

1. 2:00 P.M. Agenda

Documents:

[2024-03-19 Planning Commission Regular Meeting Agenda.pdf](#)

2. 2:00 P.M. Meeting Materials

Documents:

[Staff Report Case File 1-PAR-PC-2024 Elk Mountain Properties.pdf](#)

[Elk Mountain Properties LLC Partition Application.pdf](#)

[2018 Survey Of Fistera Partition Plat.pdf](#)

[Planning Commission Issues List.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, March 19, 2024, at 2:00 pm
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/82730920856>

Meeting ID: 827 3092 0856

Regular Meeting

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. Public Hearing
 - a. Case File #1-PAR-PC-24 Elk Mountain Properties LLC Partition
- V. New Business
- VI. Reports
 - a. Commission Chairs' Meeting
 - b. Planner's Report
- VII. Other Business
 - a. From Commission
 - b. From Staff

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 3/8/2024 By: Neal Morphis, City Clerk

STAFF REPORT

2-Lot Partition Application

OWNER/APPLICANT: Elk Mountain Properties, LLC

A. REPORT OF FACTS

1. **Applicant's Request:** The applicant proposes to partition an existing 8.36-acre parcel into two parcels, Tract A and a Residual Parcel. Tract A would be designated as common area (open space) for the Fistera Planned Unit Development (PUD) and the Residual Parcel would remain available for development in accordance with the Fistera PUD Findings and Conclusions (or, Orders).
2. **Property Location:** The subject site is located in the northeast section of Yachats. The site is east of Highway 101 and the Sea-Aire Assisted Living Facility, west of the Siuslaw National Forest, and north of the Yachats Memorial Park, and further identified on Lincoln County Assessors Map #14-12-23-CC as tax lot 3101.
3. **Zoning:** Residential Zone R-3
4. **Plan Designation:** Residential
5. **Lot Size:** The existing lot totals 8.36 acres.
6. **Existing Structures:** None.
7. **Surrounding Land Use:** The Fistera Garden Apartments and Fistera Townhomes are located northwest of the subject property. The Sea-Aire Assisted Living Facility and several single-family dwellings are located immediately west of the property. The Siuslaw National Forest is located east of the site and undeveloped residential land is located south of the site.
8. **Existing Utilities:**
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
9. **Development Constraints:** Steep slopes

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, along with a narrative addressing the background of the Fistera PUD and the proposed partition.

2. Relevant Code Standards:

Yachats Municipal Code Section 9.20.040 - R-3 Residential Zone Standards

A. Lot Size and Dimensions

1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; six thousand (6,000) square feet for the first dwelling unit and two thousand five hundred (2,500) square feet for each additional unit in a multifamily dwelling when a lot is served by both a public water supply and public sewage disposal system. However, the maximum density in the R-3 zone shall not exceed twelve (12) dwelling units per acre.

2. The minimum lot area shall be 7,500 square feet for a one-family dwelling and 15,000 square feet for a two-family dwelling and 7,500 square feet for each dwelling unit in a multifamily dwelling, when lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system.

Not applicable

3. The minimum lot width at the front building line shall be 50 feet for an interior lot and 55 feet for a corner lot when the lot is served by both a public water supply and public sewage system.

4. The minimum lot width at the front building line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.

Not applicable

5. The minimum lot depth shall be 80 feet.

6. Landfill of dirt and rock only.

Not applicable at this time

7. Hazard areas:

Not applicable at this time

8. Undersize lots, see Chapter 9.76.

Not applicable

H. General Criteria. The vehicle and pedestrian access to the site can be safely and efficiently provided and the necessary utility systems and public facilities are available with sufficient supply and distribution capacity. If not provided by the City, it shall be the responsibility of the developer to insure these standards are met.

Yachats Municipal Code Section 9.56.020 - General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

- A. Conformity to the Comprehensive Plan.** All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.
- B. Access.** The partitioning and subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.
- C. Relation to Adjoining Street System.** A partition or subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the Planning Commission adopts a plan for a neighborhood of which the partition or subdivision is a part, the partition or subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is partitioned or subdivided into lots of an acre or more, the planning commission may require an arrangement of lots and streets such as to permit a later repartitioning or resubdivision in conformance with the street requirements and other requirements contained in these regulations.

D. Easements.

- 1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.
- 2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

- E. Public Accessways.** When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways 10 to 20 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for a network of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

F. Lots and Parcels.

1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the Planning Commission grants otherwise.
2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
3. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the Planning Commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.
4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition or subdivision is located.
5. Lots and parcels under 25,000 square feet in area must not exceed a depth to width ratio of two and one-half (2.5) to one. Lots and parcels over 25,000 square feet in area must not exceed a depth to width ratio of three and one-half (3.5) to one.

G. Performance Agreement Performance Agreement means an irrevocable letter of credit, surety bond, or cash guaranteeing the satisfactory completion of a project by a developer. If the developer desires to record the plat prior to completion and approval of all improvements required by the Planning Commission the Planning Commission may accept in lieu of the completion of improvements a performance agreement or bond. The performance agreement shall be executed with the City Council in accordance with the seven requirements described below.

1. Improvements. Improvements include all infrastructure, e.g. streets, water, sewer, storm drainage, pedestrian facilities, and any other improvements required as part of the tentative approval.
2. Performance Agreement Required. When a performance agreement is required the applicant shall file an assurance of performance with the City supported by one of the following:
 - a. An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
 - b. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 - c. Cash.
3. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
4. Itemized Improvement Estimate. The developer shall furnish to the City an itemized cost estimate for each improvement, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
5. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

- a. Specifies the period within which each required improvement and repair shall be completed, and how performance funds are released;
 - b. A provision that if work is not completed within the period specified, a time extension may be granted or the City may complete the work and recover the full cost and expenses from the applicant;
 - c. Stipulates the improvement fees and deposits that are required.

The agreement may be prepared by the City, or in a letter prepared by the applicant.

It shall not be valid until it is signed and dated by both the applicant and the City.
 6. If Developer Fails to Perform. If the developer fails to carry out all provisions of the agreement the City shall call on the performance agreement for completion of the project.
 7. Termination of Performance Agreement. The developer shall not cause termination of nor allow expiration of the agreement without having first secured written authorization from the City.
- H. Water.** All lots in partitions or subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:
1. A certification by the city water Director that water will be available from the nearest point of supply; or
 2. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed partition or subdivision.
- I. Sewer.** No plat of a partition or subdivision shall be approved unless the City has received and accepted:
1. A certification by the City Sewer Director that sewage service will be available at the nearest point of collection; or
 2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner or subdivider to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision;
 3. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the partition or subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed partition or subdivision. A copy of any such statement signed by the partitioner or subdivider and endorsed by the planning commission chair shall be filed by the partitioner or subdivider with the real estate commissioner.

Yachats Municipal Code Section 9.56.040 Partition Procedure for Dividing Land.

D. Submitting the Plat. Within one year after the approval of the preliminary plan becomes effective, a partition plat shall be submitted to the Planning Commission for approval which is in substantial conformity to the approved preliminary plan and conditions of approval.

The partition plat shall be prepared by a professional land surveyor who is licensed in the State of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. In addition to the information as required on the preliminary plan, and the information required by ORS 92, the following information shall be provided:

1. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than 30 days prior to the date that the partition plat is submitted for final approval. Such report shall also identify all easements of record;
2. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the partition;
3. A copy of all protective deed restrictions proposed;
4. The certification, performance agreement, bond, contract or other assurances regarding the availability or installation of water and sewer services as provided in Section 9.56.020;
5. The location of the approved site for the septic system if applicable.

Yachats Municipal Code Chapter 9.60 Planned Unit Development.

Section 9.60.010 Purpose

The purpose of the P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

Section 9.60.020 General Requirements

- A. In the case of a planned unit development the regulations contained in this chapter may, if necessary, be modified as they apply to streets, blocks and lots when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, open space and lot area per dwelling are provided.
- B. A planned unit development may be established in any zone.

- C. A planned unit development shall have a minimum of two contiguous acres.
- D. A planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs. Where the underlying zone is residential, any residential uses permitted in R-1 through R-4 zones may be permitted when compatible with each other and harmonious with adjacent uses.
- E. Overall residential density shall be as provided for in the applicable use zone or zones. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses allowed in the underlying zone, but including street and private common areas.
- F. Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be modified upon application to and approval by the Planning Commission, consistent with the design objectives of the proposed development.
- G. No building shall exceed a height of 30 feet except:
 - 1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; and/or
 - 2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.
- H. At least 40% of the land area will be dedicated or reserved as usable common outdoor living and open space land in residential, recreational or combination residential-commercial development, exclusive of required streets.
- I. All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
- J. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments.
- K. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the State of Oregon. The association shall be formed and continued for the purpose of maintaining such common areas and structures.
- L. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.

3. **Public Testimony:** At the time this staff report was prepared, no written testimony had been received.

C. STAFF ANALYSIS

1. **YMC Section 9.20.040 R-3 Standards.** The following table identifies the applicable R-3 standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed Tract A	Proposed Residual Parcel
Lot Size	6,000 sq. ft.	3.1 acres (135,036 sq. ft.)	5.25 acres* (229,126 sq. ft.)
Lot Width at front bldg. line	50 ft. for interior lot 55 ft. for corner lot	~150 ft.	~650 ft.
Avg. Lot Depth	80 ft.	825.53 ft.	175 ft. to 600 ft.

*Typo on Page 2 of the application says 5.85 acres rather than 5.25 acres

The above table demonstrates that the two proposed parcels meet the minimum R-3 lot size, lot width and lot depth standards.

2. **YMC Section 9.56.020 General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions**

A. Conformity to the Comprehensive Plan

Applicant's Response: The Yachats City Code allows multifamily residential use on the Property in the R-3 Zone. That use furthers Goal J of the Yachats Comprehensive Plan to meet the housing needs of the City's residents.

B. Access.

Applicant's Response: The Property has access from Highway 101, as shown in Exhibit 2.

C. Relation to Adjoining Street System.

Applicant's Response: The Orders describe the relation of the Property to the adjoining street system and the interior streets proposed for the Fistera PUD. The proposed partition does not alter the approved relation of the Property to the adjoining street system or the internal streets of Fistera.

D. Easements.

Applicant's Response: Easements on Tract A and the Remainder Parcel will include all those shown on the approved Preliminary Plan for Fistera PUD. Also, the recorded CCRs establish easements necessary for access to common area open space.

E. Public Accessways.

Applicant's Response: The proposed partition will not change the provisions for public accessways in the Orders.

F. Lots and Parcels.

Applicant's Response: Lots created from the Remainder Parcel shall be as described and approved in the Orders.

Staff Response: Subsection F(5) of this section says: "Lots and parcels under 25,000 square feet in area must not exceed a depth to width ratio of two and one-half (2.5) to one. Lots and parcels over 25,000 square feet in area must not exceed a depth to width ratio of three and one-half (3.5) to one".

The proposed Tract A exceeds this depth to width ratio. However, Chapter 9.60 (Planned Unit Development) gives the Planning Commission discretion and "greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title". Specifically, Section 9.60.20 says that "Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be modified upon application to and approval by the Planning Commission, consistent with the design objectives of the proposed development". Creation of open space is a fundamental design objective of the Planned Unit Development. Strict adherence to this standard is probably not necessary when the lot is not intended for development.

G. Performance Agreement.

Applicant's Response: If any plat within the Property is to be recorded prior to construction of the required improvements, Applicants will post the required Performance Agreement.

H. Water.

Applicant's Response: Water will be provided by the City subject to all the terms and conditions of the Orders and applicable laws.

I. Sewer.

Applicant's Response: Sewer will be provided by the City subject to all the terms and conditions of the Orders and applicable laws.

3. Conformance with Fistera PUD Preliminary Plan Approval.

Staff Analysis. City staff verifies that the proposed partition application is consistent with the 2007 preliminary approval of the Fistera PUD, as well as all subsequent modifications.

D. CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

1. Within one year after the approval of this preliminary plan becomes effective, a partition plat shall be submitted to the City Planner for approval which is in substantial conformity to the approved proposed partition plat and conditions of approval. Any substantial change to the approved preliminary plan shall require a new application.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards.

2. At the time of receipt and approval of the partition plat, the Applicant shall provide the City with a copy of the deed dedicating Tract A as open space and conveying Tract A to the Fistera Association, an Oregon nonprofit corporation.
3. All future development of the Residual Parcel shall comply with the Fistera PUD Preliminary Approval and any subsequent modifications.

Submitted by,

Katherine Guenther
City Planner

Enclosures: Elk Mountain Properties LLC, Partition Application
High Resolution Copy of 2018 Survey of Partition Plat
Link to [Previous Fistera PUD Land Use Applications](#)

CITY OF YACHATS

P.O. Box 345, Yachats, OR 97498 • (541) 547-3565 • FAX (541) 547-3063

Partition/Subdivision

Partitions \$200.00
Subdivision:
4-9 lots 250.00
10 or more lots 350.00

Date Received: 1/22/24
Fee Received: \$200-
Staff Initials: KLG
(Actual expenses in excess of
fee will be billed.)

☒ Partition ☐ Subdivision 4-9 lots ☐ Subdivision 10 or more lots

Address of Property: _____

Tax Lot No. 14-12-14-12-23-CC

Property Owner: Elk Mountain Properties LLC Phone: _____
Mailing Address: PO Box 108, Yachats, OR 97498
Agent (if any): Layne Morrill Phone: _____
Surveyor: Gary Nyhus Phone: _____
Directions to Property: Highway 101 to Diversity Drive or Sea-Aire Driveway and head uphill
Current Zone: R-3 Lot Area: 6.36 Acres
Flood Zone: No Natural Hazard: Slopes
Name of Subdivision: Fisterra PUD
Water Source: City of Yachats Sewage Disposal: City of Yachats
Other Utilities: Electric: Central Lincoln PUD; Dahl Disposal; Pioneer Telephone

The following information is required at the time of submittal.

An incomplete application will not be accepted.

A map of the property containing the following information:

- Date, north point and scale of the drawing.
- A vicinity sketch showing the location of the partition/subdivision.
- The approximate location and dimensions of all proposed boundary/lot lines.
- Approximate area of the property being partitioned and each proposed parcel. For a subdivision - Gross acreage of the property being subdivided, number of lots within the plat, and size of the smallest lot in the plat.
- Name, location, and width of all existing and proposed roads, right-of-way, and easements.
- Existing and proposed uses of the property.
- Approximate location and use of all existing structures to remain on the site. Indicate those to be removed.
- Any limitations to development; i.e. topography, areas subject to flooding, geologic hazards, drainage channels on property, etc.
- A copy of the request to the County Health Department for site inspection.

For subdivision also include:

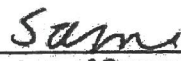
- Names, surfacing, direction of drainage, and approximate grade of all streets within and abutting the subdivision
- Legal access to subdivision, if not abutting a public road (If by easement, a copy of the deed giving easement.)
- Proposed lot and block numbers.
- Width, depth, and direction of flow of all drainage channels on the property.
- Contour lines with a ten (10) foot interval if slope exceeds 10%; five (5) foot intervals if less than 10%. State the source of the contour information.
- All existing and proposed easements crossing the property.
- Pedestrian walkways (if any).
- Areas other than streets to be offered for dedication to the public - example - parks.
- Heavily wooded areas.
- Adjacent land owned by the subdivider.
- The feasibility report.

Note: Some of the above items may not apply to the property being subdivided, however, as much information as possible must be shown. A preliminary plan may be returned until adequate information is given.

I certify that this application and its related documents are accurate to the best of my knowledge.


Signature of Applicant or Agent

Date: January 11, 2024


Signature of Owner
(if different than agent)

Date: January 11, 2024

Notes:

• Within 5 business days following the acceptance of an application by City Staff, copies of the preliminary plan shall be distributed to appropriate agencies and departments for review, comments, and recommendations.

• If approved, the preliminary approval is valid for one year for a partition, two years for a subdivision. During that time all conditions set out by the Planning Commission should be completed.

• Please review the current ordinance to ensure all requirements are met when submitting final plat.

• For a subdivision: At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners will be notified of such proposal and the time and place of the Planning Commission meeting.

**CITY OF YACHATS
PLANNING COMMISSION**

January 11, 2024

PARTITION APPLICATION

ELK MOUNTAIN PROPERTIES, LLC

K. Layne Morrill
P.O. Box 108
Yachats, Oregon 97498-0108

8857 N. 63rd Place
Paradise Valley, Arizona, 85253

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INTRODUCTION

This Partition Application relates to 8.36 acres (364,300 square feet) of real property in the City of Yachats. The Property is Assessor Parcel 03101 in Map 14-12-23-CC (the “Property”). Elk Mountain Properties, LLC, an Oregon limited liability company (the “Applicant”), owns the Property. The Property lies just east and south of Sea-Aire.

This Partition Application aims to divide the Property into Tract A and a Residual Parcel. Tract A will be a common area open space for the Fisterra PUD, and the Residual Parcel will remain for development as allowed in the Fisterra PUD.

BACKGROUND

On June 28, 2018, the Applicant applied for a partition (Case #2-PAR-PC-18). The Planning Commission approved that partition on August 18, 2018 (the “Partition Order”), a copy of which is attached as Exhibit 1.

The Applicant then recorded the approved Partition Plat on December 31, 2018, in Book 2018 of Maps Page 20 (the “Partition Plat”), a copy of which is attached as Exhibit 2. The Partition Plat created the Property as Parcel 1 as well as a Parcel 2 consisting of 12.37 acres (538,979 square feet), which is Assessor Parcel 03100 in Map 14-12-23-CC (“Parcel 2”). The Applicant conveyed Parcel 2 to others, and it is not part of this application.

The Property, Parcel 2, and additional acreage are part of the Fisterra PUD (Case # 1-PD-PC-07). Four Planning Commission decisions described as Findings, Conclusions, and Orders have been entered concerning the Fisterra PUD (the “Orders”).¹ The developed portion of the Fisterra PUD includes (a) the 25-unit Fisterra Gardens Apartments affordable rental housing complex on the north side of Diversity Drive and (b) the 21-unit Fisterra Gardens Townhomes affordable rental housing complex on the south side of Diversity Drive. The Property is undeveloped R-3, multi-family land at the lower elevations of the Fisterra PUD near Highway 101.

The Orders require that the Fisterra PUD have 13.43 acres of common area open space. The Applicant agreed that the common area open space would include the northern portion of the Property known as Fern Gully, containing the Ya ‘Xaic Trail, built and maintained by the City Trails Committee on an easement the Applicant granted to the City.

Regarding common area open space, the Orders note: “The Fisterra property has four principal locations of exceptional natural beauty which are preserved as focal points of the project’s open space/common area. The first main open space area is ‘Fern Gully,’ a draw heading up the hill from the east end of present [Diversity Drive] at the north-central to the northwest portion of the property. It contains a small stream and lush vegetation with a superabundance of sword ferns. The second primary open space area is the middle plateau with

¹ The Findings, Conclusions, and Orders are dated April 25, 2007 (“Order 1”), June 26, 2007 (“Order 2”), March 17, 2010 (“Order 3”), and September 27, 2016 (“Order 4”).

its ancient, giant Sitka spruce tree. This will be the “town square” where residents can gather and play horseshoes, croquet, boules, or bocce ball. The third central open space area is the upper plateau, where another large, old Sitka spruce will tower over a common area for rest and reflection. The fourth special area is along the eastern boundary of the property where the Siuslaw National Forest begins.” Order 1, 15 7-8 (7), 17-18 (O-7). These areas can be seen in the Preliminary Landscape Plan found in Tab 17 of the PUD Application dated February 15, 2007, a copy of which is attached as Exhibit 3.

The large “first main open space,” or Fern Gully, and the northern part of the “fourth special area” adjoining the Siuslaw National Forest are located in the Property. All the other main focal points for common area open space are in Parcel 2, which others own.

In connection with the Fistera final plats approved and recorded for Fistera Gardens Apartments and Fistera Gardens Townhomes the City did not require that any specific property be dedicated as common area open space.

The purpose of this Partition Application is to create from the Property a Tract A, which will be dedicated as common area open space on the proposed Partition Plat and will be conveyed to the Fistera Association for the benefit of the Property and Parcel 2, present residents of Fistera Gardens, and future owners of lots and homes in Fistera. A preliminary map showing Tract A's location and approximate boundaries is attached as Exhibit 4. The final Partition Plat will create a legal description for Tract A and will identify the area of Tract A. The Applicant will then convey Tract A to the Fistera Association, an Oregon nonprofit corporation.

The Applicant had a preliminary conversation with Katherine Guenther, Planning Director, concerning the proposed Partition on January 4, 2024.

THE PROPOSED PARTITION

The Property that will become Tract A common area open space is outlined in the preliminary plan attached as Exhibit 4. The remainder of the Property will be a separate parcel (the “Remainder Parcel”).

A copy of the completed City of Yachats Partition/Subdivision Form is attached as Exhibit 5.

The Property contains 8.36 acres (364,300 square feet)

Tract A will contain about 3.1 acres (135,0360 square feet). The Remainder Parcel will have about 5.85 acres (229,126 square feet).

The Final Partition Plat will state the exact area of Tract A and the Remainder Parcel and provide a legal description for each.

ELEMENTS REQUIRED FOR PARTITION APPLICATION

Section 9.56.020 of the Yachats City Code sets forth the general requirements and minimum standards that must be addressed for approval of a Partition. Each of these is addressed below:

1. Conformity to the Comprehensive Plan and Zoning Ordinance.

The Yachats City Code allows multifamily residential use on the Property in the R-3 Zone. That use furthers Goal J of the Yachats Comprehensive Plan to meet the housing needs of the City's residents.

2. Access.

The Property has access from Highway 101, as shown in Exhibit 2.

3. Relation to Adjoining Street System.

The Orders describe the relation of the Property to the adjoining street system and the interior streets proposed for the Fisterra PUD. The proposed partition does not alter the approved relation of the Property to the adjoining street system or the internal streets of Fisterra.

4. Easements.

Easements on Tract A and the Remainder Parcel will include all those shown on the approved Preliminary Plan for Fisterra PUD. Also, the recorded CCRs establish easements necessary for access to common area open space.

5. Public Accessways.

The proposed partition will not change the provisions for public accessways in the Orders.

6. Lots and Parcels.

Lots created from the Remainder Parcel shall be as described and approved in the Orders.

7. Performance Agreement.

If any plat within the Property is to be recorded before construction of the required improvements, the Applicant will post the required Performance Agreement.

8. Water and Sewer.

Water and Sewer will be provided by the City subject to all the terms and conditions of the Orders and applicable laws.

FINAL PLAT BY SURVEYOR

Shortly following Planning Commission approval of this Partition Application, the Applicant shall submit a final Partition Plat created by an Oregon registered surveyor, satisfying all conditions of approval. After the City Planner's approval, the Applicant will record the approved final Partition Plat.

CITY APPLICATION FORM COMPLETED

The City's completed Partition/Subdivision Application Form is attached as Exhibit 5. Because the Property is already in an approved PUD and underwent a prior Partition, many of the items the form specifies as required have already been provided to the City of the Fistera PUD Application and subsequent Modification Applications in Case # 1-PD-PC-07 and in Case #2-PAR-PC-18, so they are not duplicated here. This Partition Application is being delivered electronically; the \$200 fee is being mailed to the attention of the City Planner today.

CONCLUSION

The Applicant has undertaken the actions and submitted the information necessary to approve this Partition Application. The Applicant, therefore, requests that the Planning Commission approve this Partition Application, creating Tract A as a dedicated common area open space and leaving the Remainder Parcel for development in accordance with the PUD Order.

LIST OF EXHIBITS

Exhibit 1	Partition Order August 18, 2018.
Exhibit 2	Recorded Partition Plat 2018-20.
Exhibit 3	Preliminary Landscape Plan Tab 17 to PUD Application 2/25/07.
Exhibit 4	Preliminary Map Showing Tract A and Remainder Parcel.
Exhibit 5	City of Yachats Partition/Subdivision Form.

EXHIBIT 1
Partition Order 8-28-18



CITY OF YACHATS

PO Box 345 (441 N. Highway 101), Yachats OR 97498

Phone (541) 547-3565

Fax (541) 547-3063

Relay Oregon 800-735-2900 (TDD)

August 28, 2018

Layne Morrill
Elk Mountain Properties, LLC
P.O. Box 108
Yachats, OR 97498

Re: Case File #2-PAR-PC-18, 2-Lot Partition
Tax Map 14-12-23CC, Tax Lots 1101, 1102, 1103, 1300, 1400, 1900, 3100

Dear Mr. Morrill:

On Tuesday, August 21, 2018 the Yachats Planning Commission voted to approve your request for the above referenced two-lot partition subject to the conditions described in the attached Findings and Conclusion.

This decision will become effective on Wednesday, September 12, 2018 at 4:30 p.m. unless an appeal is filed with the City of Yachats. An application for an appeal shall include the specific rationale for the appeal with sufficient clarity to allow the City and respondents an adequate opportunity to respond to or resolve each issue. To appeal the decision of the Planning Commission, it is necessary to submit a fee of \$150.00 along with a written statement explaining the reasons for the appeal. If you have questions regarding this matter, please contact me at 541-547-3565.

Sincerely,

Larry Lewis
City Planner

Enclosure

cc: Russell Styles
Robert Curtis

**BEFORE THE PLANNING COMMISSION
OF
YACHATS, OREGON**

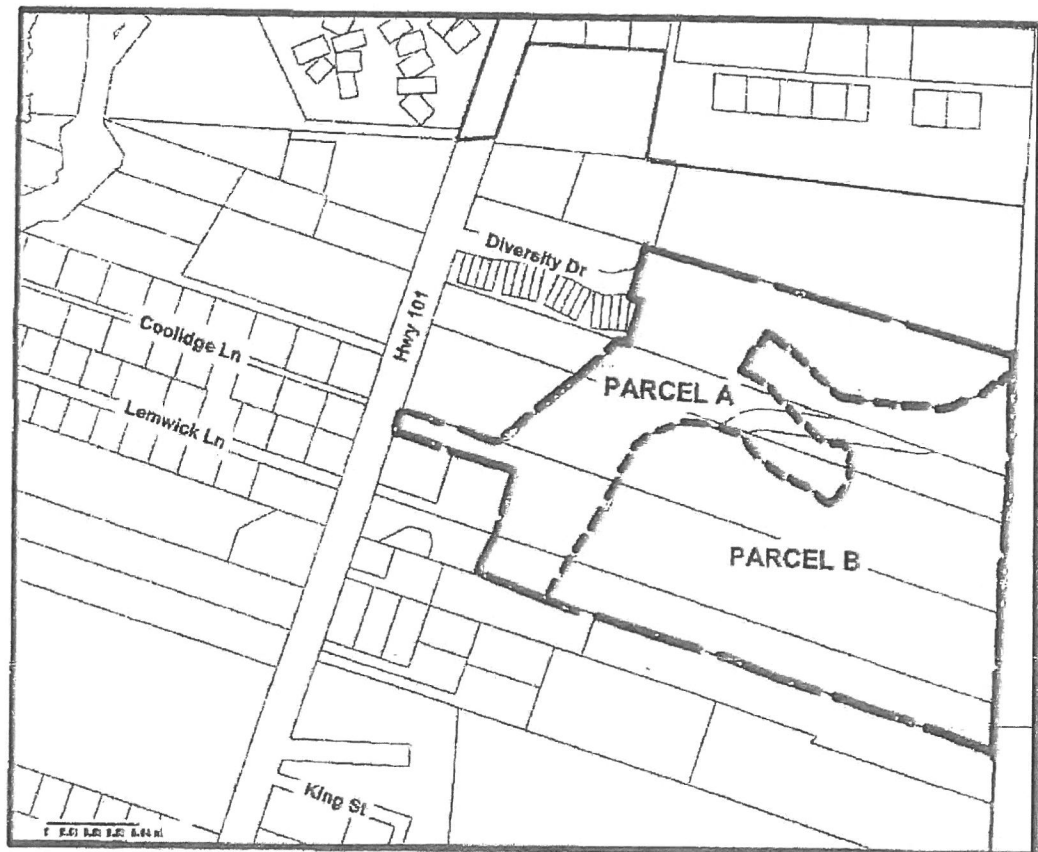
**Request for 2-Lot Partition
Applicant: Elk Mountain Properties, LLC**

Case File #2-PAR-PC-18

FINDINGS AND CONCLUSIONS

Nature of the Application

The applicant proposes to convert seven (7) existing parcels totaling 20.82 acres into two (2) parcels. Proposed Parcel A (northerly lot) totals 8.45 acres and proposed Parcel B (southerly lot) totals 12.37 acres.



Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. The subject site is located in the northeast portion of Yachats. The site is east of Highway 101 and the Sea-Aire Assisted Living Facility, west of the Siuslaw National Forest, and north

Findings and Conclusion

of the Yachats Memorial Cemetery, and further identified on Lincoln County Assessors Map #14-12-23CC as tax lots 3100, 1101, 1102, 1103, 1300, 1400, and 1900.

- B. The existing lot totals 20.82 acres.
- C. The subject property is zoned R-3 Residential with a comprehensive plan map designation of residential.
- D. The subject property is undeveloped (no structures).
- E. The Fistera Garden Apartments, and Fistera Townhomes (under construction) are located northwest of the subject property. The Sea-Aire Assisted Living Facility and some single family dwellings are located west of the property on the east side of Hwy. 101. The Siuslaw National Forest is located west of the site and undeveloped residential zoned land is located south of the site.
- F. Existing utilities available to the property include City of Yachats water and sewer; and Central Lincoln PUD electricity.
- G. The subject property consists of some steep slopes.
- H. The applicant submitted the application form and fee, and the following material:
 - Narrative including Background, Introduction, The Partitioned Parcels, Fistera PUD, Elements Required for Partition, Surveyor/Civil Engineer, and Conclusion
 - Partial Reconveyance
 - Alta Survey with Legal Description
 - Assessor Parcel Map
 - Proposed Partition Map
 - Access and Utility Easement Map
 - Table with Area Calculations and Approved Dwelling Unit Densities
 - Final Order for Fistera Planned Unit Development
- I. A public meeting was held before the Yachats Planning Commission on August 21, 2018 at 3:00 p.m. in order to consider the applicant's request. Due notice of the meeting was given and all interested parties were given an opportunity to present testimony.
- J. No written testimony was submitted. The applicant presented testimony and answered questions at the August 21, 2018 meeting. Two people provided oral testimony addressing concerns and questions about access, traffic, and building height.

Relevant Criteria

Relevant Yachats Zoning & Land Use Code criteria are identified by title below. Complete descriptions of the relevant criteria are included in the staff report and are herein incorporated into the record.

Yachats Municipal Code

Section 9.20.040 R-3 Residential Zone Standards

Section 9.56.020 General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions

Section 9.56.040 Partition Procedure for Dividing Land.

Chapter 9.56.64 Street Construction and Design, Section 9.64.020 Private Streets

Findings

The following is a summary of the Planning Commission findings:

1. **R-3 Standards.** The following table identifies the applicable R-3 standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed Parcel 1	Proposed Parcel 2
Lot Size	6,000 sq. ft.	8.45 acres (368,082 sq. ft.)	12.37 acres (538,837.2 sq. ft.)
Lot Width at front bldg. line	50 ft. for interior lot 55 ft. for corner lot	~725 ft.	~500 ft.
Avg. Lot Depth	80 ft.	~500 ft.	~1,000 ft.

The above table demonstrates the two proposed parcels meet the minimum R-3 lot size, lot width and lot depth standards.

2. **Partitions. General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions**

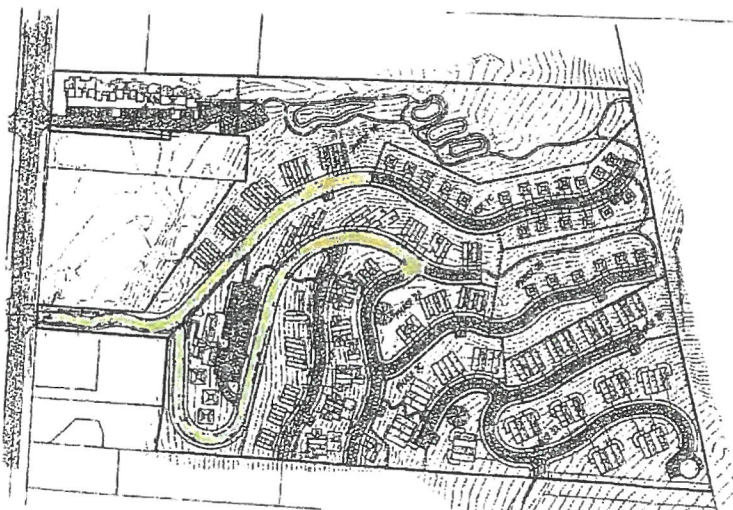
- a. **Conforms with the Comprehensive Plan and Zoning Ordinance.**

Planning Commission Findings: The City of Yachats Comprehensive Plan allows multifamily residential use on the Property and Property is currently zoned R-3. The Final Order granted modifications to certain of the R-3 requirements.

- b. **Access.**

Planning Commission Findings: Parcel A and the lower elevations of Parcel B have access from Highway 101 as shown on Exhibit B. The upper elevations of Parcel B have access from Elk Mountain Road over the Creekside subdivision, the Cemetery Property, and other properties between the Cemetery Property and the upper elevations of Parcel B, as shown on Exhibit B.

The access is consistent with the preliminary approval of the Planned Unit Development (PUD). A condition of approval shall require the lower portion of Parcel B to have legal access from Highway 101 through Parcel A as shown on the submitted plan. Item 'e. Easements' below provides the Applicant's proposal to grant an easement for access and utilities to Parcel B.



c. Relation to Adjoining Street System.

Planning Commission Findings: The Final Order describes the relation of the Property to the adjoining street system and describes the interior streets proposed for the Property. In particular, Fistera PUD is required to include an alignment for Elk Mountain Road coming from the South which is designated as Diversity Drive on the approved Tentative Plan for Fistera but was changed to Elk Mountain Road as acknowledged in the Final Order.

d. Easements.

Planning Commission Findings: Easements on Parcel A and Parcel B will include all those shown on the approved Tentative Plan for Fistera. In addition, as a condition of the Partition, Elk Mountain Properties will grant an easement for access and utilities over Parcel A to Larry Claussen and his principals for access to Phases 1C, 1E, 2A, and 2B.

e. Public Access Ways.

Planning Commission Findings: There will be no changes to the provisions made in the Final Order for public accessways.

f. Lots and Parcels.

Planning Commission Findings: Lots and Parcels on Parcel A and Parcel shall be as described and approved in the Final Order.

g. Performance Agreement.

Planning Commission Findings: If any plat within the Property is to be recorded prior to construction of the required improvements, Applicants will post the required Performance Agreement.

h. Water and Sewer.

Planning Commission Findings: Water and Sewer will be provided by the City subject to all the terms and conditions of the Final Order.

3. Conformance with Fistera PUD Preliminary Plan Approval.

Planning Commission Findings: The proposed partition application is consistent with the 2016 preliminary approval of the Fistera PUD. This includes but is not limited to density. Of the remaining approved density of the Property, 50 dwelling units are allocable to Parcel A and 82 dwelling units are allocable to Parcel B.

Conclusions

Based on the above facts and findings, the Yachats Planning Commission finds:

- A. The site under consideration is suitable for the proposed two-lot partition considering the conceptual design and location.
- B. The proposed use and site plan for the two-lot partition are compatible with existing and projected uses on surrounding lands.
- C. The two-lot partition use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, and does not constitute an unusual fire, explosion or other physical hazard.

- D. This application and conceptual plan for a two-lot partition satisfy the provisions of the plan and is approved with conditions by the Planning Commission unless a substantial change to the proposed plan occurs.

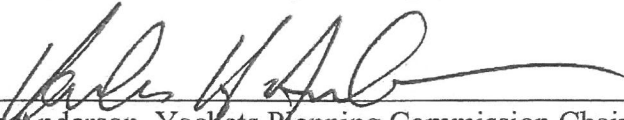
Order

This ORDER was presented to and approved by the Yachats Planning Commission on August 21, 2018. Said approval is subject to the following conditions:

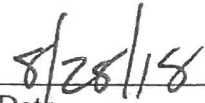
1. Within one year after the approval of this preliminary plan becomes effective, a partition plat shall be submitted to the City Planner for approval which is in substantial conformity to the approved proposed partition plat and conditions of approval. Any substantial change to the approved preliminary plan shall require a new application.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards.

2. Parcel B shall have access and utility easements from Highway 101 through Parcel A as shown on the submitted partition plan. The easements shall be shown on the partition plat.



Helen Anderson, Yachats Planning Commission Chair



Date

EXHIBIT 2
Recorded Partition Plat 2018-20

SHEET 1 OF 5

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SHEET 1 PLAT MAP
SHEET 2 DETAIL PUBLIC ROAD
SHEET 3 MONUMENT DESCRIPTIONS, EASEMENTS
SHEET 4 NARRATIVE, CERTIFICATE, DECLARATION
ACKNOWLEDGEMENT AND SIGNATURES
SHEET 5 RECORD EASEMENTS

PARTITION PLAT PREPARED FOR ELK MOUNTAIN PROPERTIES LLC.

A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-16
AND THE REMAINDER OF TRACT B, "HISTERRA PUD PHASE 1"

LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHTS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

MEASURED	RECORD	MEASURED	RECORD
LINE BEARING DISTANCE	LINE BEARING DISTANCE	LINE BEARING DISTANCE	LINE BEARING DISTANCE
L1 N47°47'03"E 64.36'	L1 N46°38'35"E 64.45' C.S. 18.698	L12 N13°10'45"E 55.20' BK 18 PG 25	
L2 N46°29'47"E 52.04'	L2 N46°38'35"E 52.04' C.S. 18.698		
L3 S74°44'22"E 21.06'	L3 S74°12'56"E 20.73' C.S. 18.698		
L4 N15°38'55"E 22.38'	L4 N15°38'55"E 22.38' BK 19 PG 20		
L5 N15°31'17"E 27.05'	L5 N15°36'53"E 27.00' BK 19 PG 20		
L6 N15°35'19"E 23.89'	L6 N15°36'53"E 24.00' BK 19 PG 20		
L7 N15°53'23"E 26.69'	L7 N15°36'53"E 26.75' BK 19 PG 20		
L8 N74°17'34"W 25.98'	L8 N74°10'11"W 25.96' BK 19 PG 20		
L9 N13°22'18"E 5.15'	L9 N13°16'28"E 5.05' BK 19 PG 20		
L10 N13°11'01"E 40.06'	L10 N13°10'49"E 40.00' BK 18 PG 25		
L11 N13°14'39"E 25.22'	L11 N13°10'49"E 25.26' BK 18 PG 25		
L12 N13°01'38"E 55.31'	L12 N13°10'45"E 55.20' BK 18 PG 25		
L13 S80°22'19"E 50.42'			
L14 S63°52'15"E 34.44'			
L15 N20°40'04"E 82.84'			
L16 N00°27'25"W 42.37'			
L17 S74°15'12"E 5.17'			
L18 S80°22'19"E 50.32'			
L19 S09°47'41"W 40.00'			

CURVE TABLE

CURVE	DELTA	R	L	T	LONG CHORD
C1	167°43'33"	50.00'	146.37'		S70°33'49"E 99.43'
C2	167°43'33"	90.00'	263.46'		S70°33'49"E 178.92'
C3	117°16'00"	180.00'	368.40'	295.27'	N84°12'24"E 307.39'
C4	117°16'00"	220.00'	450.27'	360.89'	N84°12'24"E 375.70'
C5	43°12'43"	170.00'	128.21'	67.33'	S58°45'58"E 125.20'
C6	43°12'43"	130.00'	98.05'	51.45'	S58°45'58"E 95.74'
C7	48°44'19"	120.00'	104.07'	55.56'	N73°07'07"W 100.84'
C8	26°05'13"	180.00'	81.95'	41.76'	N61°19'04"W 81.25'

0 100 200 300
SCALE IN FEET

NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECKED BY: EGN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 100'
PROJECT: 18193

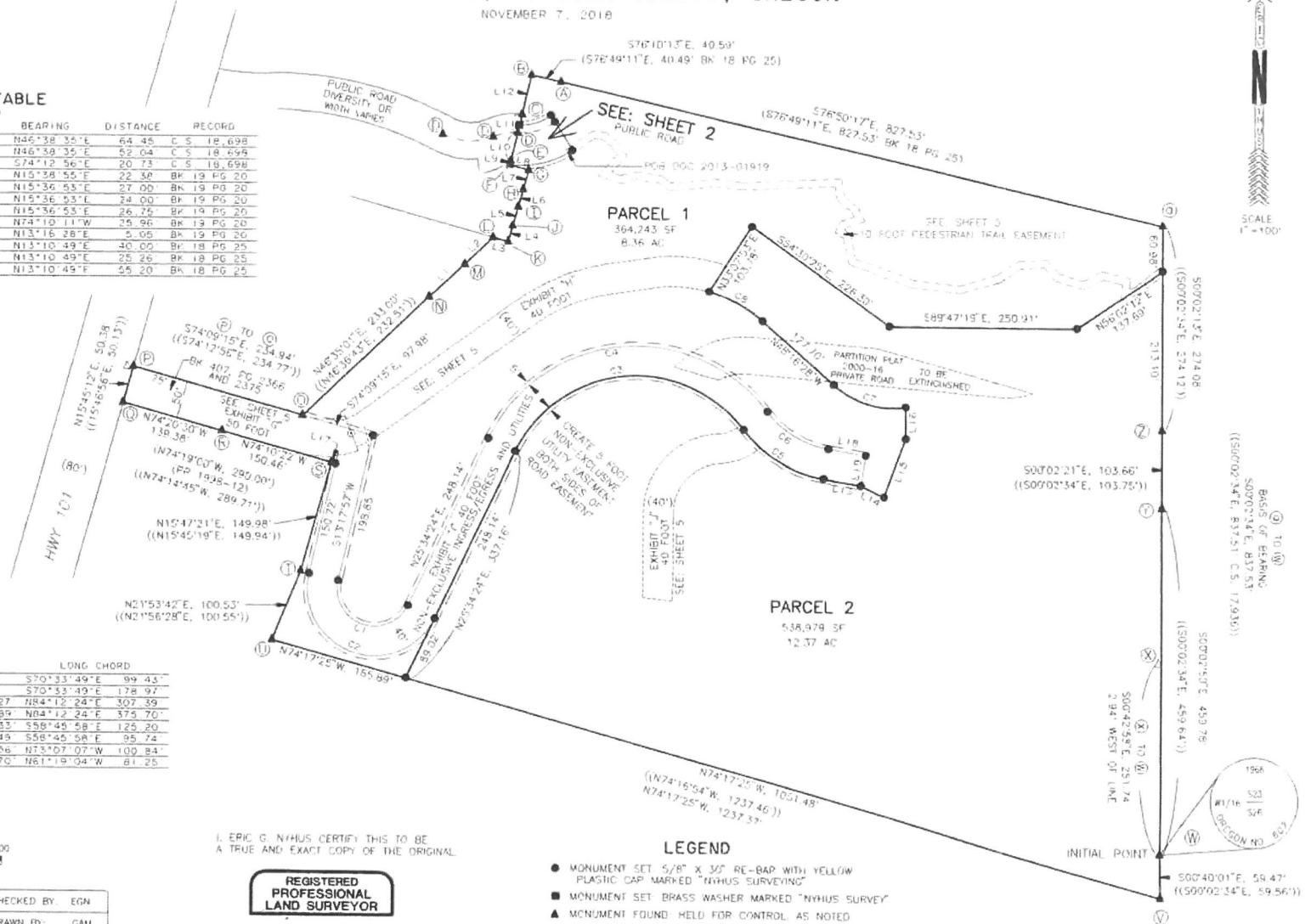
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
8891PLS

RENEWAL DATE:
DEC. 31, 2020

LEGEND

- MONUMENT SET 5/8" X 3/2" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- CALCULATED POSITION ONLY
- () RECORD INFORMATION, AS NOTED
- (()) RECORD INFORMATION, C.S. 17.936
- [] PLAT RECORD INFORMATION, AS NOTED
- RECORD: DEED OR PLAT, ACCESS AND UTILITIES



TO (10)
BASIS OF BEARING
S00°02'34"E, 817.53'
(S00°02'34"E, 817.51' C.S. 17.936)

S00°02'34"E, 450.78'
(S00°02'34"E, 459.64')

S00°42'58"E, 251.74'
2.94' WEST OF LINE

S00°40'01"E, 59.47'
(S00°02'34"E, 59.56')

SHEET 2 OF 5

INDEX

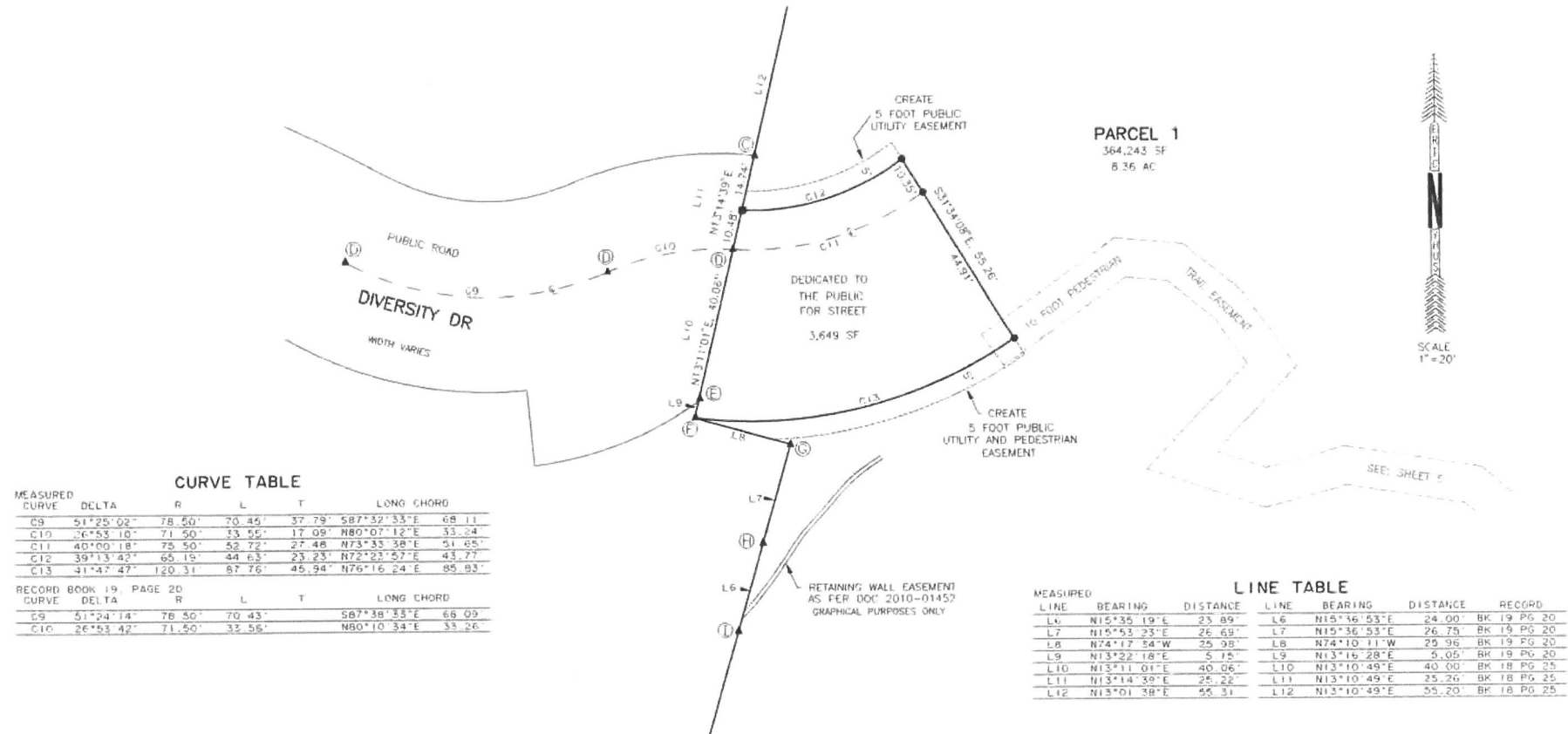
SHEET 1 PLAT MAP
 SHEET 2 DETAIL PUBLIC ROAD
 SHEET 3 MONUMENT DESCRIPTIONS, EASEMENTS
 SHEET 4 NARRATIVE, CERTIFICATE, DECLARATION
 ACKNOWLEDGEMENT AND SIGNATURES
 SHEET 5 RECORD EASEMENTS

PARTITION PLAT PREPARED FOR ELK MOUNTAIN PROPERTIES LLC.

A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-46
 AND THE REMAINDER OF TRACT B, "FISTERRA PUD PHASE 1"

LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
 NW 1/4 OF SECTION 26, T14S, R12W, W.M.
 CITY OF YACHTS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018



I, ERIC G. NYHUS CERTIFY THIS TO BE
 A TRUE AND EXACT COPY OF THE ORIGINAL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

2

OREGON
 SEPTEMBER 11, 2018
 ERIC G. NYHUS
 8891PLS

RENEWAL DATE:
 DEC. 31, 2020

LEGEND

- MONUMENT SET: 5/8" X 3/4" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET: BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- ⊙ CALCULATED POSITION ONLY
- () RECORD INFORMATION, AS NOTED
- (()) RECORD INFORMATION: C.S. 17.936
- [] PLAT RECORD INFORMATION, AS NOTED
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NYHUS SURVEYING INC.
 GARY NYHUS / STEVEN NYHUS / ERIC NYHUS

PROFESSIONAL LAND SURVEYORS
 P.O. BOX 206
 740 E. THISSELL RD. TIDEWATER, ORE 97390
 (541) 528-3234

DRAWN BY: GJ MAPPING -GREG MURPHY- (541) 528-7082 / 822

CHECKED BY: EGN

DRAWN BY: GAM

DATE: 11-7-2018

SCALE: 1" = 20'

PROJECT: 18193

SHEET 3 OF 5

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SHEET 2 DETAIL PUBLIC ROAD
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NW 1/4 OF SECTION 26, T14S, R12W, W.M.

CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

RECORD EASEMENTS

DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 91, PAGE 448 RECORDED AUGUST 7, 1941
SHEET 5
DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 105, PAGE 486 RECORDED AUGUST 4, 1945
SHEET 5
DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 115, PAGE 60 RECORDED NOVEMBER 25, 1946
SHEET 5
BOOK 126, PAGE 501 RECORDED JUNE 23, 1948
FOR ROAD AND UTILITY
(NOT LOCATED WITHIN PLAT)
DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 164, PAGE 188 RECORDED JUNE 2, 1954
SHEET 5
BOOK 112, PAGE 1497 RECORDED MAY 7, 1980
FAVOR OF CITY OF YACHATS
FOR SEWER LINES
(NOT LOCATED WITHIN PLAT)
BOOK 277, PAGE 631 RECORDED FEBRUARY 25, 1994
RECIPROCAL EASEMENT AGREEMENT
(NOT LOCATED WITHIN PLAT)
BOOK 281, PAGE 1683 RECORDED MAY 16, 1994
(NOT LOCATED WITHIN PLAT)
BOOK 407, PAGE 2366 AND 2375 RECORDED SEPTEMBER 14, 2000
NON-EXCLUSIVE EASEMENT INGRESS, EGRESS AND UTILITIES AS SHOWN
ON THE ACCOMPANYING PLAT AND NOTED IN DOCUMENT 2009-04002
A PRIVATE ROAD EASEMENT AS SHOWN ON PARTITION PLAT 2000-16
TO BE EXTINGUISHED BY THIS PLAT
DOCUMENT 2009-04002 RECORDED APRIL 6, 2009
ENCROACHMENT FOR INGRESS AND EGRESS
SEE: SUBDIVISION PLAT BOOK 19, PAGE 20 FOR
REFERENCE ON ENCROACHMENTS
DOCUMENT 2010-01452 RECORDED FEBRUARY 5, 2010
ENCROACHMENT EASEMENT
SEE: SUBDIVISION PLAT BOOK 19, PAGE 20 FOR
REFERENCE ON ENCROACHMENTS
DOCUMENT 2013-01516 RECORDED MARCH 1, 2013
10 FOOT WIDE PEDESTRIAN TRAIL EASEMENT, AS SHOWN
ON THE ACCOMPANYING PLAT SHEET 5
DOCUMENT 2015-10064 RECORDED AUGUST 25, 2015
NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITIES
EXHIBITS "C", "H", "I" AND "J" AS SHOWN ON
ACCOMPANYING PLAT SHEET 5

CREATED EASEMENTS

A PUBLIC STREET AND EASEMENT AS SHOWN ON THE ACCOMPANYING
PLAT AFFECTS PARCEL 1.
NON-EXCLUSIVE ROAD EASEMENT FOR INGRESS, EGRESS AND UTILITIES
BENEFITTING PARCELS 1 AND 2 AS SHOWN ON PLAT
NON-EXCLUSIVE 5 FOOT UTILITY EASEMENT ON BOTH SIDES OF ROAD
FOR INGRESS, EGRESS AND UTILITIES AS SHOWN ON
THE ACCOMPANYING PLAT

MONUMENT DESCRIPTIONS

- (A) FOUND: 1/2" IRON ROD, FLUSH (C.S. 3,324)
(B) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", 0.1' ABOVE GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1")
(C) FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN SIDEWALK ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
(D) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
(E) FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN CURB ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
(F) FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN CURB ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
(G) FOUND: 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP MARKED, 1.1' BELOW GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
(H) FOUND: BENT 5/8" IRON ROD, 0.2' ABOVE GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
(I) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "SEADERS LS 1014", 0.6' BELOW GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
(J) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "SEADERS LS 1014", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
(K) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
(L) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH (C.S. 18,698)
(M) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH (C.S. 18,698)
(N) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "NYHUS LS 2515", FLUSH (C.S. 16,218)
(O) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "NYHUS LS 2515", 0.3' ABOVE GRADE (C.S. 16,218)
(P) FOUND: 5/8" IRON ROD, 0.1' ABOVE GRADE (C.S. 15,005)
FROM WHICH: A 1" IRON PIPE, 0.4' ABOVE GRADE (C.S. 1,078) BEARS S 84°04' W, 0.70 FEET
(Q) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
(R) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (PP 1998-12)
(S) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
(T) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
(U) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 1329", FLUSH (PP 1999-5)
(V) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 2688", 0.1' BELOW GRADE (C.S. 17,936)
(W) FOUND: 2 1/2" IRON PIPE WITH A 2 1/2" BRASS CAP, MARKED AS SHOWN, 0.8' ABOVE GRADE (C.S. 3,137)
(X) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.2' ABOVE GRADE (C.S. 15,005)
(Y) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 1329", 0.3' ABOVE GRADE (PP 2000-16)
(Z) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.2' ABOVE GRADE (C.S. 14,824)
(a) FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.4' ABOVE GRADE (PP 1994-33)

NYHUS SURVEYING INC. GARY NYHUS / STEVEN NYHUS / ERIC NYHUS PROFESSIONAL LAND SURVEYORS P.O. BOX 205 740 E. THISSELL RD. TIDEWATER, ORE 97390 (541) 528-3234		CHECKED BY: EGN DRAWN BY: GAM DATE: 11-7-2018 SCALE: 1" = 100' PROJECT: 18193
DRAWN BY: GAM MAPPING - GREG MURRY - (541) 528-7062 / 827		REGISTERED PROFESSIONAL LAND SURVEYOR OREGON SEPTEMBER 11, 2018 ERIC G. NYHUS 88911PLS RENEWAL DATE: DEC 31, 2020

I, ERIC G. NYHUS CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL

SHEET 4 OF 5

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SHEET 4 NARRATIVE, CERTIFICATE, DECLARATION
ACKNOWLEDGEMENT AND SIGNATURES
SHEET 5 RECORD EASEMENTS

PARTITION PLAT PREPARED FOR ELK MOUNTAIN PROPERTIES LLC.

A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-15
AND THE REMAINDER OF TRACT B, "FISTERRA PUD PHASE 1"
LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE TRACTS DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2000-16259 INTO TWO PARCELS OF UNEQUAL SIZE AS PER YACHATS CITY PLANNING CASE FILE NUMBER 2-PAR-PC-18 AND TO MONUMENT EASEMENTS FOR INGRESS, EGRESS AND UTILITIES BENEFITTING PARCELS 1 AND 2 AND CREATE A 5 FOOT UTILITY EASEMENT AS SHOWN ON THE ACCOMPANYING PLAT. THE MONUMENTED INGRESS, EGRESS AND UTILITY EASEMENT WAS BASED ON EXHIBITS "G" AND "H", DEED DOC 2015-10064, BUT MODIFIED TO FIT EXISTING CONDITIONS OF THE PROPERTY. THE BOUNDARY OF THIS TRACT WAS DETERMINED BASED ON MONUMENTATION AS NOTED ON THE ACCOMPANYING PLAT AND MONUMENT DESCRIPTIONS. BEARINGS AS SHOWN ARE BASED ON THE C.S. 17,936 RECORD BETWEEN MONUMENTS (Q) AND (W) AS SHOWN. THIS SURVEY ALSO CREATES A PUBLIC STREET AND EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT. THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).

SURVEYOR'S CERTIFICATE

I, ERIC G. NYHUS, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED, AND MARKED WITH APPROPRIATE MONUMENTS, THE LAND REPRESENTED ON THIS PARTITION PLAT, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:
BEGINNING AT THE INITIAL POINT, WHICH IS A 2 1/2 INCH BRASS CAP SET AT THE WEST 1/16 CORNER TO SECTIONS 23 AND 26, TOWNSHIP 14 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF YACHATS, LINCOLN COUNTY, OREGON;
THENCE SOUTH 00° 40' 01" EAST, 59.47 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, LINCOLN COUNTY PARTITION PLAT 1995-5; THENCE NORTH 74° 17' 25" WEST, 1237.37 FEET TO THE SOUTHEAST CORNER OF PARCEL 1, PLAT 1995-5; THENCE NORTH 21° 53' 42" EAST, 100.53 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, LINCOLN COUNTY PARTITION PLAT 1998-12; THENCE NORTH 15° 47' 21" EAST, 149.98 FEET TO THE NORTHEAST CORNER OF PARCEL 2, PLAT 1998-12; THENCE NORTH 74° 10' 22" WEST, 150.46 FEET TO THE NORTHEAST CORNER OF PARCEL 1, PLAT 1998-12; THENCE NORTH 74° 20' 30" WEST, 139.38 FEET TO THE NORTHWEST CORNER OF PARCEL 1, PLAT 1998-12; THENCE NORTH 15° 45' 12" EAST, 50.38 FEET; THENCE SOUTH 74° 09' 15" EAST, 234.94 FEET; THENCE NORTH 48° 35' 01" EAST, 233.00 FEET; THENCE NORTH 47° 47' 03" EAST, 64.46 FEET; THENCE NORTH 46° 29' 47" EAST, 52.04 FEET TO A 5/8 INCH IRON ROD ON THE SOUTHERLY BOUNDARY OF TRACT C, "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" (BOOK 19, PAGE 20); THENCE SOUTH 74° 44' 22" EAST, 21.06 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C, "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" (BOOK 19, PAGE 20); THENCE NORTH 15° 38' 55" EAST, 22.38 FEET; THENCE NORTH 15° 31' 17" EAST, 27.05 FEET; THENCE NORTH 15° 35' 19" EAST, 23.89 FEET; THENCE NORTH 15° 53' 23" EAST, 26.69 FEET; THENCE NORTH 74° 17' 34" WEST, 25.98 FEET; THENCE NORTH 13° 22' 18" EAST, 5.15 FEET; THENCE NORTH 13° 11' 01" EAST, 40.06 FEET; THENCE NORTH 13° 14' 39" EAST, 25.22 FEET; THENCE NORTH 13° 01' 38" EAST, 55.31 FEET TO THE NORTHEAST CORNER OF LOT 1, "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1"; THENCE SOUTH 76° 10' 13" EAST, 40.59 FEET; THENCE SOUTH 76° 50' 17" EAST, 827.53 FEET; THENCE SOUTH 00° 02' 13" EAST, 274.08 FEET; THENCE SOUTH 00° 02' 21" EAST, 103.66 FEET THENCE SOUTH 00° 02' 50" EAST, 459.78 FEET TO THE INITIAL POINT.

I, ERIC G. NYHUS CERTIFY THIS TO BE A
TRUE AND EXACT COPY OF THE ORIGINAL.

NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECKED BY: EGN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 100'
PROJECT: 18193

DRAWN BY: GM MAPPING - GREG MURPHY - (541) 528-7092 / 822

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
88911PLS

RENEWAL DATE:
DEC. 31, 2020

APPROVALS

Eric G. Nyhus 12-3-18
CITY OF YACHATS PLANNING DATE

Eric D. Nyhus 12-24-18
LINCOLN COUNTY SURVEYOR/DEPUTY DATE

Layne Welch by K 12-31-18
LINCOLN COUNTY TAX COLLECTOR DATE

Joe Dondan 12/31/18
LINCOLN COUNTY ASSESSOR DATE

Excused 12-31-18
LINCOLN COUNTY COMMISSIONER DATE

Chairs Hall 12/31/18
LINCOLN COUNTY COMMISSIONER DATE

Lyn N. Spivey 12/31/18
LINCOLN COUNTY COMMISSIONER DATE

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

I HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD
ON THIS 31st DAY OF December 2018 AT 9:49 O'CLOCK A.M.,
AND RECORDED AS PARTITION PLAT NUMBER 2018-20, 20A-D
LINCOLN COUNTY RECORDS

[Signature] 12/31/2018
COUNTY CLERK / DEPUTY

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENT THAT ELK MOUNTAIN PROPERTIES LLC, IS THE OWNER OF THE LAND REPRESENTED ON THIS PARTITION PLAT AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS AND CREATE PRIVATE NON-EXCLUSIVE EASEMENTS AND PUBLIC STREET AS SHOWN ON THE ACCOMPANYING PLAT.

K. Layne Morrill
K. LAYNE MORRILL, AS MANAGER OF CHESTNUT MANAGEMENT LLC,
AS MANAGER OF ELK MOUNTAIN PROPERTIES LLC.

ACKNOWLEDGEMENT

STATE OF OREGON
S.S.
COUNTY OF LINCOLN

ON THIS 30th DAY OF Nov. IN THE YEAR 2018

BEFORE ME Anji M. Mitchell

THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED K. LAYNE MORRILL AS MANAGER OF CHESTNUT MANAGEMENT LLC, AS MANAGER OF ELK MOUNTAIN PROPERTIES LLC, PERSONALLY KNOW TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED IT ON THE BEHALF OF ELK MOUNTAIN PROPERTIES, LLC.

[Signature] 959438
NOTARY SIGNATURE NOTARY NUMBER

Anji M. Mitchell 3-1-21
NOTARY PUBLIC - OREGON MY COMMISSION EXPIRES:



SHEET 5 OF 5

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ACKNOWLEDGEMENT AND SIGNATURES
SHEET 5 RECORD EASEMENTS

LINE TABLE
FOR SHEET 5 ONLY

CENTERLINE OF 50' WIDE ROAD EASEMENT "EXHIBIT G"

NUM	BEARING	DISTANCE
L1	N15°45'12"E	25.00'
L2	S74°18'45"E	244.19'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT H"

NUM	BEARING	DISTANCE
L3	N54°23'42"E	260.93'
L4	N81°14'25"E	59.25'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT I"

NUM	BEARING	DISTANCE
L5	S13°17'27"W	159.01'
L6	S25°34'24"W	248.14'
L7	S80°22'10"E	50.42'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT J"

NUM	BEARING	DISTANCE
L8	S54°40'45"W	25.00'
L9	S02°00'05"W	105.02'

CURVE TABLE
FOR SHEET 5 ONLY

NUM	DELTA	ARC	RADIUS	BEARING	LONG CHORD BEARING DISTANCE
C1	N4°12'32"	63.20	100.00	N87°59'05"E	62.15'

NUM	DELTA	ARC	RADIUS	BEARING	LONG CHORD BEARING DISTANCE
C2	150°9'11"	20.45	100.00	N61°58'17"E	26.37'
C3	75°50'46"	117.13	250.00	N67°49'03"E	116.07'
C4	26°11'49"	91.44	200.00	S85°39'43"E	90.65'

NUM	DELTA	ARC	RADIUS	BEARING	LONG CHORD BEARING DISTANCE
C5	30°31'55"	37.43	70.00	S2°00'59"E	36.68'
C6	16°14'33"	204.92	70.00	S70°33'49"E	134.20'
C7	11°16'03"	409.34	200.00	N84°12'24"E	341.54'
C8	5°09'44"	13.57	150.00	S39°44'26"E	13.51'
C9	38°03'08"	99.62	150.00	S61°20'47"E	97.80'

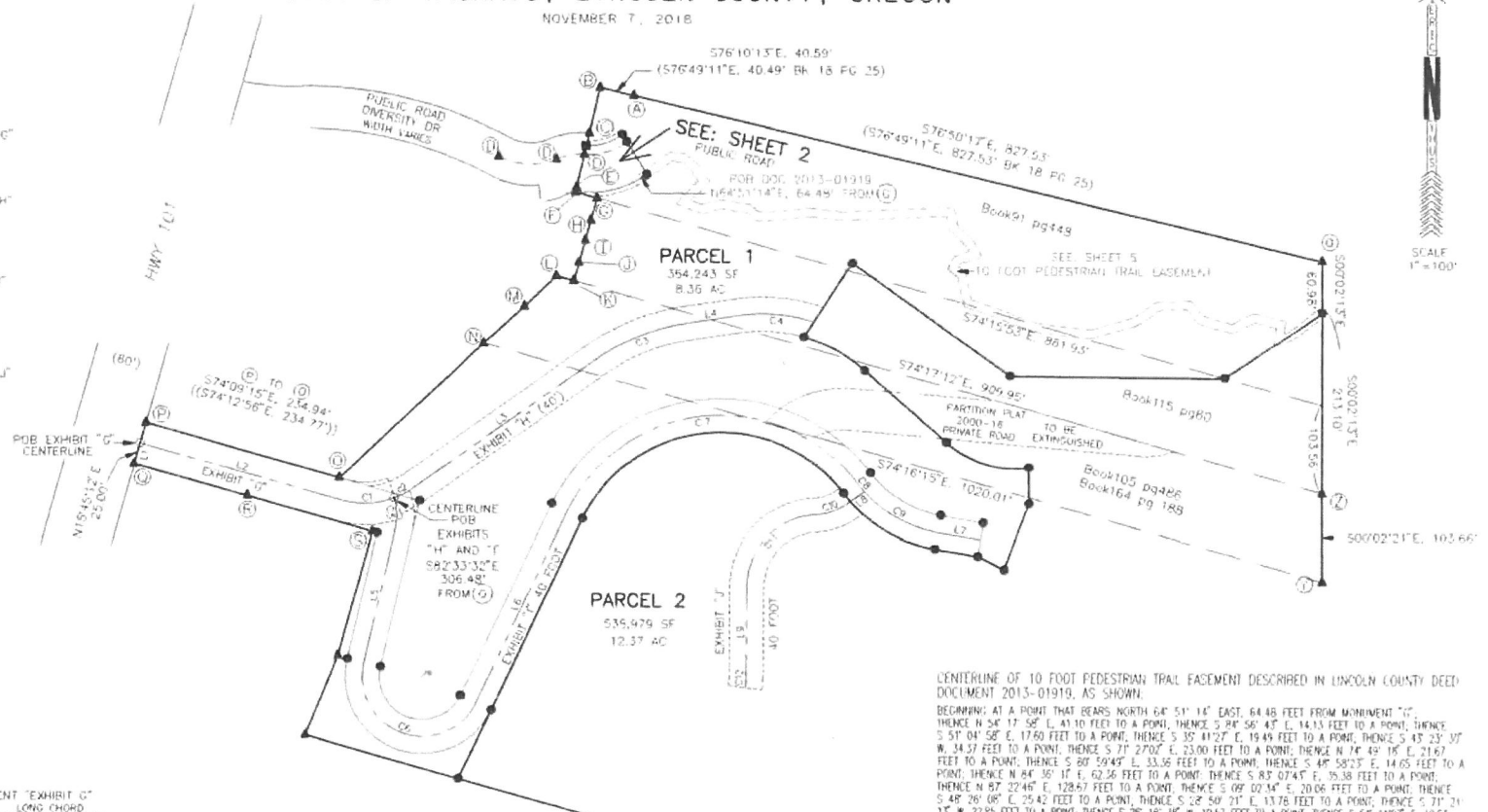
NUM	DELTA	ARC	RADIUS	BEARING	LONG CHORD BEARING DISTANCE
C10	32°28'40"	39.69	70.00	S70°54'37"W	39.15'
C11	86°46'51"	126.80	85.00	S43°44'37"W	116.62'
C12	7°01'23"	12.26	100.00	S3°50'45"W	12.25'

PARTITION PLAT PREPARED FOR
ELK MOUNTAIN PROPERTIES LLC.

A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-16
AND THE REMAINDER OF TRACT B, "FISTERPA PUD PHASE 1"

LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018



CENTERLINE OF 10 FOOT PEDESTRIAN TRAIL EASEMENT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2013-01919, AS SHOWN.

BEARING: AT A POINT THAT BEARS NORTH 64° 51' 14" EAST, 64.48 FEET FROM MONUMENT "C", THENCE N 54° 17' 56" E, 41.10 FEET TO A POINT, THENCE S 84° 56' 43" E, 14.13 FEET TO A POINT, THENCE S 51° 04' 58" E, 17.60 FEET TO A POINT, THENCE S 35° 41' 27" E, 19.49 FEET TO A POINT, THENCE S 43° 23' 30" W, 34.37 FEET TO A POINT, THENCE S 71° 27' 02" E, 23.00 FEET TO A POINT, THENCE N 74° 49' 16" E, 21.67 FEET TO A POINT, THENCE S 80° 59' 49" E, 33.36 FEET TO A POINT, THENCE S 46° 58' 25" E, 14.65 FEET TO A POINT, THENCE N 84° 36' 11" E, 62.26 FEET TO A POINT, THENCE S 83° 07' 45" E, 35.38 FEET TO A POINT, THENCE N 87° 22' 46" E, 128.67 FEET TO A POINT, THENCE S 09° 02' 14" E, 20.06 FEET TO A POINT, THENCE S 48° 16' 06" E, 25.42 FEET TO A POINT, THENCE S 28° 50' 21" E, 13.76 FEET TO A POINT, THENCE S 71° 21' 11" W, 22.85 FEET TO A POINT, THENCE S 25° 18' 38" W, 10.52 FEET TO A POINT, THENCE S 51° 11' 07" E, 12.53 FEET TO A POINT, THENCE S 12° 15' 39" E, 33.46 FEET TO A POINT, THENCE S 20° 42' 35" E, 86.56 FEET TO A POINT, THENCE S 87° 28' 12" E, 62.40 FEET TO A POINT, THENCE N 74° 06' 14" E, 55.58 FEET TO A POINT, THENCE N 56° 56' 56" E, 32.82 FEET TO A POINT, THENCE N 87° 33' 02" E, 34.45 FEET TO A POINT, THENCE S 40° 07' 12" E, 22.45 FEET TO A POINT, THENCE S 74° 36' 26" E, 37.78 FEET TO A POINT, THENCE S 63° 32' 39" E, 28.44 FEET TO A POINT, THENCE S 76° 41' 19" E, 32.74 FEET TO A POINT, THENCE S 07° 13' 55" W, 17.75 FEET TO A POINT, THENCE N 71° 17' 53" E, 15.95 FEET TO A POINT, THENCE N 52° 04' 56" E, 44.77 FEET TO THE POINT OF TERMINUS OF THE EASEMENT.

I, ERIC G. NYHUS CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL

LEGEND

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET: BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- CALCULATED POSITION ONLY

() RECORD INFORMATION, AS NOTED

(()) RECORD INFORMATION, C.S. 17,936

(|) PLAT RECORD INFORMATION, AS NOTED

----- RECORD: DEED OR PLAT, ACCESS AND UTILITIES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
88811PLS

RENEWAL DATE
DEC. 31, 2020

0 100 200 300
SCALE IN FEET

NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

DRAWN BY: CM MAPPING - CREG MURPHY - (541) 528-7062 / 812

CHECKED BY: EGN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 100'
PROJECT: 18133

EXHIBIT 3
Depiction of Major Common Areas
Fisterra Application 2-15-2007 Tab 17



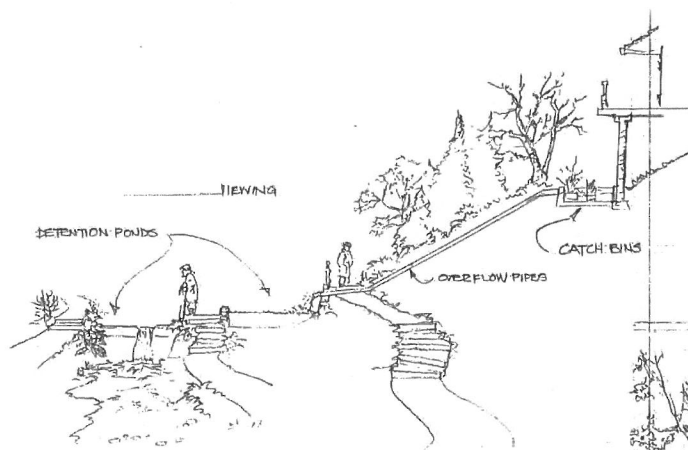
PacWest ENGINEERING
 1530 Ninth Avenue SE
 Albany, OR 97322
 Phone (541) 926-7634
 Fax (541) 926-7539

FISTERRA
 PREPARED FOR:
ELK MOUNTAIN PROPERTIES

**GENERAL
 LANDSCAPE
 TREATMENT**

DESIGN
 DRAWN
 CHECKED
 APPROVED

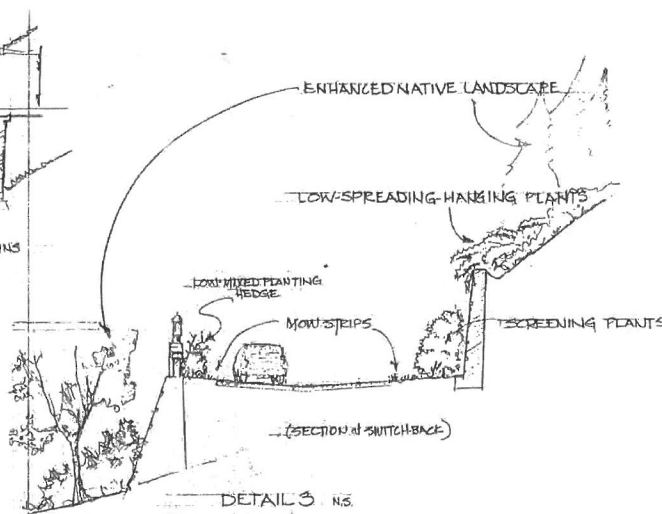
SHEET
 DWG L.S.
 DATE 2-10-07
 PROJECT 06-024



DETAIL 2 N.S.
STORM WATER DETENTION - WATER GARDENS
- TRAILS IN FOREST GLEN PRESERVE AREA - WATER VIEWING



DETAIL 1 N.S.
ENTRY DRIVE - SCREEN PLANTINGS - LIGHTING
NATIVE SHRUBS: PINE, HUCKLEBERRY, RHODODENDRON (M)



DETAIL 3 N.S.
RETAINING WALLS - TYP

COMMON AREAS

L AREA AT LARGE PRESERVED SITKA SPRUCE TREE
NEARLY LEVEL AREA - PKNIC TABLE & SMALL SHELTER
POINT-ON COMMUNITY TRAIL SYSTEM
TRAIL CONNECTION TO FOREST GLEN &
FOREST SERVICE AREA



M UPPER PRESERVED LARGE SPRUCE TREE (DEDICATED)
NATIVE VEGETATION - BENCH - LONG VIEWS

N FOREST GLEN - TRAILS THROUGH PRESERVE AREA
SPRINGS - CREEK - WATER GARDENS

NOTES:

A. NATIVE LANDSCAPE ENHANCEMENT
PRESERVE EXISTING TREES (PRIMARYLY DECIDUOUS SP.) - THIN
AS NECESSARY - INTER-PLANT CONIFER TREES FOR
SCREENING FROM BELOW - FRAME VIEWS FROM HOMES
RE-ENFORCE AT LOWER EDGE w/ EVERGREEN SHRUBS
(VACCINIUM, RHODODENDRON, ESCALLONIA, GAULTHERIA)

B. EVERGREEN FOREST AREA - PARTIAL RETENTION
PRESERVE TWO DESIGNATED LARGE SPRUCE TREES -
PRESERVE OTHER SPRUCE TREES WITH ARBORIST ADVICE -
REMOVE SLENDER - CLOSE SPACED HEMLOCK TREES
WHERE IMPACTED BY STREET & BUILDINGS -
PRESERVE HEMLOCK IN GROUPS & WITH ARBORIST ADVICE

C. FOREST GLEN PRESERVE AREA -
NO TREE REMOVAL - ROUTE TRAILS AROUND TREES &
NURSE LOGS - PROTECT SPRINGS & STREAM -
REPAIR ALL REQUIRED UTILITY EXCAVATION TO
NATURAL CONDITIONS

D. COMMUNITY BUILDING AREA -
DISTURBED AREA WILL BE PLANTED AND MAINTAINED
AS A CULTURED LANDSCAPE - PRIMARY RE-PLANTING
WITH NATIVE SHRUBS & GROUND COVERS - ADDITIONAL
ADAPTED ORNAMENTAL FOR ACCENT/COLOR -
ALL RE-PLANTED TREES TO BE NATIVE & TYPICAL
TO THE AREA - PLANTING MAY PRUNED/HEDGED
NO MOWN GRASS TURF

E. MULTI-FAMILY UNITS -
SIMILAR TO COMMUNITY BUILDING AREA - MAY INCLUDE
MOWN GRASS TURF ON PARKING AREA SIDE -
HEAVY EVERGREEN SHRUB BARRIER PLANTING
ON NORTH SIDE - PRESERVE NATIVE VEGETATION
ALONG CREEK

FISTERA

- ELK MOUNTAIN PROPERTIES - VACHATS, OR.
GENERAL LANDSCAPE TREATMENT

- FEB 10 '07 J.S.

EXHIBIT 4
Preliminary Map Showing Tract A and Remainder Parcel

SHEET 1 OF 5

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- SHEET 1 PLAT MAP
- SHEET 2 DETAIL PUBLIC ROAD
- SHEET 3 MONUMENT DESCRIPTIONS, EASEMENTS
- SHEET 4 NARRATIVE, CERTIFICATE, DETAILATION
- SHEET 5 RECORD EASEMENTS

PARTITION PLAT PREPARED FOR
ELK MOUNTAIN PROPERTIES LLC.

A REPEAT OF PARCEL 2 PARTITION PLAT 1999-01, A PORTION OF PARTITION PLAT 2000-18
AND THE REMAINDER OF TRACT B, VISITARA PUD PHASE 1
LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

MEASURED LINE	BEARING	DISTANCE	RECORD
L1	N47°41'03"E	64.46	L1 N40°18'56"E 68.35 C S 18.609
L2	N46°29'47"E	52.64	L2 N46°38'35"E 52.64 C S 18.609
L3	S74°44'22"E	21.06	L3 S74°12'46"E 20.72 C S 18.609
L4	N15°38'55"E	22.36	L4 N15°38'55"E 22.36 BP 19 PG 20
L5	N15°11'17"E	27.05	L5 N15°16'53"E 27.00 BP 19 PG 20
L6	N15°12'19"E	23.83	L6 N15°16'53"E 24.00 BP 19 PG 20
L7	N15°03'23"E	26.03	L7 N15°36'43"E 26.24 BP 19 PG 20
L8	N74°17'54"W	25.98	L8 N74°18'11"W 25.94 BP 19 PG 20
L9	N15°20'18"E	5.15	L9 N15°16'28"E 5.00 BP 19 PG 20
L10	N15°11'01"E	40.06	L10 N15°16'49"E 40.02 BP 18 PG 25
L11	N15°14'39"E	26.62	L11 N15°10'49"E 26.26 BP 18 PG 25
L12	N15°21'39"E	55.31	L12 N15°10'49"E 55.20 BP 18 PG 25
L13	S60°22'19"E	50.42	
L14	S65°52'15"E	78.84	
L15	N20°00'04"E	32.94	
L16	N00°27'55"W	22.32	
L17	S78°15'12"E	7.17	
L18	S80°22'19"E	50.42	
L19	S09°47'47"W	40.06	

CURVE	DELTA	M	L	LONG CHORD
C1	162°48'33"	50.00	144.32	170°33'49"E 92.45
C2	167°45'33"	90.00	284.46	62°13'49"E 178.92
C3	17°16'00"	180.00	368.80	295.27 N84°12'24"E 302.19
C4	117°16'00"	220.00	450.27	360.89 N64°12'24"E 375.70
C5	45°12'43"	170.00	178.21	87.37 S28°40'28"E 125.59
C6	45°12'43"	130.00	146.06	51.49 S58°22'30"E 95.14
C7	49°44'19"	120.00	124.09	55.26 N23°02'22"W 110.84
FM	76°10'13"	186.50	81.45	41.70 N61°19'24"W 82.25



NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 208
740 E. THUSSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECKED BY: ESN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 100'
PROJECT: 18192

DRAWN BY: GUY MAPPING - GUY MAPPING - (541) 528-7062 / 812

I, ERIC G. NYHUS, CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 1, 2008
ERIC G. NYHUS
RENEWAL DATE
DEC. 31, 2020

LEGEND

- MONUMENT SET 5/8" X 3/4" GALV. ROD WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEY"
- ▲ MONUMENT SET BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND FIELD FOR CONTROL AS NOTED
- ▲ MONUMENT FOUND AS NOTED
- CALCULATED POSITION ONLY
- () RECORD INFORMATION, AS NOTED
- () RECORD INFORMATION, C.S. 17.9 M.
- () PLAT RECORD INFORMATION, AS NOTED
- RECORD FIELD ON PLAT ACROSS AND UTILITIES

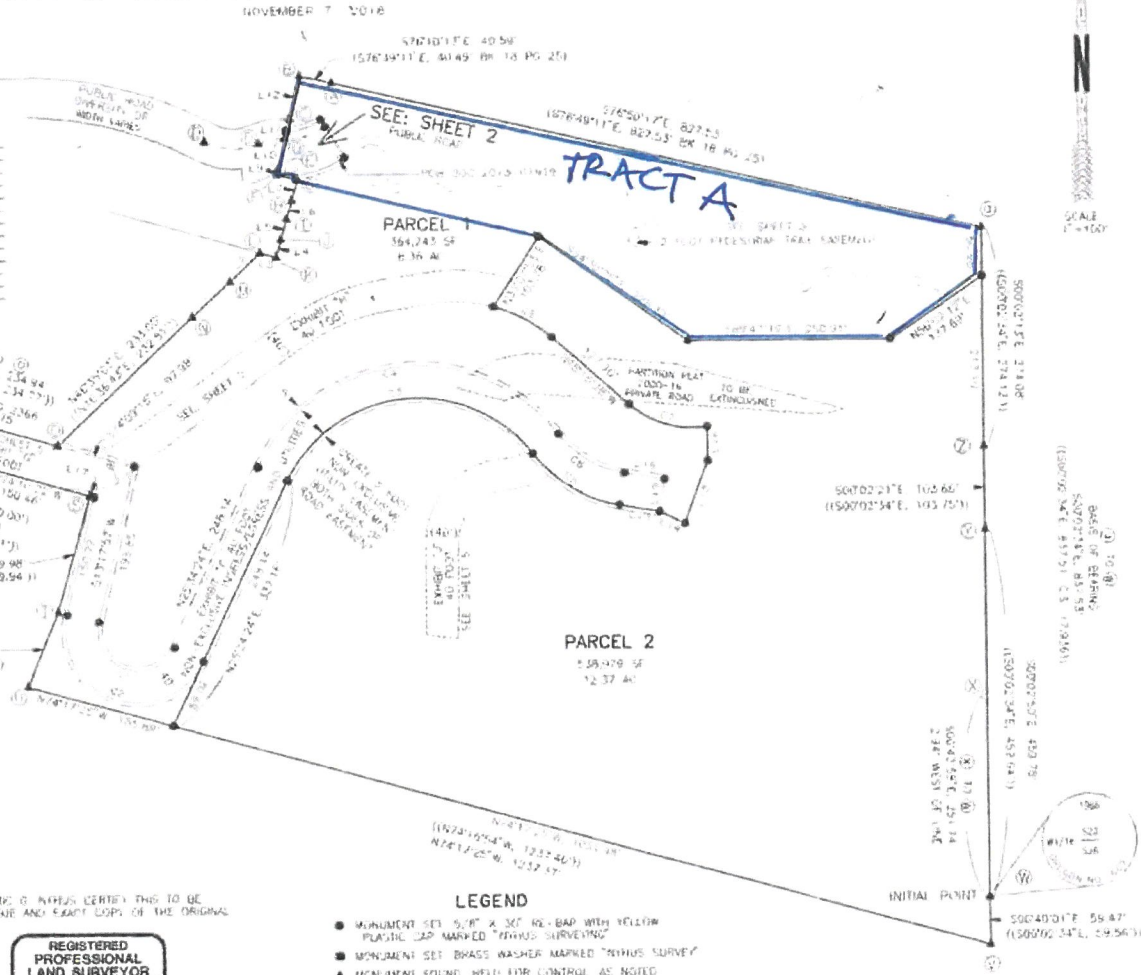


EXHIBIT 5
Completed Partition Application Form

P.O. Box 345, Yachats, OR 97498 • (541) 547-3565 • FAX (541) 547-3063

Partitions	\$200.00
Subdivision:	
4-9 lots	250.00
10 or more lots	350.00

Date Received: 1/22/24
 Fee Received: \$200-
 Staff Initials: KLG
 (Actual expenses in excess of
 fee will be billed.)

X Partition _____ Subdivision 4-9 lots _____ Subdivision 10 or more lots

Address of Property: _____

Tax Lot No. 14-12-14-12-23-CC

Property Owner:	<u>Elk Mountain Properties LLC</u>	Phone: _____
Mailing Address:	<u>PO Box 108, Yachats, OR 97498</u>	
Agent (if any):	<u>Layne Morrill</u>	Phone: _____
Surveyor:	<u>Gary Nyhus</u>	Phone: _____
Directions to Property:	<u>Highway 101 to Diversity Drive or Sea-Aire Driveway and head uphill</u>	
Current Zone:	<u>R-3</u>	Lot Area: <u>6.36 Acres</u>
Flood Zone:	<u>No</u>	Natural Hazard: <u>Slopes</u>
Name of Subdivision:	<u>Fisterra PUD</u>	
Water Source	<u>City of Yachats</u>	Sewage Disposal: <u>City of Yachats</u>
Other Utilities:	<u>Electric: Central Lincoln PUD; Dahl Disposal; Pioneer Telephone</u>	

The following information is required at the time of submittal.

An incomplete application will not be accepted.

A map of the property containing the following information:

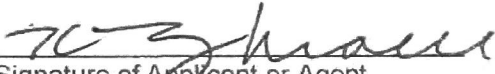
- Date, north point and scale of the drawing.
- A vicinity sketch showing the location of the partition/subdivision.
- The approximate location and dimensions of all proposed boundary/lot lines.
- Approximate area of the property being partitioned and each proposed parcel. For a subdivision - Gross acreage of the property being subdivided, number of lots within the plat, and size of the smallest lot in the plat.
- Name, location, and width of all existing and proposed roads, right-of-way, and easements.
- Existing and proposed uses of the property.
- Approximate location and use of all existing structures to remain on the site. Indicate those to be removed.
- Any limitations to development; i.e. topography, areas subject to flooding, geologic hazards, drainage channels on property, etc.
- A copy of the request to the County Health Department for site inspection.

For subdivision also include:

- Names, surfacing, direction of drainage, and approximate grade of all streets within and abutting the subdivision.
- Legal access to subdivision, if not abutting a public road (If by easement, a copy of the deed giving easement.)
- Proposed lot and block numbers.
- Width, depth, and direction of flow of all drainage channels on the property.
- Contour lines with a ten (10) foot interval if slope exceeds 10%; five (5) foot intervals if less than 10%. State the source of the contour information.
- All existing and proposed easements crossing the property.
- Pedestrian walkways (if any).
- Areas other than streets to be offered for dedication to the public - example - parks.
- Heavily wooded areas.
- Adjacent land owned by the subdivider.
- The feasibility report.

Note: Some of the above items may not apply to the property being subdivided, however, as much information as possible must be shown. A preliminary plan may be returned until adequate information is given.

I certify that this application and its related documents are accurate to the best of my knowledge.


Signature of Applicant or Agent

Date: January 11, 2024


Signature of Owner
(if different than agent)

Date: January 11, 2024

Notes:

- Within 5 business days following the acceptance of an application by City Staff, copies of the preliminary plan shall be distributed to appropriate agencies and departments for review, comments, and recommendations.
- If approved, the preliminary approval is valid for one year for a partition, two years for a subdivision. During that time all conditions set out by the Planning Commission should be completed.
- Please review the current ordinance to ensure all requirements are met when submitting final plat.
- For a subdivision: At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners will be notified of such proposal and the time and place of the Planning Commission meeting.

SHEET 1 OF 5

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SHEET 2 DETAIL PUBLIC ROAD

SHEET 3 MONUMENT DESCRIPTIONS, EASEMENTS

SHEET 4 NARRATIVE, CERTIFICATE, DECLARATION

ACKNOWLEDGEMENT AND SIGNATURES

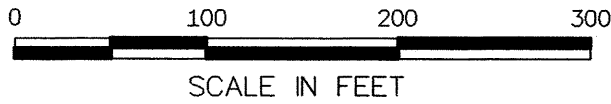
SHEET 5 RECORD EASEMENTS

PARTITION PLAT PREPARED FOR
ELK MOUNTAIN PROPERTIES LLC.
A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-16
AND THE REMAINDER OF TRACT B, "FISTERRA PUD PHASE 1"
LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

MEASURED			RECORD		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N47°47'03"E	64.46'	L1	N46°38'35"E	64.45' C.S. 18,698
L2	N46°29'47"E	52.04'	L2	N46°38'35"E	52.04' C.S. 18,698
L3	S74°44'22"E	21.06'	L3	S74°12'56"E	20.73' C.S. 18,698
L4	N15°38'55"E	22.38'	L4	N15°38'55"E	22.38' BK 19 PG 20
L5	N15°31'17"E	27.05'	L5	N15°36'53"E	27.00' BK 19 PG 20
L6	N15°35'19"E	23.89'	L6	N15°36'53"E	24.00' BK 19 PG 20
L7	N15°53'23"E	26.69'	L7	N15°36'53"E	26.75' BK 19 PG 20
L8	N74°17'34"W	25.98'	L8	N74°10'11"W	25.96' BK 19 PG 20
L9	N13°22'18"E	5.15'	L9	N13°16'28"E	5.05' BK 19 PG 20
L10	N13°11'01"E	40.06'	L10	N13°10'49"E	40.00' BK 18 PG 25
L11	N13°14'39"E	25.22'	L11	N13°10'49"E	25.26' BK 18 PG 25
L12	N13°01'38"E	55.31'	L12	N13°10'49"E	55.20' BK 18 PG 25
L13	S80°22'19"E	50.42'			
L14	S63°52'15"E	34.44'			
L15	N20°40'04"E	82.84'			
L16	N00°27'55"W	42.37'			
L17	S74°15'12"E	5.17'			
L18	S80°22'19"E	50.42'			
L19	S09°37'41"W	40.00'			

CURVE	DELTA	R	L	T	LONG CHORD
C1	167°43'33"	50.00'	146.37'	-	S70°33'49"E 99.43'
C2	167°43'33"	90.00'	263.46'	-	S70°33'49"E 178.97'
C3	117°16'00"	180.00'	368.40'	295.27'	N84°12'24"E 307.39'
C4	117°16'00"	220.00'	450.27'	360.89'	N84°12'24"E 375.70'
C5	43°12'43"	170.00'	128.21'	67.33'	S58°45'58"E 125.20'
C6	43°12'43"	130.00'	98.05'	51.49'	S58°45'58"E 95.74'
C7	49°41'19"	120.00'	104.07'	55.56'	N73°07'07"W 100.84'
C8	26°05'13"	180.00'	81.95'	41.70'	N61°19'04"W 81.25'



NYHUS SURVEYING INC.

GARY NYHUS / STEVEN NYHUS / ERIC NYHUS

PROFESSIONAL LAND SURVEYORS

P.O. BOX 206

740 E. THISSELL RD. TIDEWATER, ORE 97390

(541) 528-3234

CHECKED BY: EGN

DRAWN BY: GAM

DATE: 11-7-2018

SCALE: 1" = 100'

PROJECT: 18193

DRAWN BY: GM MAPPING -GREG MURRY-

(541) 528-7062 / 82Z

I, ERIC G. NYHUS CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL.

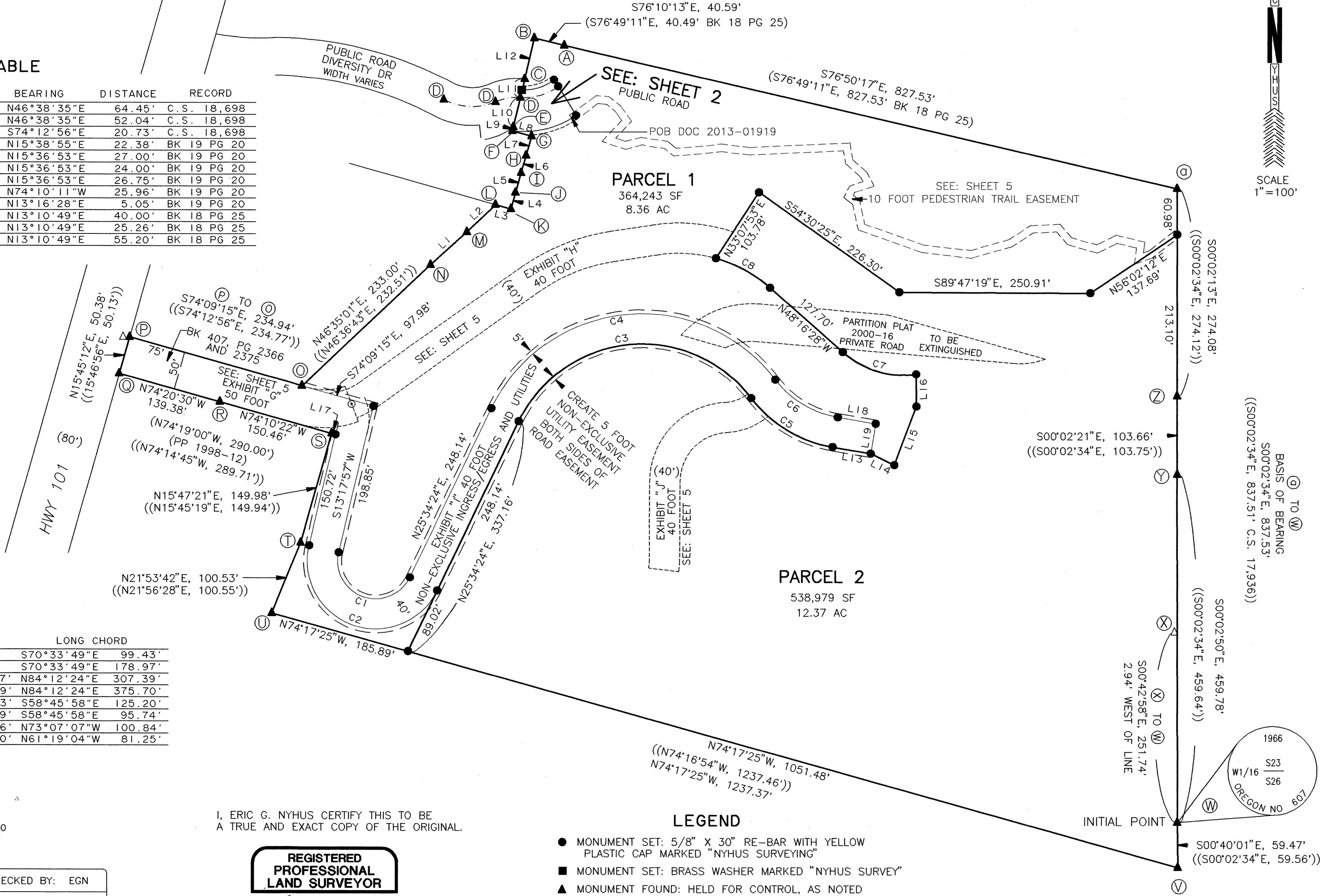
REGISTERED
PROFESSIONAL
LAND SURVEYOR

ERIC G. NYHUS
88911PLS

SEPTEMBER 11, 2018

RENEWAL DATE:
DEC. 31, 2020

- LEGEND
- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
 - MONUMENT SET: BRASS WASHER MARKED "NYHUS SURVEY"
 - ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
 - △ MONUMENT FOUND: AS NOTED
 - ⊙ CALCULATED POSITION ONLY
 - () RECORD INFORMATION, AS NOTED
 - (()) RECORD INFORMATION: C.S. 17,936
 - [] PLAT RECORD INFORMATION, AS NOTED
 - RECORD: DEED OR PLAT, ACCESS AND UTILITIES



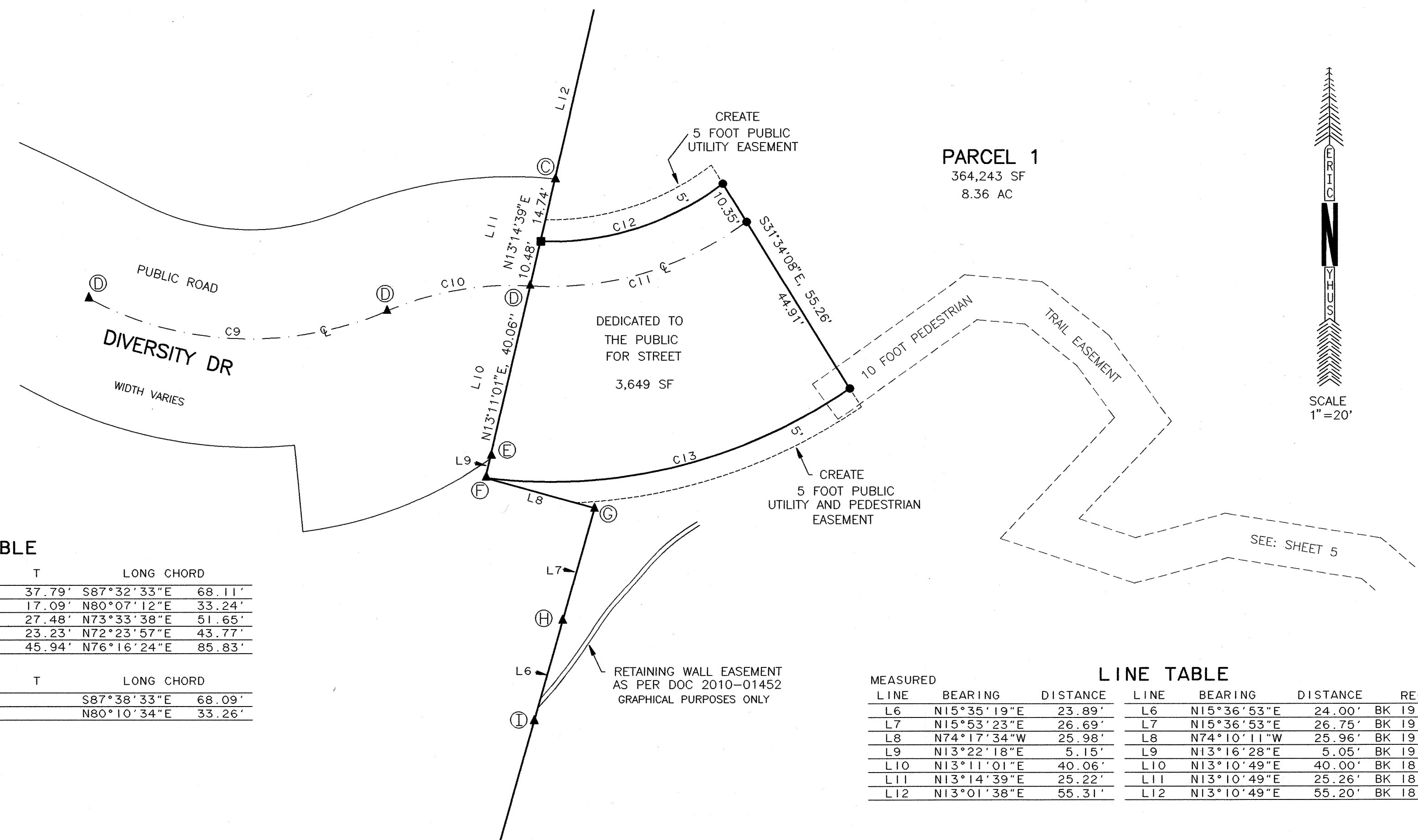
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NW 1/4 OF SECTION 26, T14S, R12W, W.M.
CITY OF YACHATS, LINCOLN COUNTY, OREGON
NOVEMBER 7, 2018



CURVE TABLE

MEASURED CURVE	DELTA	R	L	T	LONG CHORD
C9	51°25'02"	78.50'	70.45'	37.79'	S87°32'33"E 68.11'
C10	26°53'10"	71.50'	33.55'	17.09'	N80°07'12"E 33.24'
C11	40°00'18"	75.50'	52.72'	27.48'	N73°33'38"E 51.65'
C12	39°13'42"	65.19'	44.63'	23.23'	N72°23'57"E 43.77'
C13	41°47'47"	120.31'	87.76'	45.94'	N76°16'24"E 85.83'

RECORD BOOK 19, PAGE 20 CURVE	DELTA	R	L	T	LONG CHORD
C9	51°24'14"	78.50'	70.43'		S87°38'33"E 68.09'
C10	26°53'42"	71.50'	33.56'		N80°10'34"E 33.26'

LINE TABLE

MEASURED LINE	BEARING	DISTANCE	RECORD
L6	N15°35'19"E	23.89'	BK 19 PG 20
L7	N15°53'23"E	26.69'	BK 19 PG 20
L8	N74°17'34"W	25.98'	BK 19 PG 20
L9	N13°22'18"E	5.15'	BK 19 PG 20
L10	N13°11'01"E	40.06'	BK 18 PG 25
L11	N13°14'39"E	25.22'	BK 18 PG 25
L12	N13°01'38"E	55.31'	BK 18 PG 25

LINE	BEARING	DISTANCE	RECORD
L6	N15°36'53"E	24.00'	BK 19 PG 20
L7	N15°36'53"E	26.75'	BK 19 PG 20
L8	N74°10'11"W	25.96'	BK 19 PG 20
L9	N13°16'28"E	5.05'	BK 19 PG 20
L10	N13°10'49"E	40.00'	BK 18 PG 25
L11	N13°10'49"E	25.26'	BK 18 PG 25
L12	N13°10'49"E	55.20'	BK 18 PG 25

LEGEND

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
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- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
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- RECORD: DEED OR PLAT, ACCESS AND UTILITIES

I, ERIC G. NYHUS CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL.

NYHUS SURVEYING INC.
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PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECKED BY: EGN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 20'
PROJECT: 18193

DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 82Z

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

ERIC G. NYHUS
88911PLS

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
88911PLS

RENEWAL DATE:
DEC. 31, 2020

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CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018

RECORD EASEMENTS

DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 91, PAGE 448 RECORDED AUGUST 7, 1941
SHEET 5

DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 105, PAGE 486 RECORDED AUGUST 4, 1945
SHEET 5

DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 115, PAGE 60 RECORDED NOVEMBER 25, 1946
SHEET 5

BOOK 126, PAGE 501 RECORDED JUNE 23, 1948
FOR : ROAD AND UTILITY
(NOT LOCATED WITHIN PLAT)

DEED RESTRICTIONS ON BUILDINGS AND LIVE STOCK
BOOK 164, PAGE 188 RECORDED JUNE 2, 1954
SHEET 5

BOOK 112, PAGE 1497 RECORDED MAY 7, 1980
FAVOR OF CITY OF YACHATS
FOR SEWER LINES
(NOT LOCATED WITHIN PLAT)

BOOK 277, PAGE 631 RECORDED FEBRUARY 25, 1994
RECIPROCAL EASEMENT AGREEMENT
(NOT LOCATED WITHIN PLAT)

BOOK 281, PAGE 1683 RECORDED MAY 16, 1994
(NOT LOCATED WITHIN PLAT)

BOOK 407, PAGE 2366 AND 2375 RECORDED SEPTEMBER 14, 2000
NON-EXCLUSIVE EASEMENT INGRESS, EGRESS AND UTILITIES AS SHOWN
ON THE ACCOMPANYING PLAT AND NOTED IN DOCUMENT 2009-04002.

A PRIVATE ROAD EASEMENT AS SHOWN ON PARTITION PLAT 2000-16
TO BE EXTINGUISHED BY THIS PLAT

DOCUMENT 2009-04002 RECORDED APRIL 6, 2009
ENCROACHMENT FOR INGRESS AND EGRESS
SEE: SUBDIVISION PLAT BOOK 19, PAGE 20 FOR
REFERENCE ON ENCROACHMENTS

DOCUMENT 2010-01452 RECORDED FEBRUARY 5, 2010
ENCROACHMENT EASEMENT
SEE: SUBDIVISION PLAT BOOK 19, PAGE 20 FOR
REFERENCE ON ENCROACHMENTS

DOCUMENT 2013-01916 RECORDED MARCH 1, 2013
10 FOOT WIDE PEDESTRIAN TRAIL EASEMENT, AS SHOWN
ON THE ACCOMPANYING PLAT. SHEET 5

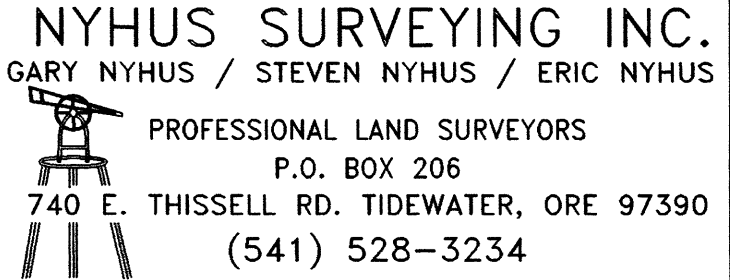
DOCUMENT 2015-10064 RECORDED AUGUST 25, 2015
NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITIES
EXHIBITS "G", "H", "I" AND "J" AS SHOWN ON
ACCOMPANYING PLAT. SHEET 5

CREATED EASEMENTS

A PUBLIC STREET AND EASEMENT AS SHOWN ON THE ACCOMPANYING
PLAT AFFECTS PARCEL 1.

NON-EXCLUSIVE ROAD EASEMENT FOR INGRESS, EGRESS AND UTILITIES
BENEFITTING PARCELS 1 AND 2 AS SHOWN ON PLAT

NON-EXCLUSIVE 5 FOOT UTILITY EASEMENT ON BOTH SIDES OF ROAD
FOR INGRESS, EGRESS AND UTILITIES AS SHOWN ON
THE ACCOMPANYING PLAT.

	CHECKED BY: EGN
	DRAWN BY: GAM
	DATE: 11-7-2018
	SCALE: 1" = 100'
	PROJECT: 18193
DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 82Z	

REGISTERED
PROFESSIONAL
LAND SURVEYOR

← 2

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
8891PLSRENEWAL DATE:
DEC. 31, 2020

I, ERIC G. NYHUS CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF THE ORIGINAL.

MONUMENT DESCRIPTIONS

- Ⓐ FOUND: 1/2" IRON ROD, FLUSH (C.S. 3,384)
- Ⓑ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", 0.1' ABOVE GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1")
- Ⓒ FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN SIDEWALK ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
- Ⓓ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
- Ⓔ FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN CURB ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
- Ⓕ FOUND: PK NAIL WITH BRASS WASHER MARKED, "LS 77369", FLUSH IN CURB ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
- Ⓖ FOUND: 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP MARKED, 1.1' BELOW GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" [PLAT BOOK 18, PAGE 25])
- Ⓗ FOUND: BENT 5/8" IRON ROD, 0.2' ABOVE GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
- Ⓘ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "SEADERS LS 1014", 0.6' BELOW GRADE ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
- ⓵ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "SEADERS LS 1014", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
- Ⓚ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH ("FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" REPLAT [PLAT BOOK 19, PAGE 20])
- Ⓛ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH (C.S. 18,698)
- Ⓜ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "77369 LS", FLUSH (C.S. 18,698)
- Ⓝ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "NYHUS LS 2515", FLUSH (C.S. 16,218)
- Ⓞ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "NYHUS LS 2515", 0.3' ABOVE GRADE (C.S. 16,218)
- Ⓟ FOUND: 5/8" IRON ROD, 0.1' ABOVE GRADE (C.S. 15,005)
FROM WHICH: A 1" IRON PIPE, 0.4' ABOVE GRADE (C.S. 1,078) BEARS S 84°04' W, 0.70 FEET
- Ⓠ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
- Ⓡ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (PP 1998-12)
- Ⓢ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
- Ⓣ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP, MARKED "JOHN HANNA RLS 306", FLUSH (C.S. 15,005)
- Ⓤ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 1329", FLUSH (PP 1999-5)
- Ⓥ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 2688", 0.1' BELOW GRADE (C.S. 17,936)
- Ⓦ FOUND: 2 1/2" IRON PIPE WITH A 2 1/2" BRASS CAP, MARKED AS SHOWN, 0.8' ABOVE GRADE (C.S. 3,137)
- Ⓧ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.2' ABOVE GRADE (C.S. 15,005)
- Ⓨ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "PWE LS 1329", 0.3' ABOVE GRADE (PP 2000-16)
- Ⓩ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.2' ABOVE GRADE (C.S. 14,824)
- Ⓚ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "JOHN HANNA RLS 306", 0.4' ABOVE GRADE (PP 1994-33)

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CITY OF YACHATS, LINCOLN COUNTY, OREGON
NOVEMBER 7, 2018

STATE OF OREGON
S.S.
COUNTY OF LINCOLN
I HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD
ON THIS 31st DAY OF December, 2018 AT 9:49 O'CLOCK A.M.,
AND RECORDED AS PARTITION PLAT NUMBER 2018-20, 20A-D
LINCOLN COUNTY RECORDS.

[Signature] 12/31/2018
COUNTY CLERK / DEPUTY

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE TRACTS DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2006-16259 INTO TWO PARCELS OF UNEQUAL SIZE AS PER YACHATS CITY PLANNING CASE FILE NUMBER 2-PAR-PC-18 AND TO MONUMENT EASEMENTS FOR INGRESS, EGRESS AND UTILITIES BENEFITTING PARCELS 1 AND 2 AND CREATE A 5 FOOT UTILITY EASEMENT AS SHOWN ON THE ACCOMPANYING PLAT. THE MONUMENTED INGRESS, EGRESS AND UTILITY EASEMENT WAS BASED ON EXHIBITS "G" AND "I", DEED DOC 2015-10064, BUT MODIFIED TO FIT EXISTING CONDITIONS OF THE PROPERTY. THE BOUNDARY OF THIS TRACT WAS DETERMINED BASED ON MONUMENTATION AS NOTED ON THE ACCOMPANYING PLAT AND MONUMENT DESCRIPTIONS. BEARINGS AS SHOWN ARE BASED ON THE C.S. 17,936 RECORD BETWEEN MONUMENTS (Q) AND (W) AS SHOWN. THIS SURVEY ALSO CREATES A PUBLIC STREET AND EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT. THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).

SURVEYOR'S CERTIFICATE

I, ERIC G. NYHUS, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED, AND MARKED WITH APPROPRIATE MONUMENTS, THE LAND REPRESENTED ON THIS PARTITION PLAT, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:
BEGINNING AT THE INITIAL POINT, WHICH IS A 2 1/2 INCH BRASS CAP SET AT THE WEST 1/16 CORNER TO SECTIONS 23 AND 26, TOWNSHIP 14 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF YACHATS, LINCOLN COUNTY, OREGON;
THENCE SOUTH 00° 40' 01" EAST, 59.47 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, LINCOLN COUNTY PARTITION PLAT 1995-5; THENCE NORTH 74° 17' 25" WEST, 1237.37 FEET TO THE SOUTHEAST CORNER OF PARCEL 1, PLAT 1995-5; THENCE NORTH 21° 53' 42" EAST, 100.53 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, LINCOLN COUNTY PARTITION PLAT 1998-12; THENCE NORTH 15° 47' 21" EAST, 149.98 FEET TO THE NORTHEAST CORNER OF PARCEL 2, PLAT 1998-12; THENCE NORTH 74° 10' 22" WEST, 150.46 FEET TO THE NORTHEAST CORNER OF PARCEL 1, PLAT 1998-12; THENCE NORTH 74° 20' 30" WEST, 139.38 FEET TO THE NORTHWEST CORNER OF PARCEL 1, PLAT 1998-12; THENCE NORTH 15° 45' 12" EAST, 50.38 FEET; THENCE SOUTH 74° 09' 15" EAST, 234.94 FEET; THENCE NORTH 46° 35' 01" EAST, 233.00 FEET; THENCE NORTH 47° 47' 03" EAST, 64.46 FEET; THENCE NORTH 46° 29' 47" EAST, 52.04 FEET TO A 5/8 INCH IRON ROD ON THE SOUTHERLY BOUNDARY OF TRACT C "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" (BOOK 19, PAGE 20); THENCE SOUTH 74° 44' 22" EAST, 21.06 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1" (BOOK 19, PAGE 20); THENCE NORTH 15° 38' 55" EAST, 22.38 FEET; THENCE NORTH 15° 31' 17" EAST, 27.05 FEET; THENCE NORTH 15° 35' 19" EAST, 23.89 FEET; THENCE NORTH 15° 53' 23" EAST, 26.69 FEET; THENCE NORTH 74° 17' 34" WEST, 25.98 FEET; THENCE NORTH 13° 22' 18" EAST, 5.15 FEET; THENCE NORTH 13° 11' 01" EAST, 40.06 FEET; THENCE NORTH 13° 14' 39" EAST, 25.22 FEET; THENCE NORTH 13° 01' 38" EAST, 55.31 FEET TO THE NORTHEAST CORNER OF LOT 1, "FISTERRA PLANNED UNIT DEVELOPMENT, PHASE 1"; THENCE SOUTH 76° 10' 13" EAST, 40.59 FEET; THENCE SOUTH 76° 50' 17" EAST, 827.53 FEET; THENCE SOUTH 00° 02' 13" EAST, 274.08 FEET; THENCE SOUTH 00° 02' 21" EAST, 103.66 FEET THENCE SOUTH 00° 02' 50" EAST, 459.78 FEET TO THE INITIAL POINT.

I, ERIC G. NYHUS CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL.

APPROVALS

[Signature] 12.3.18
CITY OF YACHATS PLANNING DATE

[Signature] 12/24/18
LINCOLN COUNTY SURVEYOR/DEPUTY DATE

[Signature] 12.31.18
LINCOLN COUNTY TAX COLLECTOR DATE

[Signature] 12/31/18
LINCOLN COUNTY ASSESSOR DATE

EXCUSED 12/31/18
LINCOLN COUNTY COMMISSIONER DATE

[Signature] 12/31/18
LINCOLN COUNTY COMMISSIONER DATE

[Signature] 12/31/18
LINCOLN COUNTY COMMISSIONER DATE

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENT THAT ELK MOUNTAIN PROPERTIES LLC. IS THE OWNER OF THE LAND REPRESENTED ON THIS PARTITION PLAT AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS AND CREATE PRIVATE NON-EXCLUSIVE EASEMENTS AND PUBLIC STREET AS SHOWN ON THE ACCOMPANYING PLAT.

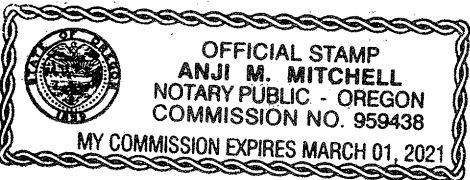
[Signature]
K. LAYNE MORRILL AS MANAGER OF CHESTNUT MANAGEMENT LLC.
AS MANAGER OF ELK MOUNTAIN PROPERTIES LLC.

ACKNOWLEDGEMENT

STATE OF OREGON
S.S.
COUNTY OF LINCOLN
ON THIS 30th DAY OF Nov. IN THE YEAR 2018

BEFORE ME Anji m. mitchell
THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED K. LAYNE MORRILL AS MANAGER OF CHESTNUT MANAGEMENT LLC. AS MANAGER OF ELK MOUNTAIN PROPERTIES LLC., PERSONALLY KNOW TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED IT ON THE BEHALF OF ELK MOUNTAIN PROPERTIES, LLC.

[Signature] 959438
NOTARY SIGNATURE NOTARY NUMBER
Anji m. mitchell 3-1-21
NOTARY PUBLIC - OREGON MY COMMISSION EXPIRES:



NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS / ERIC NYHUS
PROFESSIONAL LAND SURVEYORS
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 82Z

CHECKED BY: EGN
DRAWN BY: GAM
DATE: 11-7-2018
SCALE: 1" = 100'
PROJECT: 18193

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
SEPTEMBER 11, 2018
ERIC G. NYHUS
88911PLS

RENEWAL DATE:
DEC. 31, 2020

SHEET 5 OF 5

INDEX

SHEET 1 PLAT MAP
 SHEET 2 DETAIL PUBLIC ROAD
 SHEET 3 MONUMENT DESCRIPTIONS, EASEMENTS
 SHEET 4 NARRATIVE, CERTIFICATE, DECLARATION
 ACKNOWLEDGEMENT AND SIGNATURES
 SHEET 5 RECORD EASEMENTS

LINE TABLE
FOR SHEET 5 ONLY

CENTERLINE OF 50' WIDE ROAD EASEMENT "EXHIBIT G"

NUM	BEARING	DISTANCE
L1	N15°45'12"E	25.00'
L2	S74°14'45"E	244.19'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT H"

NUM	BEARING	DISTANCE
L3	N54°23'42"E	260.93'
L4	N81°14'25"E	59.25'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT I"

NUM	BEARING	DISTANCE
L5	S13°17'57"W	159.03'
L6	S25°34'24"W	248.14'
L7	S80°22'19"E	50.42'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT J"

NUM	BEARING	DISTANCE
L8	S54°40'45"W	25.00'
L9	S0°20'05"W	105.07'

CURVE TABLE
FOR SHEET 5 ONLY

CENTERLINE OF 50' WIDE ROAD EASEMENT "EXHIBIT G"

NUM	DELTA	ARC	RADIUS	LONG CHORD BEARING	DISTANCE
C1	36°12'32"	63.20'	100.00'	N87°39'03"E	62.15'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT H"

NUM	DELTA	ARC	RADIUS	LONG CHORD BEARING	DISTANCE
C2	15°09'11"	26.45'	100.00'	N61°58'17"E	26.37'
C3	26°50'46"	117.13'	250.00'	N67°49'03"E	116.07'
C4	26°11'49"	91.44'	200.00'	S85°39'43"E	90.65'

CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT I"

NUM	DELTA	ARC	RADIUS	LONG CHORD BEARING	DISTANCE
C5	30°37'55"	37.43'	70.00'	S2°00'59"E	36.98'
C6	167°43'33"	204.92'	70.00'	S70°33'49"E	139.20'
C7	117°16'00"	409.34'	200.00'	N84°12'24"E	341.54'
C8	5°09'44"	13.51'	150.00'	S39°44'26"E	13.51'
C9	38°03'08"	99.62'	150.00'	S61°20'47"E	97.80'

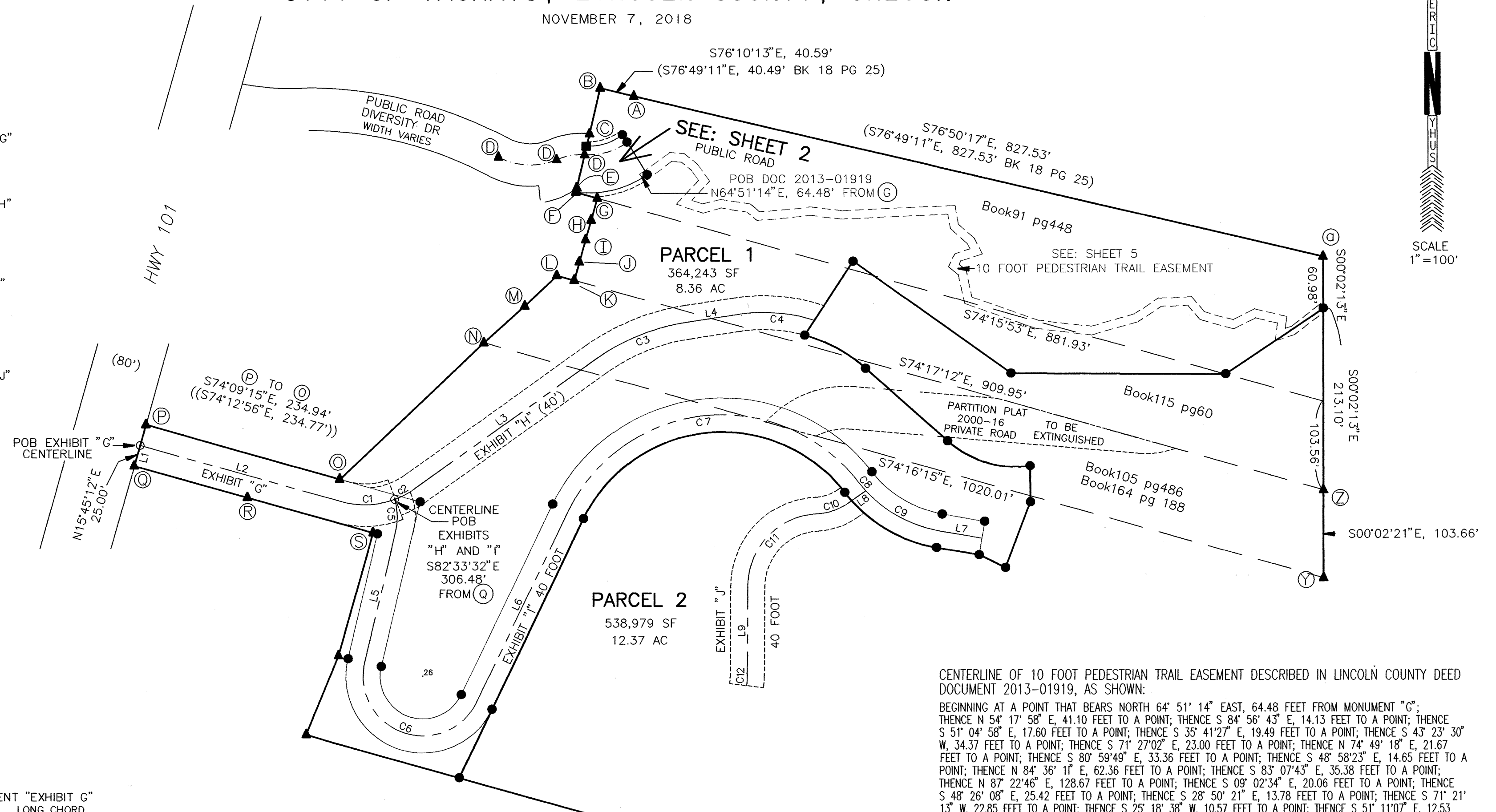
CENTERLINE OF 40' WIDE ROAD EASEMENT "EXHIBIT J"

NUM	DELTA	ARC	RADIUS	LONG CHORD BEARING	DISTANCE
C10	32°28'40"	39.68'	70.00'	S70°54'57"W	39.15'
C11	86°48'51"	128.80'	85.00'	S43°44'37"W	116.82'
C12	7°01'23"	12.26'	100.00'	S3°50'45"W	12.25'

PARTITION PLAT PREPARED FOR
ELK MOUNTAIN PROPERTIES LLC.

A REPLAT OF PARCEL 2 PARTITION PLAT 1999-5, A PORTION OF PARTITION PLAT 2000-16
 AND THE REMAINDER OF TRACT B, "FISTERRA PUD PHASE 1"
 LOCATED IN THE SE 1/4 OF SECTION 22 AND SW 1/4 OF SECTION 23 AND
 NW 1/4 OF SECTION 26, T14S, R12W, W.M.
 CITY OF YACHATS, LINCOLN COUNTY, OREGON

NOVEMBER 7, 2018



CENTERLINE OF 10 FOOT PEDESTRIAN TRAIL EASEMENT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2013-01919, AS SHOWN:

BEGINNING AT A POINT THAT BEARS NORTH 64° 51' 14" EAST, 64.48 FEET FROM MONUMENT "C";
 THENCE N 54° 17' 58" E, 41.10 FEET TO A POINT; THENCE S 84° 56' 43" E, 14.13 FEET TO A POINT; THENCE
 S 51° 04' 58" E, 17.60 FEET TO A POINT; THENCE S 35° 41' 27" E, 19.49 FEET TO A POINT; THENCE S 43° 23' 30"
 W, 34.37 FEET TO A POINT; THENCE S 71° 27' 02" E, 23.00 FEET TO A POINT; THENCE N 74° 49' 18" E, 21.67
 FEET TO A POINT; THENCE S 80° 59' 49" E, 33.36 FEET TO A POINT; THENCE S 48° 58' 23" E, 14.65 FEET TO A
 POINT; THENCE N 84° 36' 11" E, 62.36 FEET TO A POINT; THENCE S 83° 07' 43" E, 35.38 FEET TO A POINT;
 THENCE N 87° 22' 46" E, 128.67 FEET TO A POINT; THENCE S 09° 02' 34" E, 20.06 FEET TO A POINT; THENCE
 S 48° 26' 08" E, 25.42 FEET TO A POINT; THENCE S 28° 50' 21" E, 13.78 FEET TO A POINT; THENCE S 71° 21'
 13" W, 22.85 FEET TO A POINT; THENCE S 25° 18' 38" W, 10.57 FEET TO A POINT; THENCE S 51° 11' 07" E, 12.53
 FEET TO A POINT; THENCE S 12° 15' 39" E, 33.46 FEET TO A POINT; THENCE S 70° 42' 36" E, 86.56 FEET TO A
 POINT; THENCE S 83° 28' 12" E, 62.10 FEET TO A POINT; THENCE N 74° 06' 14" E, 55.58 FEET TO A POINT;
 THENCE N 56° 55' 58" E, 32.82 FEET TO A POINT; THENCE N 87° 33' 02" E, 34.46 FEET TO A POINT; THENCE
 S 40° 03' 12" E, 22.42 FEET TO A POINT; THENCE S 74° 36' 28" E, 37.78 FEET TO A POINT; THENCE
 N 63° 32' 30" E, 28.44 FEET TO A POINT; THENCE S 76° 41' 19" E, 32.71 FEET TO A POINT; THENCE S 07° 13' 55"
 W, 17.75 FEET TO A POINT; THENCE N 71° 17' 53" E, 15.95 FEET TO A POINT; THENCE N 52° 04' 58" E, 44.77
 FEET TO THE POINT OF TERMINUS OF THE EASEMENT.

I, ERIC G. NYHUS CERTIFY THIS TO BE
 A TRUE AND EXACT COPY OF THE ORIGINAL.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 SEPTEMBER 11, 2018
 ERIC G. NYHUS
 8891PLS

RENEWAL DATE:
 DEC. 31, 2020

LEGEND

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- MONUMENT SET: BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- CALCULATED POSITION ONLY

() RECORD INFORMATION, AS NOTED

(()) RECORD INFORMATION: C.S. 17,936

[] PLAT RECORD INFORMATION, AS NOTED

----- RECORD: DEED OR PLAT, ACCESS AND UTILITIES

0 100 200 300
 SCALE IN FEET

NYHUS SURVEYING INC.
 GARY NYHUS / STEVEN NYHUS / ERIC NYHUS

PROFESSIONAL LAND SURVEYORS
 P.O. BOX 206
 740 E. THISSELL RD. TIDEWATER, ORE 97390
 (541) 528-3234

DRAWN BY: CM MAPPING -GREG MURRY- (541) 528-7062 / 82Z

CHECKED BY: EGN

DRAWN BY: GAM

DATE: 11-7-2018

SCALE: 1" = 100'

PROJECT: 18193

PLANNING COMMISSION ISSUES LIST

Item #	Description	Assigned	Due Date	Status
1	Schedule next training session	KG		02/23: Coordinate with Huy on next topic(s) and date. 03/12: KG to talk to Huy about guidance on best practices to update Comp Plan.
2	Complete Wetland Inventory	KG		02/23: Pending response from ODSD. 03/12: No update from ODSD. Link to State Lands Inventory to be added to links page
3	Continue Implementation of Yachats Parking Mgmt Plan	LD		03/12: Public Works will proably implement parts of a the plan at a time. LD to meet with Public Works to discuss next steps.
4	Obtain City Council approval of updates to Title 9			02/23: Need review by DLCD. 03/12: PC members to review and familiarize themselves with content. Need review schedule added to application. KG to put out marked up version.
5	Amend Title 9 for Housing Implementation Plan			02/23: Determine if there will be a next round of DLCD funding. Contact Cascadia Partners to get estimate of cost of hiring them to complete task. 03/12: Waiting to see if 2024 budget contains money to fund another round of grants. KG to check if what other communities have made changes for HIP.
6	Revise/update City Comprehensive Plan			02/23: Commissioner to review existing and prioritize which section(s) to work on. 03/12: PC to wait on #1, #5 or #8 before proceeding.
7	Update application fees	KG		02/23: KG to meet with Bobbi to set fees. 03/12: Bobbie committed to meet with KG soon.
8	Ordinance for ADU's			03/12: KG to look at getting copies of Waldport ordinance as well as relevant parking ordinances.