or placing anything on the Burdened Property, or developing or improving the Burdened Property, which obstructs, impedes, or interferes with the flow of storm water drainage from the Benefitted Property to, over, upon, across, in and through the Burdened Property. Any obstruction of such drainage, except for temporary obstructions (i.e. in support of construction activities on the Burdened Property for which mitigating measures have been put in place), shall be considered an unauthorized interference with such right or easement and shall be removed on demand at the expense of Grantee, and (his or her) heirs, successors, and assigns in the ownership of the Burdened Property or any part of it. The Drainage Easement shall be appurtenant to and shall run with the Benefitted and Burdened Properties, and shall inure to the benefit of and bind the successors and assigns of Grantor and Grantee respectively. All of Grantor's rights under this Drainage Easement shall pass to Grantor's successors and assigns in and to the Benefitted Property, and all references to Grantor in this Drainage Easement shall be deemed to be references to such successors and assigns. All of Grantee's rights and obligations under the Drainage Easement shall pass to Grantee's successors and assigns in and to the Burdened Property, and all references to Grantee in this Drainage Easement shall be deemed to be references to such successors and assigns.

Drainage Pipeline Easement Area means those portions of the Burdened Property described as the following Easements A, B, E through J (inclusive) and L:

Easement A

A 50.00 foot wide utility (and storm sewer) easement over a portion of Parcels 1 and 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838, Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at the Northwest corner of Vantage Road;

Thence North 00°30'48" West 28.93 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the right through a central angle of 78°33'11" a distance of 102.83 feet (chord bears North 38°45'48" East 94.96 feet);

Thence North 78°02'23" East 49.18 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the left through a central angle of 30°27'55" a distance of 39.88 feet (chord bears North 62°48'25" East 39.41 feet);

Thence North 47°34'28" East 35.58 feet;

Thence Northeasterly along the arc of a 125.00 foot radius curve to the right through a central angle of 11°51'37" a distance of 25.88 feet (chord bears North 53°30'17" East 25.83 feet);

Thence North 59°26'05" East 60.68 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the right through a central angle of 41°43'37" a distance of 127.45 feet (chord bears North 80°17'53" East 124.65 feet);

Thence South 78°50'18" East 30.06 feet;

Thence North 11°09'42" East 48.79 feet;

Thence Northwesterly along the arc of a 55.00 foot radius curve to the left through a central angle of 57°10'46" a distance of 54.89 feet (chord bears North 17°25'41" West 52.64 feet);

Thence North 46°01'04" West 91.18 feet;

Thence Northeasterly along the arc of an 85.00 foot radius curve to the right through a central angle of 143°07'10" a distance of 212.32 feet (chord bears North 25°32'31" East 161.27 feet);

Thence South 82°53'54" East 105.96 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the left through a central angle of 16°39' 51" a distance of 50.90 feet (chord bears North 88°46'11" East 50.72 feet);

Thence North 80°26'15" East 35.28 feet;

Thence Northeasterly along the arc of a 56.18 foot radius curve to the left through a central angle of 43°16'22" a distance of 42.43 feet (chord bears North 58°48'04" East 41.43 feet) to the North line of Parcel 1 Partition Plat 2015-21;

Thence North 88°11'58" East 2.05 feet along the North line of said Parcel 1 to the Northeast corner thereof;

Thence South 24°59'09" West 78.92 feet along the East line of said Parcel 1;

Thence South 80°26'15" West 31.07 feet;

Thence Southwesterly along the arc of a 225.00 foot radius curve to the right through a central angle of 16°39' 51" a distance of 65.44 feet (chord bears South 88°46'11" West 65.21 feet);

Thence North 82°53'54" West 105.96 feet;

Thence Southwesterly along the arc of a 35.00 foot radius curve to the left through a central angle of 143°07'10" a distance of 87.43 feet (chord bears South 25°32'31" West 66.41 feet);

Thence South 46°01 '04" East 91.18 feet;

Thence Southeasterly along the arc of a 105.00 foot radius curve to the right through a central angle of 57°10'46" a distance of 104.79 feet (chord bears South 17°25'41" East 100.49 feet);

Thence South 11°09' 42" West 48.79 feet;

Thence South 78°50'18" East 45.34 feet to the East boundary of Parcel 2, Partition Plat 2015-21;

Thence South 10°56'56" West 12.19 feet along said East boundary;

Thence South 12°37'05" East 41.32 feet along said East boundary;

Thence North 78°50'18" West 142.11 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the left through a central angle of 41°43'37" a distance of 91.03 feet (chord bears South 80°17'53" West 89.04 feet);

Thence South 59°26'05" West 60.68 feet;

Thence Southwesterly along the arc of a 75.00 foot radius curve to the left through a central angle of 11°51'37" a distance of 15.53 feet (chord bears South 53°30'17" West 15.50 feet);

Thence South 47°34'28" West 35.58 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the right through a central angle of 30°27'55" a distance of 66.47 feet (chord bears South 62°48'25" West 65.69 feet);

Thence South 78°02'23" West 49.18 feet;

Thence Southwesterly along the arc of a 25.00 foot radius curve to the left through a central angle of 78°33'11" a distance of 34.28 feet (chord bears South 38°45'48" West 31.65 feet);

Thence South 00°30'48" East 28.93 feet to the Northeast corner of Vantage Road;

Thence South 89°29' 12" West 50.00 feet along the North line of Vantage Road to the Point of Beginning.

Together with

An 8.00 foot wide utility (and storm sewer) easement adjacent and parallel to the side lines of the above described easement.

The sidelines of said 8.00 foot wide utility easements to extend to or truncate at the exterior boundary of the subject properties (Parcels 1 & 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records)).

The above legal descriptions are intended to coincide with the future road right-of-ways once platted. It is assumed that the utility easements, if different from the platted right-of-way, will adjust to match the final plat.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement B

A 40.00 foot wide utility (and storm sewer) easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 69.38 feet North and 135.35 feet East of the Northwest corner of Vantage Road;

Thence South 38°44'12" East 26.32 feet;

Thence Southeasterly along the arc of a 110.00 foot radius curve to the left through a central angle of 18°39'32" a distance of 35.82 feet (chord bears South 48°03'59" East 35.66 feet);

Thence South 67°27'24" West 38.43 feet;

Thence Northeasterly along the arc of a 110.00 foot radius non-tangent curve to the left (radius bears North 12°28'57" East) through a central angle of 8°26'48" a distance of 50.28 feet (chord bears North 89°23'20" East 49.84 feet);

Thence North 76°17'44" East 65.16 feet;

Thence Northeasterly along the arc of an 85.00 foot radius curve to the right through a central angle of 10°14'54" a distance of 14.31 feet (chord bears North 81 °25'11" East 14.29 feet);

Thence North 86°32'38" East 50.04 feet;

Thence North 03°27'22" West 40.00 feet;

Thence South 86°32'38" West 50.04 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the left through a central angle of 10°14'54" a distance of 21.46 feet (chord bears South 81°25'11" West 21.44 feet);

Thence South 76°17'44" West 65.16 feet;

Thence Northwesterly along the arc of a 70.00 foot radius curve to the right through a central angle of 64°58'04" a distance of 79.37 feet (chord bears North 71°13'14" West 75.19 feet);

Thence North 38°44'12" West 19.98 feet;

Thence Southwesterly along the arc of a 125.00 foot radius non-tangent curve to the right (radius bears North 39°03'10" West) through a central angle of 18°38'45" a distance of 40.67 feet (chord bears South 60°16'12" West 40.50 feet) to the **Point of Beginning**.

Together with

An 8.00 foot wide utility (and storm sewer) easement adjacent and parallel to the side lines and end line of the above described easement. The sidelines of said 8.00 foot wide utility easements to truncate at the exterior boundary of the subject property.

The side lines of said easements are to truncate at or extend to the exterior boundary of the subject property (Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records).

The above legal descriptions are intended to coincide with the future road right-of-ways once platted. It is assumed that the utility easements, if different from the platted right-of-way, will adjust to match the final plat.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement E

A 15.00 foot wide storm sewer easement over a portion of Parcel 1, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 225.71 feet North and 330.99 feet East of the Northwest corner of Vantage Road;

Thence North 34°12'09" East 104.81 feet;

Thence Southeasterly along the arc of a 55.00 foot radius non-tangent curve to the right (radius bears South 47°18'12" West) through a central angle of 16°51 '32" a distance of 16.18 feet {chord bears South 34°16'02" East 16.13 feet);

Thence South 34°12'09" West 89.80 feet;

Thence Northwesterly along the arc of a 175.00 foot radius non-tangent curve to the left (radius bears South 05°41'46" West) through a central angle of 5°44'41" a distance of 17.55 feet (chord bears North 87°00'34" West 17.54 feet) to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement F

A 10.00 foot wide storm sewer easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 147.51 feet North and 160.23 feet East of the Northwest corner of Vantage Road;

Thence South 47°34'28" West 10.06 feet;

Thence North 48°25'59" West 104.25 feet;

Thence North 41°34'01" East 10.00 feet;

Thence South 48°25'59" East 105.30 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement G

A 15.00 foot wide storm sewer easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 174.62 feet North and 314.14 feet East of the Northwest corner of Vantage Road;

Thence South 42°26'33" West 161.29 feet;

Thence Northwesterly along the arc of a 70.00 foot radius non-tangent curve to the right (radius bears North 27°30'22" East) through a central angle of 12°26'44" a distance of 15.21 feet (chord bears North 56°16'17" West 15.18 feet);

Thence North 42°26'33" East 141.17 feet;

Thence Northeasterly along the arc of a 125.00 foot radius non-tangent curve to the right (radius bears South 19°58'10" East) through a central angle of 12°23'21" a distance of 27.03 feet (chord bears North 76°13'31" East 26.98 feet) to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement H

A storm sewer easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at the Northwest corner of Vantage Road;

Thence North 69°02'47" West 29.79 feet;

Thence North 00°30'48" West 18.03 feet;

Thence North 89°29'12" East 27.72 feet;

Thence South 00°30'48" East 28.93 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement I

A 10.00 foot wide storm sewer easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 16.80 feet North and 288.23 feet East of the Northwest corner of Vantage Road;

Thence South 64°02'39" East 79.77 feet;

Thence South 25°57'21" West 10.00 feet;

Thence North 64°02'39" West 91.83 feet;

Thence North 76°17'44" East 15.67 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement J

A 10.00 foot wide storm sewer easement over the existing drainage situated on Parcel 1, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 462.12 feet North and 479.85 feet East of the Northwest corner of Vantage Road;

Thence South 19°00'16" West 15.00 feet;
Thence North 70°59'54" West 10.00 feet;
Thence North 19°00'06" East 12.89 feet;
Thence South 82°53'54" East 10.22 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement L

A 10.00 foot wide storm sewer easement over a portion of Parcel 1, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 378.56 feet North and 133.23 feet East of the Northwest corner of Vantage Road;

Thence South 85°03'36" East 10.00 feet;

Thence South 04°56'24" West 34.96 feet;

Thence South 66°13'32" West 113.57 feet;

Thence South 15°10'44" West 33.09 feet to the Southwest boundary of said Parcel 1;

Thence North 48°25'59" West 11.16 feet along the Southwest boundary of said Parcel 1;

Thence North 15°10'44" East 32.91 feet;

Thence North 66°13'32" East 112.43 feet;

Thence North 04°56'24" East 29.04 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement N

A 15.00 foot wide storm sewer and retention wall easement over a portion of Parcel 1, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 147.51 feet North and 160.23 feet East of the Northwest corner of Vantage Road;

Thence North 48°25'59" West 255.30 feet;

Thence North 10°04'27" West 17.59 feet;

Thence South 48°25'59" East 266.13 feet;

Thence Southwesterly along the arc of a 125.00 foot radius non-tangent curve to the left through a central angle of 01°42'10" a distance of 3.72 feet (chord bears South 48°25'33" West 3.72 feet);

Thence South 47°34'28" West 11.37 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot

EXHIBIT E

(Utilities Easement)

A perpetual easement (the "Utilities Easement") on and over the Burdened Property, for purposes of storm drainage utilities, sanitary sewer utilities, water utilities, electrical utilities, telecommunication utilities (the "Utilities") from and for the benefit of the Benefitted Property, (i) to construct, install, use, operate, control, transport through, manage, maintain, modify, repair, relocate and replace the Utilities and any and all associated equipment incident for the operation thereof on, over, upon, across, in and through those portions of the Burdened Property necessary to connect to a public Utility main service line, or any Utility infrastructure constructed on the Burdened Property for the general use of the Burdened Property, including without limitation the specific easement areas described below (collectively, the "Utility Easement Area"), (ii) to connect to and for the use of, any Utility infrastructure constructed on the Burdened Property for the general use of the Burdened Property; and (iii) in, over, upon, across, in and through the Burdened Property for purposes of access, ingress and egress to the Utilities. The Grantee shall not construct or maintain any structures over the Utilities upon construction thereof, except for pavement, but otherwise may use the Utility Easement Area for any purpose that does not interfere with the Grantor's rights hereunder. All expenses of the construction, installation, use, operation, control, management, maintenance, modification, upgrade, repair or replacement of the Utilities shall be the responsibility of Grantor if the use of such Utilities is exclusive to Grantor, or to the extent the use of the Utilities is shared with Grantee, shall be shared pro rata based on use. Notwithstanding the foregoing, should the Utilities be damaged by the acts or omissions of Grantee or any of its agents, servants, employees or invitees or through the negligence of Grantee of any of its agents, servants, employees or invitees, Grantee shall bear all costs and expenses of repairing the damage and restoring the damaged property to its condition immediately before such damage. The Utilities Easement shall be appurtenant to and shall run with the Benefitted and Burdened Properties, and shall inure to the benefit of and bind the successors and assigns of Grantor and Grantee respectively. All of Grantor's rights under this Utilities Easement shall pass to Grantor's successors and assigns in and to the Benefitted Property, and all references to Grantor in this Utilities Easement shall be deemed to be references to such successors and assigns. All of Grantee's rights and obligations under the Utilities Easement shall pass to Grantee's successors and assigns in and to the Burdened Property, and all references to Grantee in this Utilities Easement shall be deemed to be references to such successors and assigns.

The Utility Easement Area includes the following specific utility easement parcels:

Easement A

A 50.00 foot wide utility easement over a portion of Parcels 1 and 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838, Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at the Northwest corner of Vantage Road;

Thence North 00°30'48" West 28.93 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the right through a central angle of 78°33'11" a distance of 102.83 feet (chord bears North 38°45'48" East 94.96 feet);

Thence North 78°02'23" East 49.18 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the left through a central angle of 30°27'55" a distance of 39.88 feet (chord bears North 62°48'25" East 39.41 feet);

Thence North 47°34'28" East 35.58 feet;

Thence Northeasterly along the arc of a 125.00 foot radius curve to the right through a central angle of 11°51'37" a distance of 25.88 feet (chord bears North 53°30'17" East 25.83 feet);

Thence North 59°26'05" East 60.68 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the right through a central angle of 41°43'37" a distance of 127.45 feet (chord bears North 80°17'53" East 124.65 feet);

Thence South 78°50'18" East 30.06 feet;

Thence North 11°09'42" East 48.79 feet;

Thence Northwesterly along the arc of a 55.00 foot radius curve to the left through a central angle of 57°10'46" a distance of 54.89 feet (chord bears North 17°25'41" West 52.64 feet);

Thence North 46°01'04" West 91.18 feet;

Thence Northeasterly along the arc of an 85.00 foot radius curve to the right through a central angle of 143°07'10" a distance of 212.32 feet (chord bears North 25°32'31" East 161.27 feet);

Thence South 82°53'54" East 105.96 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the left through a central angle of 16°39' 51" a distance of 50.90 feet (chord bears North 88°46'11" East 50.72 feet);

Thence North 80°26'15" East 35.28 feet;

Thence Northeasterly along the arc of a 56.18 foot radius curve to the left through a central angle of 43°16'22" a distance of 42.43 feet (chord bears North 58°48'04" East 41.43 feet) to the North line of Parcel 1 Partition Plat 2015-21;

Thence North 88°11'58" East 2.05 feet along the North line of said Parcel 1 to the Northeast corner thereof;

Thence South 24°59'09" West 78.92 feet along the East line of said Parcel 1;

Thence South 80°26'15" West 31.07 feet;

Thence Southwesterly along the arc of a 225.00 foot radius curve to the right through a central angle of 16°39' 51" a distance of 65.44 feet (chord bears South 88°46'11" West 65.21 feet);

Thence North 82°53'54" West 105.96 feet;

Thence Southwesterly along the arc of a 35.00 foot radius curve to the left through a central angle of 143°07'10" a distance of 87.43 feet (chord bears South 25°32'31" West 66.41 feet);

Thence South 46°01' 04" East 91.18 feet;

Thence Southeasterly along the arc of a 105.00 foot radius curve to the right through a central angle of 57°10'46" a distance of 104.79 feet (chord bears South 17°25'41" East 100.49 feet);

Thence South 11°09' 42" West 48.79 feet;

Thence South 78°50'18" East 45.34 feet to the East boundary of Parcel 2, Partition Plat 2015-21;

Thence South 10°56'56" West 12.19 feet along said East boundary;

Thence South 12°37'05" East 41.32 feet along said East boundary;

Thence North 78°50'18" West 142.11 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the left through a central angle of 41°43'37" a distance of 91.03 feet (chord bears South 80°17'53" West 89.04 feet);

Thence South 59°26'05" West 60.68 feet;

Thence Southwesterly along the arc of a 75.00 foot radius curve to the left through a central angle of 11°51'37" a distance of 15.53 feet (chord bears South 53°30'17" West 15.50 feet);

Thence South 47°34'28" West 35.58 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the right through a central angle of 30°27'55" a distance of 66.47 feet (chord bears South 62°48'25" West 65.69 feet);

Thence South 78°02'23" West 49.18 feet;

Thence Southwesterly along the arc of a 25.00 foot radius curve to the left through a central angle of 78°33'11" a distance of 34.28 feet (chord bears South 38°45'48" West 31.65 feet);

Thence South 00°30'48" East 28.93 feet to the Northeast corner of Vantage Road;

Thence South 89°29' 12" West 50.00 feet along the North line of Vantage Road to the Point of Beginning.

Together with

An 8.00 foot wide utility easement adjacent and parallel to the side lines of the above described easement.

The sidelines of said 8.00 foot wide utility easements to extend to or truncate at the exterior boundary of the subject properties (Parcels 1 & 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records)).

The above legal descriptions are intended to coincide with the future road right-of-ways once platted. It is assumed that the utility easements, if different from the platted right-of-way, will adjust to match the final plat.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement B

A 40.00 foot wide utility easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 69.38 feet North and 135.35 feet East of the Northwest corner of Vantage Road;

Thence South 38°44'12" East 26.32 feet;

Thence Southeasterly along the arc of a 110.00 foot radius curve to the left through a central angle of 18°39'32" a distance of 35.82 feet (chord bears South 48°03'59" East 35.66 feet);

Thence South 67°27'24" West 38.43 feet;

Thence Northeasterly along the arc of a 110.00 foot radius non-tangent curve to the left (radius bears North 12°28'57" East) through a central angle of 8°26'48" a distance of 50.28 feet (chord bears North 89°23'20" East 49.84 feet);

Thence North 76°17'44" East 65.16 feet;

Thence Northeasterly along the arc of an 85.00 foot radius curve to the right through a central angle of 10°14'54" a distance of 14.31 feet (chord bears North 81 °25'11" East 14.29 feet);

Thence North 86°32'38" East 50.04 feet;

Thence North 03°27'22" West 40.00 feet;

Thence South 86°32'38" West 50.04 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the left through a central angle of 10°14'54" a distance of 21.46 feet (chord bears South 81°25'11" West 21.44 feet);

Thence South 76°17'44" West 65.16 feet;

Thence Northwesterly along the arc of a 70.00 foot radius curve to the right through a central angle of 64°58'04" a distance of 79.37 feet (chord bears North 71°13'14" West 75.19 feet);

Thence North 38°44'12" West 19.98 feet;

Thence Southwesterly along the arc of a 125.00 foot radius non-tangent curve to the right (radius bears North 39°03'10" West) through a central angle of 18°38'45" a distance of 40.67 feet (chord bears South 60°16'12" West 40.50 feet) to the **Point of Beginning**.

Together with

An 8.00 foot wide utility easement adjacent and parallel to the side lines and end line of the above described easement. The sidelines of said 8.00 foot wide utility easements to truncate at the exterior boundary of the subject property.

The side lines of said easements are to truncate at or extend to the exterior boundary of the subject property (Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records).

The above legal descriptions are intended to coincide with the future road right-of-ways once platted. It is assumed that the utility easements, if different from the platted right-of-way, will adjust to match the final plat.

The purpose of this legal description is to describe and easement, not create a separate tax lot..

Easement C

A 15.00 foot wide sanitary sewer easement over a portion of Parcel 1, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 222.41 feet North and 296.76 feet East of the Northwest corner of Vantage Road;

Thence North 36°28'21" East 130.65 feet;

Thence South 46°01'04" East 15.13 feet;

Thence South 36°28'21" West 114.08 feet;

Thence Southwesterly along the arc of a 175.00 foot radius non-tangent curve to the left (radius bears South 04°18'17" East) through a central angle of 6°51'18" a distance of 20.94 feet (chord bears South 82°16'04" East 20.93 feet); to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement D

A 10.00 foot wide water line easement over a portion of Parcel 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 145.84 feet North and 494.24 feet East of the Northwest corner of Vantage Road;

Thence South 12°37'05" East 92.00 feet along the East line of said Parcel 2;

Thence South 77°22'55" West 10.00 feet;

Thence North 12°37'05" West 96.41 feet;

Thence South 78°50'18" East 10.93 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

Easement K

A 10' wide sanitary sewer service easement over adjusted Parcel 1, Partition Plat 2015-21 (Map B-3838), Tillamook County Survey Records, located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 445.32 feet North and 296.32 feet East of the Northwest corner of Vantage Road;

Thence North 57°14'57" West 29.08 feet;

Thence North 88°45'21" East 17.89 feet;

Thence South 57°14'57" East 9.62 feet;

Thence Southwesterly along the arc of an 85.00 foot radius non-tangent curve to the left (radius bears South 78°24'08" East) through a central angle of 07°52'49" a distance of 11.03 feet (chord bears South 7°52'49" West 11.02 feet); to the **Point of Beginning**.

The purpose of this legal description is to describe an easement and is not to create a separate tax lot.

Easement M

A 5.00 foot wide sanitary sewer service easement over a portion of adjusted Parcels 1 and 2, Partition Plat 2015-21 (Map B-3838) Tillamook County Survey Records, located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at a point that is 199.10 feet North and 482.63 feet East of the Northwest corner of Vantage Road;

Thence North 10°56'56" East 101.57 feet;

Thence North 25°12'58" East 98.30 feet;

Thence North 24°59'09" East 15.05 feet;

Thence South 65°00'51" East 5.00 feet to the East line of said Parcel 1;

Thence South 24°59'09" West 15.06 feet along the East line of said Parcel 1;

Thence South 25°12'58" West 97.68 feet along the East line of said Parcel 1;

Thence South 10°56'56" West 100.96 feet along the East line of said Parcel 1 and Parcel 2;

Thence North 78°50'18" West 5.00 feet to the **Point of Beginning**.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

EXHIBIT F

(Access Easement)

A perpetual easement over, upon, across, the Burdened Property (the "Access Easement") for purposes of access, ingress, egress and through travel, to, from, and for the benefit of the Benefitted Property, over and across the Road Right of Way, described below, as well as the right to pave, grade, install curbing and drainage, or otherwise improve that portion of the Burdened Property necessary to allow for pedestrian and vehicular access to the Benefitted Property from the Road Right of Way (such improvements, the "Grantor Improvements" and collectively, the "Access Easement Area"). The Grantee shall not construct or maintain any structures over the Access Easement Area, except for pavement and associated improvements, but otherwise may use the Access Easement Area for any purpose that does not interfere with the Grantor's rights hereunder. All expenses of the construction, installation, use, operation, control, management, maintenance, modification, upgrade, repair or replacement of any Grantor Improvements shall be the responsibility of Grantor if the use of such improvement is exclusive to Grantor, or to the extent the use of the Grantor Improvements is shared with Grantee, shall be shared pro rata based on use; however, Grantor shall have the right to connect paved areas to, and to use any pavement, roadway, and associate access improvements constructed by Grantee on the Burdened Property for the general use of the Burdened Property at no cost to Grantor, other than the cost of making any desired connections to existing or planned roadways. Notwithstanding the foregoing, should any Grantor Improvements be damaged by the acts or omissions of Grantee or any of its agents, servants, employees or invitees or through the negligence of Grantee of any of its agents, servants, employees or invitees, Grantee shall bear all costs and expenses of repairing the damage and restoring the damaged property to its condition immediately before such damage. The Access Easement shall be appurtenant to and shall run with the Benefitted and Burdened Properties, and shall inure to the benefit of and bind the successors and assigns of Grantor and Grantee respectively. All of Grantor's rights under this Access Easement shall pass to Grantor's successors and assigns in and to the Benefitted Property, and all references to Grantor in this Access Easement shall be deemed to be references to such successors and assigns. All of Grantee's rights and obligations under the Access Easement shall pass to Grantee's successors and assigns in and to the Burdened Property, and all references to Grantee in this Access Easement shall be deemed to be references to such successors and assigns.

For the purposes of this Access Easement, Road Right of Way means the following:

A 50.00 foot wide road right-of-way easement over a portion of Parcels 1 and 2, Partition Plat 2015-21 Tillamook County Survey Records (as adjusted on Map B-3838. Tillamook County Survey Records), situated in the Southwest one-quarter of the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

Beginning at the Northwest corner of Vantage Road;

Thence North 00°30'48" West 28.93 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the right through a central angle of 78°33'11" a distance of 102.83 feet (chord bears North 38°45'48" East 94.96 feet);

Thence North 78°02'23" East 49.18 feet;

Thence Northeasterly along the arc of a 75.00 foot radius curve to the left through a central angle of 30°27'55" a distance of 39.88 feet (chord bears North 62°48'25" East 39.41 feet);

Thence North 47°34'28" East 35.58 feet;

Thence Northeasterly along the arc of a 125.00 foot radius curve to the right through a central angle of 11°51'37" a distance of 25.88 feet (chord bears North 53°30'17" East 25.83 feet);

Thence North 59°26'05" East 60.68 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the right through a central angle of 41°43'37" a distance of 127.45 feet (chord bears North 80°17'53" East 124.65 feet);

Thence South 78°50'18" East 30.06 feet;

Thence North 11°09'42" East 48.79 feet;

Thence Northwesterly along the arc of a 55.00 foot radius curve to the left through a central angle of 57°10'46" a distance of 54.89 feet (chord bears North 17°25'41" West 52.64 feet);

Thence North 46°01'04" West 91.18 feet;

Thence Northeasterly along the arc of an 85.00 foot radius curve to the right through a central angle of 143°07'10" a distance of 212.32 feet (chord bears North 25°32'31" East 161.27 feet);

Thence South 82°53'54" East 105.96 feet;

Thence Northeasterly along the arc of a 175.00 foot radius curve to the left through a central angle of 16°39'51" a distance of 50.90 feet (chord bears North 88°46'11" East 50.72 feet);

Thence North 80°26'15" East 35.28 feet;

Thence Northeasterly along the arc of a 56.18 foot radius curve to the left through a central angle of 43°16'22" a distance of 42.43 feet (chord bears North 58°48'04" East 41.43 feet) to the North line of Parcel 1, Partition Plat 2015-21;

Thence North 88°11'58" East 2.05 feet along the North line of said Parcel 1 to the Northeast corner thereof;

Thence South 24°59'09" West 78.92 feet along the East line of said Parcel 1;

Thence South 80°26'15" West 31.07 feet;

Thence Southwesterly along the arc of a 225.00 foot radius curve to the right through a central angle of 16°39'51" a distance of 65.44 feet (chord bears South 88°46'11" West 65.21 feet);

Thence North 82°53'54" West 105.96 feet;

Thence Southwesterly along the arc of a 35.00 foot radius curve to the left through a central angle of 143°07'10" a distance of 87.43 feet (chord bears South 25°32'31" West 66.41 feet);

Thence South 46°01'04" East 91.18 feet;

Thence Southeasterly along the arc of a 105.00 foot radius curve to the right through a central angle of 57°10'46" a distance of 104.79 feet (chord bears South 17°25'41" East 100.49 feet);

Thence South 11°09'42" West 48.79 feet;

Thence South 78°50'18" East 45.34 feet to the East boundary of Parcel 2, Partition Plat 2015-21;

Thence South 10°56'56" West 12.19 feet along said East boundary;

Thence South 12°37'05" East 41.32 feet along said East boundary;

Thence North 78°50'18" West 142.11 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the left through a central angle of 41°43'37" a distance of 91.03 feet (chord bears South 80°17'53" West 89.04 feet);

Thence South 59°26'05" West 60.68 feet;

Thence Southwesterly along the arc of a 75.00 foot radius curve to the left through a central angle of 11°51'37" a distance of 15.53 feet (chord bears South 53°30'17" West 15.50 feet);

Thence South 47°34'28" West 35.58 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the right through a central angle of 3°22'22" a distance of 7.36 feet (chord bears South 49°15'39" West 7.36 feet);

Thence South 38°44'12" East 19.98 feet;

Thence Southeasterly along the arc of a 70.00 foot radius curve to the left through a central angle of 64°58'04" a distance of 79.37 feet (chord bears South 71°13'14" East 75.19 feet);

Thence North 76°17'44" East 65.16 feet;

Thence Northeasterly along the arc of an 120.00 foot radius curve to the right through a central angle of 10°14'54" a distance of 21.46 feet (chord bears North 81°25'11" East 21.44 feet);

Thence North 86°32'38" East 50.04 feet;

Thence South 03°27'22" East 40.00 feet;

Thence South 86°32'38" West 50.04 feet;

Thence Southwesterly along the arc of an 80.00 foot radius curve to the left through a central angle of 10°14'54" a distance of 14.31 feet (chord bears South 81°25' 11" West 14.29 feet);

Thence South 76°17'44" West 65.16 feet;

Thence Southwesterly along the arc of a 110.00 foot radius curve to the right through a central angle of 26°11'13" a distance of 50.28 feet (chord bears South 89°23'20" West 49.84 feet);

Thence North 67°27'24" West 38.43 feet;

Thence Northwesterly along the arc of a 110.00 foot radius curve to the right through a central angle of 18°39'32" a distance of 35.82 feet (chord bears North 48°03'59" West 35.66 feet);

Thence North 38°44' 12" West 26.32 feet;

Thence Southwesterly along the arc of a 125.00 foot radius curve to the right (radius bears North 20°24'25" West) through a central angle of 08°26'48" a distance of 18.43 feet (chord bears South 73°48'59" West 18.41 feet);

Thence South 78°02'23" West 49.18 feet;

Thence Southwesterly along the arc of a 25.00 foot radius curve to the left through a central angle of 78°33' 11" a distance of 34.28 feet (chord bears South 38°45'48" West 31.65 feet);

Thence South 00°30'48" East 28.93 feet to the Northeast corner of Vantage Road;

Thence South 89°29'12" West 50.00 feet along the North line of Vantage Road to the Point of Beginning.

The purpose of this legal description is to describe and easement, not create a separate tax lot.

EXHIBIT G

(Tree Easement)

A perpetual easement (the "Tree Easement") on and over the following portion of the Burdened Property for the maintenance of existing trees (the "Tree Easement Area") from and for the benefit of the Benefitted Property:

A 20.00 foot wide strip over a portion of adjusted Parcel 1 and adjusted Parcel 2, Partition Plat 2015-21 (Map B-3838), Tillamook County Survey Records, located in the Northwest one-quarter of Section 20, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, further described as follows:

The Westerly 20 .00' of even width; of said adjusted Parcel 1 and Parcel 2.

The purpose of this legal description is not to create a separate tax lot.

Grantee is prohibited from removing, cutting, pruning, or engaging in other activities which might damage the above ground portion, or underground root structure of those trees, any portion of the trunk of which is located in the Tree Easement Area (such trees, the "Trees"), except for (1) such periodic pruning of such Trees as may be recommended in writing by a certified arborist for the continued health of such Trees and approved by Grantor, which approval shall not be unreasonably withheld or delayed, or (2) with the written consent of Grantor, which may be withheld in the sole discretion of Grantor. Any removal, cutting, pruning, or other activities which damage or threaten to damage the above ground portion, or underground root structure of those trees,, shall be considered an unauthorized interference with Grantor's right to enjoy the Trees. Grantor shall be entitled to (1) all equitable remedies available at law to enjoin any actual or threatened prohibited activity and (2) damages in the amount of \$250,000.00 for each instance of prohibited activity, which amount shall be increased annually on January 1, 2022 and each January 1 thereafter by the Consumer Price Index, as defined below (the "Tree Liquidated Damages Amount"). By their signatures on this Deed, Grantor and Grantee acknowledge and agree that: (1) The Trees enhance the view from the Benefitted Property and provide valuable wind protection to the Benefitted Property; (2) Grantor would not transfer the Burdened Property without Grantee's agreement to forever maintain the Trees for the enjoyment by the owner of the Benefitted Property; (3) that due to the size and age of the Trees the replacement of the Trees with new plantings is an insufficient remedy; (4) that Grantor's damages for the occurrence of any prohibited activity will be difficult to determine, (3) that Grantee wishes to limit its liability for any such activity to a fixed and known dollar amount, and (4) that the Tree Liquidated Damages Amount represents a reasonable estimate for the same. The Tree Easement shall be appurtenant to and shall run with the Benefitted and Burdened Properties, and shall inure to the benefit of and bind the successors and assigns of Grantor and Grantee respectively. All of Grantor's rights under this Tree Easement shall pass to Grantor's successors and assigns in and to the Benefitted Property, and all references to Grantor in this Tree Easement shall be deemed to be references to such successors and assigns. All of Grantee's rights and obligations under the Tree Easement shall pass to Grantee's successors and assigns in and to the Burdened Property, and all references to Grantee in this Tree Easement shall be deemed to be references to such successors and assigns.

For the purposes of this easement, the term "Consumer Price Index" refers to the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, U.S. City Average, All Items for Urban Consumers (1982-1984=100). If the CPI is hereafter converted to a different standard reference base or otherwise revised, the determination of the CPI adjustment shall be made with the use of such conversion factor, formula or table for converting the CPI, as may be published by the Bureau of Labor Statistics, or, if the bureau shall no longer publish the same, then with the use of such conversion factor, formula or table as may be published by an agency of the United States, or failing such publication, by a nationally recognized publisher of similar statistical information.

EXHIBIT C

Angela Rimoldi

From: BROWN Jevra * DSL <jevra.brown@dsl.state.or.us>
Sent: Monday, September 13, 2021 4:18 PM
To: Angela Rimoldi
Subject: EXTERNAL: RE: Tillamook County: Administrative Review/ 851-20-000526-PLNG: La Contrada, LLC/Onion Peak Design

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

RE 03N10W20BC #500

Hi Angela,

Thank you for submitting WLUN, #WN2021-0981. The WLUN response represents the comments on behalf of the Removal-Fill program. The Proprietary program will respond separately if needed.

Jevra Brown, Aquatic Resource Planner
Department of State Lands
Cell 503-580-3172

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

From: Allison Hinderer <ahindere@co.tillamook.or.us>
Sent: Friday, September 3, 2021 4:32 PM
To: Angela Rimoldi <arimoldi@co.tillamook.or.us>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Tillamook County: Administrative Review/ 851-20-000526-PLNG: La Contrada, LLC/Onion Peak Design

Hello,

Please see link below for Partition Request:

[851-20-000526-PLNG | Tillamook County OR](#)

Thank you.



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

Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

Angela Rimoldi

From: Daniel.Evans@dsl.state.or.us
Sent: Wednesday, September 29, 2021 1:27 PM
To: Angela Rimoldi
Subject: EXTERNAL: WN2021-0981 Response to Local Case File #851-20-000526-plng
Attachments: Wetland Land Use Notice.pdf; Wetland Land Use Notice Response.pdf

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

We have completed our review of the Wetland Land Use Notification that was prepared for Design Onion - LLC La Contrada The WLUN form was submitted to the Department for review/response and given the file number WN2021-0981

The results and conclusions from that review are explained in the attached pdf documents. If the attached documents are illegible or difficult to open, you may contact the Department and request paper copies. Otherwise, please review the attachments carefully and direct any questions or comments to Jurisdiction Coordinator, Daniel Evans at 503-986-5271 or Daniel.Evans@dsl.state.or.us. Thank you for your interest in the project.

Additional resources that may be helpful:

[DSL Coordinator List](#)

[R/F Fee Schedule](#)

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
Fax: (503) 378-4844
www.oregon.gov/dsl



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

Responsible Jurisdiction

* City of County of **Municipality*** Tillamook **Date*** 9/3/2021

Staff Contact

First Name* Angela **Last Name*** Rimoldi
Phone* 15038423408 **Email*** arimoldi@co.tillamook.or.us

Applicant

First Name* Design **Last Name*** Onion
Mailing Address*
Street Address 11460 Evergreen Way
Address Line 2
City Nehalem State OR
Postal / Zip Code 97131 Country USA
Phone 5034404403 **Email (?)** erick.opd@gmail.com

Is the Property Owner name and address the same as the Applicant?*
 No Yes

Property Owner

First Name* LLC **Last Name*** La Contrada

Mailing Address (If different than Applicant Address)

Street Address

6442 Maroa Ave

Address Line 2

City

Fresno

Postal / Zip Code

93704

State

CA

Country

USA

Phone

5033687330

Email (?)

dan@londonproperties.com

Activity Location

Township* (?)

03N

Range* (?)

10W

Section* (?)

20

Quarter-quarter Section (?)

BC

Tax Lot(s)*

500

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

Address Line 2

City

State

Postal / Zip Code

Country

County*

Tillamook

Adjacent Waterbody

Proposed Activity

Local Case File #*

851-20-000526-plng

Zoning

Proposed

Building Permit (new structures)

Conditional use Permit

Grading Permit

Planned Unit Development

Site Plan Approval

Subdivision

Other (please describe)

Please enter text in this field.

Project*

Amended to reflect creation of 1 additional parcel; to create a total of 3 parcels.

Required attachments with site marked: Tax map and site plan(s). (?)

Additional Attachments

851-20-000526-PLNG .pdf

3.79MB

Date

9/3/2021



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0981

Responsible Jurisdiction

Staff Contact

Angela Rimoldi

Jurisdiction Type

County

Municipality

Tillamook

Local case file #

851-20-000526-plng

County

Tillamook

Activity Location

Township

03N

Range

10W

Section

20

QQ section

BC

Tax Lot(s)

500

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Tillamook

Latitude

45.734700

Longitude

-123.943294

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

Closing Information

Additional Comments

This partition was previously submitted to DSL as WN2021-0171. A partition, no matter if the configuration of lots changes, does not require a state permit nor does it require a Wetland Land Use Notice submission to DSL per ORS 214.418 (1). At the time of proposed ground disturbance on this site, a Wetland Land Use Notice would be recommended due to potential for wetlands on this site based on USGS mapping a stream on the site.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

9/29/2021

Response by:

Daniel Evans

Response Phone:

503-986-5271