



K L A - H A - N E E

"Harmony with our uniquely beautiful setting and with each other is the goal of this booklet."

PROPERTY OWNERS GUIDE

ARCHITECTURAL CONTROL COMMITTEE
HECETA SHORES HOMEOWNERS ASSOCIATION
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HECETA SHORES HOMEOWNERS ASSOCIATION

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INTRODUCTION

The Declaration of Covenants and Restrictions (C&Rs), which affects the ownership of your property in Kla-Ha-Nee, creates responsibilities for you, the property owner, and for the Heceta Shores Homeowners Association (HSHA). The purpose of the C&Rs is to ensure the preservation of the natural and created values and amenities in our uniquely beautiful community and to provide a unique, beautiful, safe environment that can be shared by all property owners.

The information provided in this Property Owners Guide (POG) should be helpful in allowing you the fullest possible use and enjoyment of your property while at the same time ensuring the continued enjoyment of the community environment by you and your neighbors. This revision of the POG is effective **January 01, 2024**. Projects currently in progress may be grandfathered, upon application to the Architectural Control Committee (ACC). Homes built before these revisions do not have to comply with the new Design and Development Guidelines (except for propane tanks, heat pumps and air conditioners - see Section IV-G), but improvements, including landscaping and painting, must comply. It is hoped that all property owners would bring their homes into compliance with the new guidelines, wherever possible. All property owners are required to follow the rules in Homeowner's Rules and Information (see Section VI).

I. ORGANIZATION

- A. The HSHA, a non-profit corporation, was created by the Developer to administer the broad responsibilities established by the C&Rs. The Board of Directors manages the affairs of the Association.
- B. The ACC is established by authority of the C&Rs, Article VIII. The ACC is established to enhance consistency, compliance and equity in the implementation of policies, plans, declarations, conditions, covenants, restrictions and other documents pertaining to the physical development of Kla-Ha-Nee. The maintenance of Kla-Ha-Nee as an unusually attractive private community in which to live depends upon continuous design excellence and sensitivity to the natural environment.
- C. The ACC serves as an arm of the HSHA, under the direction of and responsible to the Board of Directors, to insure compliance with protective restrictions, compatibility of construction, design excellence, and maintenance of the natural environment of Kla-Ha-Nee. The ACC seeks to ensure that the review process is effectively administered and that the individual property owners and community are treated fairly in the process. You are invited to write either the ACC Chair or the Board President with your questions or comments.

- D. It is the ACC's responsibility to review and approve all new development and any changes in development, remodeling or painting, including construction of fences, walls, decks, walkways, or other structures, and any major changes in landscaping or removal of existing vegetation. The ACC may require changes in the project to ensure conformance of the dwelling and landscaping to the C&Rs, and to the ACC design and development guidelines contained in this POG. See Sections II, III, IV, V, VIII, and IX. The ACC and/or the HOA Board may assess penalties or fines for non-compliance to our POG. The ACC and/or the HOA Board may grant extensions or exceptions for non-compliance. (See ATTACHMENT D) It is strongly encouraged for homeowners to contact the ACC in order to insure there is clear communication regarding any activities outlined.
- E. Lane County, Oregon and the city of Florence, Oregon regulations may differ somewhat from those of the ACC. Whichever regulations are more stringent will apply.
- F. The following sections of the POG have been prepared for separate use:
1. Homeowner's Rules and Information (See Section VI), which should be posted in your house for your own use and that of your guests.
 2. Contractor/Subcontractor Construction Site Restrictions and Information (See Section VII), which your contractors must follow while building or remodeling your home.

II. DESIGN AND DEVELOPMENT PROCEDURE

- A. GENERAL INFORMATION.** The Design and Development Procedure (Section II), Design and Development Guidelines (Section III), and Building Material Suggestions (Section V) provide the basis for the ACC review of your project. IT IS IMPERATIVE THAT YOU PROVIDE THESE REQUIREMENTS TO YOUR DESIGN PROFESSIONAL OR BUILDER BEFORE DESIGN WORK COMMENCES. The ACC has the authority to grant exceptions to these procedures and guidelines when such a result will improve the final product in terms of its effect on the entire community. It also has the authority to enforce the POG as an official instrument of the HSHA. Enforcement can mean stopping any work in progress and possible assessment of fines.
- B. PRELIMINARY PLANNING.** The ACC encourages preliminary planning. The ACC will review preliminary plans and provide its recommendations to the property owner. The preliminary review does not change the property owner's responsibility to submit plans for the Predevelopment Plan Review or for the Final Review by the ACC and Board prior to beginning any construction.

The property owner must obtain and use the current versions of the C&Rs and POG, as well as inquire about applicable variances with local Lane County authorities. The property owner should also contact designers and builders (preferably in the area who are familiar with building on the coast), and talk to neighbors and others who have built on the coast or in Kla-Ha-Nee. You are reminded to build in harmony with the environment and with your neighbors in mind.

It is advisable to have your lot surveyed and staked very early in the planning process. If Lane County requires a geologist do a study and soil analysis to determine various sand layers, provide a copy to the ACC. A topographic study should also be done to determine other variances that are needed and for your architect's information. Also check with Lane County to see if your lot may require any variances before construction can begin (Sweet Edwards and/or Dunes Overlay), See Section IV-T, 1 and 2.

Also contact the HSHA Board of Directors to check the exact location of your septic hookup and size of septic system on your lot. Since there is a 10 ft. utility easement on both sides of roads in Klahanee, check on location of conduits for water (Heceta Water District), electrical (Central Lincoln PUD), telephone providers, and cable TV providers. Check with Lane County for regulations on propane tanks, etc.

- C. PREDEVELOPMENT PLAN REVIEW.** The ACC has meetings as needed throughout the year. Call any ACC member to submit plans for review. The ACC has a 30 day review cycle, described in Section II-E below. Call any ACC member for the date and time of the next meeting. See Section VIII. A complete package for the Predevelopment Plan Review must be submitted at least 21 days in advance of the meeting at which it is to be reviewed. A complete submission package is one that contains the following:
1. Completed and signed application form and agreement - See Application for Predevelopment Plan Review (Section IX) and Design and Development Agreement (Section VIII).
 2. Appropriate fee. See Fee Schedule (Section II-D).
 3. Four (4) copies of Site Plan (footprint) and one (1) copy of Land Survey (not more than three (3) years old, prepared by a licensed Oregon surveyor), drawn to a scale of not smaller than one (1) inch = ten (10) feet and containing the following:
 - a. North Arrow (SURVEY).
 - b. Property Lines and Dimensions (SURVEY).
 - c. Paving widths and location on adjoining roads.
 - d. Lot Number or Identification (SURVEY).
 - e. Identification and location of natural vegetation to be preserved especially those on property lines, slopes and setbacks (SURVEY).
 - f. Septic tank, propane tank size and water locations (SURVEY).
 - g. Existing topography, contour interval not to exceed two (2) feet (SURVEY).
 - h. Proposed finished grading and spot grades or contours.
 - i. Driveway size and location.
 - j. Location and size of any retaining walls.
 - k. Building footprint.
 - l. Finished floor elevations relative to street elevation.
 - m. Setback dimensions from all property lines.
 - n. Outdoor lighting or mechanical equipment – location and type.
 - o. Location and dimensions to adjoining properties.
 - p. Drainage plans for gutters, downspouts, slopes and driveways.
 4. Four (4) copies of complete floor plans (including garages), at a scale not smaller than one-fourth (1/4) inch = one (1) foot, showing all porches, decks, exterior walkways and roof overhangs.
 5. Four (4) copies of complete elevations, at a scale not smaller than one-eighth (1/8) inch = one (1) foot, showing and describing all exterior treatments and materials.
 6. Four (4) copies of building sections showing basic construction, building height above finished grade and any retaining wall systems.
 7. The building corners must be staked out on lot (SURVEY) to show where house and other structures are to be located. Also trees, snags and other significant vegetation to be preserved must be clearly marked.
 8. Samples of exterior housing materials and color chips.⁹ Evidence that all required variances have been applied for. Supply a copy if approved. See Section IV-T.
 10. A signed and notarized Hold Harmless document (see Attachment A- template) from the owner. A Hold Harmless document is required for Lots 1-15, 33-37, 41-46, 53, 55-56, ocean front lots

that require dunes setback variance from Lane County. The ACC may also require a Hold Harmless document for other lots, at its discretion.
See Section IV-T.

11. Copy of Lane County Preliminary Report if available at this time.
12. A report from a geologist covering soil analysis if required by Lane County.

D. FEE SCHEDULE. A **non-refundable** Initial fee, used to defray expenses, is payable to the Heceta Shores Homeowners Association, in accordance with the following schedule. It is required at the time the Predevelopment Plans are submitted. The administrative fee is payable at the time the project plans are brought to the ACC.

1. Landscaping or vegetation removal, repainting - no fee required.
2. New home construction - ***An initial fee of \$2,000 will be given to Klahanee HOA for the approval of plans including architect fees, reviews, and other expenses once the home plans are submitted. An Additional deposit of \$5,000 will be given to Klahanee HOA to cover additional reviews, damages to roads, lights, electric gates, septic connections, and other items or expenditures by Klahanee due to the construction of home and property. The \$5,000 deposit is due on the later of the approval of Home Plans or 30 days prior to groundbreaking. Additional deposits may be required in the amount of \$5,000 increments if the original deposit is deemed not sufficient to cover costs and damages to the Klahanee community. Any unused amount from the Additional deposit(s) will be returned to the homeowner within 30 days of the project completion and acceptance by the Klahanee Board of Directors.***
3. Additions, alterations or other construction with no permit required - No administrative fee.
4. Additions, alterations or other construction with a permit being required - \$100 administrative fee. If professional services such as architect fees are required, property owner must pay these costs.
5. The property owner must also pay for any additional fees incurred, i.e. legal, architectural, hold harmless agreement filings, etc.
6. The property owner is responsible and must pay for any damage to roads, infrastructure costs or professionals needed for surveys, reviews and repairs.

E. ACC and BOARD REVIEW.

1. PREDEVELOPMENT PLAN REVIEW.
 - a. Upon receipt of a complete application, submission packet and fee, the ACC will:
 1. Notify all owners of property affected by the proposed construction and solicit their comments and suggestions. A 21 day period will be allowed.
 2. Assign 2 ACC members to a project as contact and backup person.
 3. Arrange for the Predevelopment Plans to be reviewed by an outside consulting architect.
 4. Consider any comments from neighbors and the consulting architect and advise the property owner of any initial recommendations.
 5. Review any variances obtained from Lane County.
 6. Review geologist report.
 - b. The owner will be notified of the date of the ACC's meeting to review the Application for the Predevelopment Plan, which normally will be its next regular meeting following the 21 day period for neighbor and architect review and comments. The 30 day ACC review process begins at this regularly scheduled meeting. However, if the Predevelopment Plans and other

documentation are incomplete and/or major changes are necessary, the ACC and/or owner can extend the 30 day review process in additional 30 day increments until all items are completed. Written notice will be given of this event. Property owners are encouraged to attend any of the ACC meetings during the time their property is being reviewed.

- c. At the scheduled review meeting, the ACC will vote to approve or disapprove the plans, which will then be submitted to the Board for final approval. The ACC will make recommendations to the Board within the 30 day period, with any conditions deemed necessary. The ACC will notify the owner verbally and by mail whether the Predevelopment Plans have been approved or disapproved. The owner will be reminded to get ACC approval for changes to materials, colors and building plans, to respect the natural vegetation and to observe the POG.
- d. For lots 1-15, 41-46, 33-37, 53, 55-56, ocean front lots covered by dunes setback variance from Lane County, if the plans are approved by ACC and Board, and all the required documents have been provided, the ACC will issue a letter to Lane County verifying that the ACC and Board have given the owner preliminary approval to proceed with completing final plans. This approval enables the owner to obtain a building permit.

2. **FINAL PLAN REVIEW.** The following procedures apply to the Final Plan Review:

- a. One (1) set of final plans must be presented to the ACC for its final approval before building can begin.
- b. All conditions required by the ACC or Board in the Predevelopment Plan Review must be resolved in writing, with a description of the manner in which they are to be resolved. A copy of the Preliminary Site Review conducted by Lane County must be provided to the ACC.
- c. A copy of all variances required and approved by Lane County must be provided to the ACC.
- d. The Design and Development Agreement (Section VIII) must be completed, signed and returned to the ACC.
- e. The final plans must also be reviewed by the ACC's consulting architect for any changes.
- f. Samples of final colors and materials must be supplied to ACC for approval.
- g. When the final plans are approved by Lane County, the ACC and the Board, a letter will be issued to the property owner.
- h. The ACC should be notified of the permit # and street address of the property.

F. REVIEW AND APPEAL PROCEDURES. In the event that a decision rendered by the ACC is unacceptable to the applicant or his/her representative, such person(s) may:

1. Request a review of that decision by the ACC by directing a written request for such review, with reasons for reconsideration, to the ACC at least two weeks before the next scheduled meeting. The ACC shall then review the decision at its next regularly scheduled meeting taking into account the applicant's arguments.
2. In the event that the decision rendered by the ACC upon reconsideration of the plan is still unacceptable to the applicant or his/her representative, such person(s) may request a hearing before the HSHA Board, which hearing will include the Board, the ACC, the ACC architectural consultant and any other person(s) with special knowledge pertinent to the application under consideration. Request for such appeal shall be directed in writing and by certified mail to the HSHA Board President postmarked no later than the ten (10) working days after the decision was rendered by the ACC upon review. The decision of the combined Board and ACC shall be final.
3. Adjacent lot owners also have a right of appeal to the Board and should follow the procedure in F1 and F2 above.

G. EXPIRATION OF APPROVED PLANS. Approvals expire two (2) years after Final Plan approval date and plans must be resubmitted for approval if not used in that time period.

H. AFTER CONSTRUCTION STARTS. The ACC members assigned to the project will monitor progress and compliance to plans, ACC rulings, etc. The members will report any violations or suggestions to the ACC and Board. The owner may be notified to correct violations or follow suggestions. Failure to comply may result in a notification to cease construction and assessment of fines.

III. PROCEDURE FOR PROJECTS OTHER THAN NEW CONSTRUCTION

A. GENERAL INFORMATION. This set of procedures is for projects other than New construction. It includes exterior remodeling, renovating and painting and includes construction of fences, walls, decks, driveways, walkways, or other structures. Major changes in landscaping or removal of existing vegetation also need to be reviewed and plans submitted to ACC for their approval before commencement of work.

B. CATEGORIES. Work of this nature falls in several categories and requires different procedures to accomplish.

Refer to other sections in the POG for specific and overall guidelines, especially section II DESIGN AND DEVELOPMENT PROCEDURE and IV DESIGN AND DEVELOPMENT GUIDELINES.

Property owner must give a copy of Section VII. LICENSED CONTRACTORS/SUB-CONTRACTORS CONSTRUCTION SITE RESTRICTIONS AND INFORMATION to their contractors and make sure they follow them.

1. Painting of house (even if the same colors):
 - a. No fee is required
 - b. Submit in writing a description of work at least 14 days prior to next scheduled ACC meeting.
 - c. Submit sample of paint chip(s).
 - d. When ACC concurs (either at next ACC meeting or sooner) and notifies property owner, action can be taken by owner.
2. Major or extensive landscaping and removal of trees and any other existing vegetation:
 - a. No fee is required
 - b. Submit in writing a description of work to be done, along with a diagram, at least 14 days prior to next scheduled ACC meeting.
 - c. Trees, bushes, etc. should be identified on diagram and those items to be removed or moved must be marked on the diagram and also on the property.
 - d. When ACC concurs (either at next ACC meeting or sooner) and notifies property owner, action can be taken by owner.
3. Remodeling or renovation of the property that does not require a permit from Lane County. fences, walls, walkways, driveways, decks under 30" from grade, replacement of siding (LP, HB and stucco) fall in this category:
 - a. No fee is required

- b. Submit in writing a description of work to be done, along with a diagram that includes distances, sizes, materials, objects etc. at least 21 days prior to next scheduled ACC meeting.
 - c. Submit samples of color chips and materials, if appropriate.
 - d. Notification of neighboring property owners may be necessary.
 - e. When ACC concurs (either at next ACC meeting or sooner) and notifies property owner, action can be taken by owner.
4. Small projects that entail remodeling or renovation of house parts but do require a permit from Lane County. This includes adding new propane tanks, hot tubs, etc. Decks that exceed 30" height above grade (which cannot be over a drain field or septic tank) and covered decks fall in this category. Any structural changes to existing homes, deck, sheathing or T111 siding are also included.
- a. \$100 administrative fee.
 - b. If an architect, engineer, or professional designer is required by the ACC, the property owner must pay these fees.
 - c. Submit in writing a description of work to be done, along with a diagram at least 21 days prior to next scheduled ACC meeting.
 - d. Submit samples of color chips and materials.
 - e. Notification of neighboring property owners may be necessary.
 - f. Fill out Section VIII. Design and Development Agreement and Section IX. Application for Predevelopment Plan Review – only the sections that are appropriate to your project.
 - g. When ACC concurs (at next ACC meeting) and notifies property owner, action can be taken by owner.
5. Large projects that entail remodeling or renovation of house parts but do require a permit from Lane County. Replacement of siding that entails structural changes to building or additions and new structures fall in this category.
- a. \$100 administrative fee.
 - b. If an architect, engineer, or professional designer is required by the ACC, the property owner will pay these fees.
 - c. Submit in writing a description of work to be done, along with a diagram. A copy of the plans to be submitted to Lane County for their approval is required by the ACC at least 21 days prior to the next scheduled ACC meeting.
 - d. Submit samples of color chips and materials.
 - e. Notification of neighboring property owners may be necessary.
 - f. A streamlined version of Section II. Design and Development Procedure must be followed.
 - g. Fill out Section VIII. Design and Development Agreement and Section IX. Application for Predevelopment Plan Review – only the sections that are appropriate to your project.
 - h. When ACC concurs (at next ACC meeting) and notifies property owner, action can be taken by owner.

C. VARIANCES AND PERMITS FOR PROJECTS.

The Erosion Hazards Study and Planning Action RV80-478 (Sweet, Edwards) variance governs lots 1-15, 33-37, 41-46, 53, 55-56. See IV-T VARIANCES AND HOLD HARMLESS AGREEMENTS for more details. Contact Lane County for a copy of these documents before you submit plans for your project. The ACC must have a copy of the signature page of your variance before work can begin.

For other lots, additional variances may be required. Contact Lane County to determine if you will be required to obtain these additional variances and then request a copy of each variance. The ACC must have a copy of the signature page of each variance before work can begin.

A permit is required by Lane County for certain building/remodeling projects. Contact Lane County for rulings on various projects and whether you will be required to obtain a permit. See III-B CATEGORIES for some of these. The ACC must have proof of your permit; i.e. number, etc. before work can begin.

D. EXPIRATION OF APPROVED PROJECTS.

Approvals given by the ACC expire two (2) years after Project approval date. Variances, permits etc may have changed after that time period, so Project plans must be resubmitted.

IV. DESIGN AND DEVELOPMENT GUIDELINES – AS APPROVED BY THE ACC and/or THE HECETA SHORES HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS

A. PERMITTED STRUCTURES.

1. Single family dwelling.
 - a. Minimum Living Areas
 1. Lots 44-46, 59-100 (as currently platted) 1,000 Sq. Ft.
 2. Lots 1-32, 33, 35, 37 (as re-platted), and 38-43, 47-58, 101-110 (as currently platted), - 1,400 Sq. Ft.
 - b. Maximum Living Areas.

See D and E below for restrictions on lot size and building heights. Owners are strongly encouraged not to overbuild their lots. Total house living space should not exceed 3500 ft. Large houses usually impose on the neighbor's privacy, restrict views, and diminish the open space feel.
2. Attached garages. At least a two-car garage is required, as parking on streets creates an emergency vehicle hazard. All vehicles must be parked on owner's property or in designated open parking places in Kla-Ha-Nee. See Section VII-3-C-3 for where these areas are located.
3. Garden shed.
4. Non-commercial greenhouse.
5. Swimming pool, spa, covered or uncovered, associated with the dwelling.
6. Tennis court.
7. Porches, decks and walkways, covered or uncovered, associated with the dwelling.

B. PROHIBITED STRUCTURES AND USES.

1. Temporary structures of any kind (other than that incidental to allowed development or construction and only during the allowed construction period).
2. Unfinished structures. All structures, additions, alterations or other constructions must be completed within six (6) months from the starting date. New houses shall be completely finished, from breaking ground to final landscaping, within one year.
3. Signs of any kind, other than a sign approved by the ACC/Board. Approved signs cannot be more than five (5) square feet and must be placed within the property lines. Real estate signs

advertising the property for sale must be made of wood with blue lettering. (See Attachment C) Properties fronting beach and road, or two roads, may have two sale signs. A sample picture of the approved sign may be seen in the back of the POG.

4. Oil drilling, oil development, oil refining, quarrying, or mining.
5. Keeping of animals, livestock or poultry, except for two (2) household pets kept for non-commercial purpose that do not create objectionable noise or odor and are maintained on a leash when off the owner's property.
6. Fences of any kind, unless approved by the ACC.
7. Open storage.
8. Freestanding devices or attachments to a house, such as a TV antenna, flagpole, satellite dish, wind generator, solar panels etc., must be close to the building and relatively hidden, unobtrusive, or invisible from public and neighboring viewpoints. Any attachment larger than four (4) feet in any dimension and/or more than two (2) feet from its nearest point to the building must have ACC approval prior to installation.
9. Parking of construction or maintenance vehicles, equipment or materials, except during the course of work on the dwelling. Vehicles must be parked in temporary overflow parking areas so as not to impede local traffic. Parking on Drain Fields or their access points is prohibited and is subject to fines. Vehicles not in regular use and good operating condition are prohibited.
10. Parking on owner's lot of Category B Vehicles; RVs (Recreation Vehicles - travel trailer, camper, motor home and other similar vehicles), and Category C Vehicles (boats, boat trailers, rafts, horse trailers, ATV trailers and off-road vehicles) is allowed for a period not exceeding 72 hours.
11. Modular, pre-fabricated, manufactured, trailer or any other home other than built on site.
12. Carports are not allowed.
13. No garage or yard sales are permitted within the community
14. Estate Sales are permitted with the approval of the ACC or HOA Board (see attachment B)

C. BUILDING SETBACKS AND EASEMENTS.

1. All building setbacks are to be approved by the ACC and shall be established in consideration of the following:
 - a. Views and privacy of adjoining structures.
 - b. Natural topographical features
 - c. Protection of existing natural vegetation.
 - d. Most desirable street access.
 - e. Structural integrity of subject property and adjoining properties.
2. On lots 1-15, 33-37, 41-46, 53, 55-56 (beach front lots); a minimum setback of forty (40) feet from the West property line is required. It is preferable that this setback be 50 ft. The exact distance will be established by the ACC on an individual lot basis. See requirements for Sweet Edwards, Dunes setback provisions, and RV80-478 Variance – See VARIANCES (Section IV-T).
3. All lots shall have a minimum setback of ten (10) feet from adjoining property lines. Lot #27-30 have a twenty (20) foot common area easement and road setback. It is highly preferable that these setbacks exceed the minimum to ensure privacy and neighboring property integrity.
4. Construction that calls for excavation near an adjacent lot line will have to show that the integrity of the adjacent property will not be threatened by excavation, and that excavation is properly backfilled.
5. No structure may be placed within any easement. Driveways and other improvements are subject to removal at the property owner's sole risk and expense, as required for use or maintenance of the HSHA. A HOLD HARMLESS AGREEMENT (see Attachment A) must be signed, notarized

and recorded with the title company by the property owner. This agreement absolves the HSHA of any liability, if the owner chooses to encroach on the easement area.

6. All private roads have a contiguous 10 foot wide public utility easement on each side.

D. MAXIMUM LOT COVERAGE.

The maximum lot coverage by buildings or structures cannot be more than thirty (30) percent of the buildable lot area. (Buildable lot area is defined as the area that is not subject to roadway easements.) For this purpose all covered porches, entries, decks, patios and garages are counted. The total lot coverage for buildings, structures and other improvements cannot be more than forty (40) percent of the buildable lot area. For this purpose, uncovered porches, decks, patios, driveways, paved areas, sidewalks, and roof projections beyond the foundation line are counted. The buildable lot size **for Lots #27-30 is calculated by subtracting the (20) foot common area easement road size from the total lot size.**

E. MAXIMUM BUILDING HEIGHT.

The maximum building height shall be thirty (30) feet as defined by the definitions below.

1. Building height. - The vertical distance above a grade point (defined below) measured to the highest point of the highest roof.
2. Grade. - Grade is defined below depending upon the description of the lot being considered.
 - a. If a majority of the lot is below the street level, grade equals the entering street level.
 - b. If the majority of the lot is above the street level, grade equals two-thirds (2/3) of the height between the entering street level and the highest point, but not to exceed ten (10) feet above the street.
 - c. If the lot is bounded by two streets on adjacent sides (corner lot), the lowest street elevation shall be used with (a) and (b) above to determine the grade.
 - d. If the lot is bounded by streets on opposite sides (through lot), the entering street elevation shall be used with (a) and (b) above to determine the grade.

F. PRIVATE BEACH ACCESS WALKWAYS. Refer to Erosion Hazard Study by Sweet Edwards and Planning Action RV80-478 for restrictions.

1. If private walkways are to be constructed, adjacent homeowners are encouraged to share one walkway.
2. All walkways should be unobtrusive and follow, as closely as possible, the natural contour of the property minimizing loss of trees and other foliage. They should be on top of dune, not through it.
3. Guardrails and handrails should be constructed only to alleviate dangerous conditions and to comply with building code requirements.
4. If constructed, guardrails and handrails should be as visually transparent as possible.
5. All walkways should end at the beach rip-rap or when reaching a level portion of the beach adjacent to the rip-rap.

G. BUILDING UNDERPINNINGS, PROPANE TANKS, HEAT PUMPS, AND AIR

CONDITIONERS. The structural underpinnings of the house must be concealed with landscaping or building skirting. Propane tanks must be less than 125 gallons and their location is to be approved by the ACC and must meet Lane County requirements. Also, propane tanks, heat pumps and air conditioners must be concealed by landscaping, latticework or fencing. All propane tanks, heat pumps and air conditioners must be concealed and out-of-view.

- H. HARMONY.** The house plan should be "in harmony" as to external design and location in relation to surrounding structures and topography. For clarification, see Article VIII, Section 1, of the C&Rs, and Color Selections (Section IV-S), and Regarding Exterior Colors (Section V-E), below.
- I. TREES, SHRUBS AND NATURAL VEGETATION.** Notification to the ACC prior to the removal of significant trees, shrubs, snags, rocks, or other prominent vegetation from an owner's property to obtain written consent of the ACC. Decisions will be based upon aesthetic considerations, common sense, and judgment. The natural state of any lot or common area, other than routine maintenance or removal of hazards to life, shall not be intentionally and materially changed by any person without first obtaining the approval of the ACC or proceeding under rules promulgated by the ACC. An Arborist consultation may be required by the ACC or Board whose cost will be paid by the property owner.
- J. FENCING.** The design concept of Kla-Ha-Nee is one that promotes a feeling of open spaces; therefore, fencing or other containment is discouraged. Need for a privacy or pet fence will be considered by the ACC.
- K. EXTERIOR LIGHTING.** Type, number and placement of exterior lighting devices must be approved by the ACC and all proposed exterior fixtures must be indicated on the exterior elevation plans, submitted with the Predevelopment package. The objective is to eliminate glare and annoyance to adjacent property owners and passersby. Direct lighting is not allowed and is defined as lighting where the light source is visible from adjoining property or street. Indirect lighting or diffused lighting shall not cast light onto adjoining property. All exterior lighting will be shielded and directed downward, except beach illumination. All exterior lighting should be on timers or motion activated to prevent disruptions to neighboring properties, and must be turned off no later than 11:00 pm.
- L. LANDSCAPING.** Landscaping plans for new homes must be submitted to the ACC for review at least 30 days after completion of house and work must be completed within (6) months. Loose sand has to be contained by bark during construction and until landscaping is completed. The process of review shall be the same as for other submissions. Major landscaping revisions are covered under Section III-B-2.
- M. MATERIAL SELECTIONS.** The severity of the ocean climate in Kla-Ha-Nee makes the selection of exterior finishes and materials of critical importance to the life of the building and to the over-all appearance of Kla-Ha-Nee. It is suggested the property owners, builders and designers keep this in mind when selecting all exterior materials. See Building Material Suggestions (Section V).
- N. ENCROACHMENT.** The Architectural Control Committee shall have the authority to approve site development plans which include encroachments of roof overhangs, porches, carports, decks or similar construction on the common properties up to a maximum of ten (10) percent of the lot size of the encroaching ownership for the purpose of providing additional flexibility in site development.
- O. PARTY WALLS.** The C&Rs allow the use of party walls in some instances subject to the restrictions contained in that document.
- P. DRIVEWAYS.** Each lot is entitled to one access to the nearest street. The location of the access shall be approved by the ACC. The minimum driveway width is fifteen (15) feet. Per the C&Rs, the ACC will predetermine the location of a driveway for each new lot to be built on.

- Q. MULTI-FAMILY-UNITS.** The construction of a multi-family-structure is prohibited. Only one sewer hookup is allocated (by Lane County) to each lot. No property may contain any type of Additional Dwelling Unit including apartment, casita, flat, yurt.
- R. MAIL AND NEWSPAPER BOXES.** Homes are not required to have a mailbox, but the following guidelines apply to those installed. Mail and newspaper deliveries are to be confined to one freestanding mailbox structure per residence and to one of two designs, either the original wooden custom-made shingled "dollhouse-on-a-post" design, or the olive-gray plastic design (as manufactured by the Step2 Company, Streetsboro, OH, or equal). If the latter is chosen, it must have at least one newspaper slot. Regardless of which design is chosen, the location and height of the mailbox must be set by the Florence Post Office. Contact them before installation. See Section VI-D for more information.
- S. COLOR SELECTIONS AND PAINT.** All exterior color selections and changes in color must be submitted to the ACC for review and approval - first as color chips, for Predevelopment Plan Review, then on a loose panel or real wall for final approval. Exterior colors should be in harmony with and blend into the natural colors found around the house. Houses to be repainted to the same color must be approved by the ACC. See color suggestions in Regarding Exterior Colors (Section V-E), below.
- T. VARIANCES AND HOLD HARMLESS AGREEMENT.**
All variances are transferable by deed and subsequent property owners of lots acquiring a variance must abide by these variances. Hold Harmless Agreements may be required for other situations than mentioned in 1 and 2 below at the discretion of the ACC and the Board.

1. BEACH FRONT LOTS

- a) Property owners of beach front lots (lots 1-15, 33-37, 41-46, 53,55-56) are required to obtain the following documents. Lane County will provide these documents. These documents must be signed and notarized by the owner before the Predevelopment Plans will be approved.
- 1) "**Erosion Hazard Study**" by **Sweet, Edwards, and Associates**. This study was prepared specifically for ocean front lots but also may be applied to other lots in Kla-Ha-Nee. It is recommended reading for anyone building in this area.
 - 2) "Breaker Height and Shore Erosion" memo from Jim Mann to Dave Pedersen must also be obtained to inform the owner of potential hazards of building in this area.
 - 3) Planning action RV 80-478, which is an amended variance to the fifty (50) feet setback requirement from mean high tide, with seven (7) conditions that must be followed. This regulation also requires that all floor elevations must be above (24) feet MSL (Mean Sea Level) with (27) feet MSL being preferred.
 - 4) Exhibit A of county file PA 00-5170, conditions of approval for building in the development.
 - 5) The ACC also requires that a HOLD HARMLESS AGREEMENT (see Attachment A) be signed, notarized and recorded with Lane County and the title company (if applicable) by the property owner. This agreement absolves the HSHA of any liability, when the owner chooses to use the above variance.

2. DUNES LOTS

Homes to be built on the dunes may also be required to obtain a variance for building in the Dunes Overlay Area from Lane County before any construction can begin. This variance is a

requirement of C10.270-35(6), which prohibits development on dunal slopes exceeding 25% slope. See Section II-c for the geologist report required by the ACC. Lane County will also provide this document. The ACC may require a HOLD HARMLESS AGREEMENT (see Attachment A) be signed, notarized and recorded with Lane County and the title company (if applicable) by the property owner. This agreement absolves the HSHA of any liability, when the owner chooses to use the above variance.

U. RETAINING WALLS. Retaining walls may be required to support structures embedded in the dunes. They need to be approved by Lane County. If they are visible from the street, beach or property of a neighbor, they should be screened by foliage, made of natural materials such as rocks or heavy railroad ties, or use other attractive screening devices.

V. DRAINAGE FROM GUTTERS/DOWNSPOUTS, DRIVEWAYS, SLOPES, ETC. Gutter, downspout, driveways and slopes must not drain onto adjacent lots, common areas or roads. Various erosion problems have occurred recently and good planning for drainage is needed when designing new homes. You might want to consider installing a dry well for drainage.

W. EGRESS AND USAGE OF COMMON PROPERTY. There are several common areas in Klahanee which border property owners. These areas are for the total community. Permanent improvements and egress across these properties is not allowed.

X. SEPTIC TANKS. Most lots have septic tanks. If you are unable to locate your tank or hookup, or your property does not have a septic tank, contact HSHA Board and/or Lane County for location of hookup and the current size required.

V. BUILDING MATERIAL SUGGESTIONS

The following suggestions are derived from the experiences of those who have already built at Kla-Ha-Nee and on the coast.

A. Because of the salt air:

1. Use only stainless steel outside: nails (framing, finish and roof), braces, deck screws, flashings, chimney windshields.
2. Use only vinyl (several plastics are suitable), stainless steel, aluminum, brass or copper outside fixtures.
3. Use only stainless steel, copper or powder coated aluminum gutters and downspouts (with stainless fasteners. Some heavy duty vinyl can also be functional.
4. Use stainless steel or powder coated metal for railings. Wood and vinyl are also good materials to use.

B. Because of the driving wind and rain:

1. Skylights: Non-opening models are easier to keep from leaking.
2. Sliding glass and french doors are almost impossible to seal against the rain if located on the east, west, or south side. (South and east sides are the worst since the winter storms come from the south.) If possible:
 - a) Locate on a porch with a large overhang -- more protected.
 - b) Have door(s) open out -- helps channel water out.
3. Consider storm-doors for weather exposed doors.

4. Windows that open on south side are difficult to seal against rain. Use fixed types of windows.
5. Siding, Decks and Walks: Treated cedar is preferred; siding with full bodied stain endures best; cedar decks and walks may be left unstained. Hardiplank type siding and Trex type decks are also acceptable.
6. Roof Materials: Cement tile is the best material. Tile, asphalt shingle, or fire-retardant shake roofing works also. Metal roofs, even enameled, are subject to rust. Three (3) foot roof overhangs are discouraged due to high winds.
7. Decks: In the summer, when it is sunny, a cold wind blows almost constantly from the northwest. A protected south deck will give you the best protection from the wind, so you can enjoy each sunny day. In the winter, when it is sunny, the sun is in the south sky, so a south deck offers protection.
8. Windows: Vinyl windows have worked well for low maintenance, no warping, and no painting. Vinyl clad wood work as well.
9. Chimneys: care should be taken in the design of chimneys since winds may reach 100 mph or more on occasion.

C. Because of the strong late afternoon western sunshine, it might be helpful to install blinds with a solarized backing for your west windows.

D. Regarding Security Systems:

As a remotely located gated community, we have had relatively few security problems; however, some homes have built-in security systems on the inside of their homes. These can be pre-wired during construction (Security systems are the personal decision of the owner). Select a security system company that provides local "on site" monitoring in case of an alarm. Any kind of outside alarm is strongly discouraged.

E. Regarding Exterior Colors:

All colors on large areas should be low in intensity and muted. Earth tones (as opposed to sky colors) are preferred and readily approved; that is, colors in the warm range, from pale yellows, sands, tans and browns to puttys, slates and brownish grays. Even dull ochres and muted rusts will blend well as long as they are not too intense. The cool colors, like green, blue, rose, may be approved if muted and low intensity. Bright colors like red, orange, purple, and pink are generally to be avoided and they will most likely not be approved. Neutral and medium grays are acceptable and have a long tradition on the coast, but **intense dark to black colors are to be discouraged**. Sky-colors (subdued blues, light grays and whites) will be approved if the house is typically seen against the sky or ocean, such as those on the bluff above the beach or on the top of a high dune. A wider range of color is acceptable for trim and accents. White is best used only as a trim color because white walls tend to load up with storm-blown sand and discolor with the spread of moss. Mildew resistant paints are recommended.

Colors of all outside house materials, like roofs and trim, must blend with the house and overall surroundings.

The above is meant only as a guide but exceptions may be considered. Several Kla-Ha-Nee homes have been painted a light celadon green and seem to blend in well. If in doubt, stick to muted tans, browns and grays, and think about what colors will blend with the natural background around your particular house.

F. Hose Outlets

Make sure you plan and install hose outlets at strategic sides of your house. This will make it easy to connect watering systems and hoses needed to wash down your windows. You will especially want to have one or more located on the West side of your house.

VI. HOMEOWNER'S RULES AND INFORMATION.

- A. **ELECTRICAL POWER OUTAGES.** Alternative suggestions: Power outages of more than a few hours duration seem to occur once or twice a year. Some owners have installed electrical panels that allow disconnecting from the public electrical utility grid and connecting to their own generator. Discuss this with your architect or licensed electrician; it requires special safety wiring.
- B. **GARBAGE CANS and PICKUP SERVICES.** Garbage cans with flip covers are recommended due to the new hydraulic-lift garbage trucks. Bears (or other wild animals) and wind can dump and scatter garbage. **Do not put garbage out overnight.** To have your garbage removed on a regular basis, contact one of the local garbage companies (County Transfer & Recycling 541-997-8233 or Central Coast Disposal 541-902-7554). If you are only visiting on weekends or for short periods of time, please take garbage out with you.
- C. **ADDITIONAL WIRING.** Consider hiring a contractor to install high quality audio, network, telephone and video wiring.
- D. **MAIL BOXES.** (See Section IV-R) Acceptable Mail boxes are:
1. Kla-Ha-Nee style: have your contractor or a local carpenter build one for you.
 2. Or order one from a local supplier. Contact the HSHA Maintenance Chair for additional information.
- E. **AMBULANCE SERVICE** is available locally from Western Lane Ambulance / Life Med. There is an annual membership service available as well. Contact WESTERN LANE AMBULANCE / LIFE MED AT - business office 541-997-9614.
- F. **FIRES, FIREWORKS AND FIREARMS.** BEACH FIRES ARE DANGEROUS AND MAY BE ILLEGAL. There are posted Oregon Department of Forestry signs on the beach. Please follow all local and state laws. Please note Kla-ha-nee has quiet hours between 10:00 pm And 8:00 am.

The fire season runs from approximately June 15 to Oct 15. Citations will be issued to those not following regulations. The Oregon Department of Forestry will post signs at strategic locations.

All camp fires in parks and forests and on beach must be in designated areas ONLY.
No fireworks are allowed in areas specified by the ODOF during the fire season.

When fire season ends, should you or your guests decide to have a bonfire, please have the fire well out on the beach so you can monitor it. Don't expect a high tide to douse your fire – be sure to thoroughly extinguish the fire and embers. To report illegal or unattended fires call the Oregon Department of Forestry – 541-997-8713. Also, the Oregon Coastal Land Use Coordinator has advised us that “FIREWORKS OR EXPLOSIVES (unless the safe kind) ARE STRICTLY FORBIDDEN AND ILLEGAL TO USE”. Fireworks have been responsible for starting fires, which have engulfed beach grass and homes on the beach in previous years.

No parking is allowed by Homeowners or houseguests/renters along the roads in Kla-Ha-Nee, as the Forest Service and local Fire department use these roads as fire access roads.

Yard burning, open fires and fireworks are forbidden at all times.

The discharging of firearms is not permitted at any time in Kla-Ha-Nee.

- G. **SEPTIC/SEWER.** All lots are connected to a central septic system, so **BE CAREFUL** what you put in toilets or grind up in garbage disposals. Only human waste and biodegradable toilet tissue should be flushed down toilets (no paper towels, Kleenex, dental floss or sanitary products). Try to keep the following out of your septic system: vegetable, fruit and meat fibers, grease, bleach, and coffee grounds. Under no circumstances use drain cleaners (lye) or introduce paints or chemicals into the system. Property owners should know where their septic tank clean out cover is located. Contact the Klahanee HOA for more information.

H. KLA-HA-NEE SEPTIC (SEWAGE) SYSTEM AND ELECTRICAL POWER FAILURES.

1. The Kla-Ha-Nee septic (sewage) system requires commercial electrical power (Central Lincoln PUD 541-997-3414) for operation. Sewage, from your house toilets and drains, feeds into your septic tank. The effluent, from your septic tank, then flows into a holding tank (usually gravity flow until here). Some homes require lift pumps. Effluent is transferred between holding tanks and eventually to the septic drain fields by electric pumps. When electrical power fails, effluent will cease to be transferred, the holding tanks will fill up and overflow and possibly back-up into your house.
2. When electrical power is lost, please drastically reduce the amount of fluid (primarily water), flushed (down your drains) into your septic tank until power is restored and the pumps are returned to operation.
3. There are several ways to reduce the amount of water entering a septic tank:
 - a. Do not use washing machines or dishwashers.
 - b. Flush toilets only when absolutely necessary. Consider buying a "Porta-Potty."
 - c. Wait to take showers or baths.
 - d. Think twice before using water (fluid down your drain).

- I. **KLA-HA-NEE WATER.** Kla-Ha-Nee water comes from Heceta Water District (541-997-2446). It is soft, so you do not need a water softener. Heceta Water District clears the lines periodically and this can cause degradation in water pressure and leave some sediment in the lines. Be sure to run your water to clear your lines when you have been away for awhile. Consider turning off your water valve, at the street, if you are going to be gone more than a few days.

J. KLA-HA-NEE TRAFFIC RULES.

1. Maximum speed is 10 mph (for any vehicle - powered or unpowered) on Kla-Ha-Nee streets. REMEMBER to slow down for speed bumps! Please slow down to 5 mph when going around blind corners/curves to protect pedestrians and other vehicles.
2. No unlicensed (powered by internal combustion engine) vehicles may be operated on Kla-Ha-Nee streets.
3. No unlicensed drivers of powered vehicles are allowed on Kla-Ha-Nee streets.
4. All applicable city (Florence), county (Lane) and state (Oregon) traffic/highway/street rules apply in Kla-Ha-Nee.
5. Please observe one way signs!

- K. **GAZEBO.** The Gazebo is for all residents of Kla-Ha-Nee to enjoy. After using it for your personal party, please clean up and remove garbage. Contact Grounds and Maintenance to schedule day and time for use.
- L. **EXTERIOR LIGHTS.** At night, if exterior lights are not on a motion sensor, they must be turned off by 11:00 pm. Check before you leave for an extended period that all your exterior lights are turned off. Also remind your renters and house guests of this restriction.
- M. **NOISE POLLUTION.** Respect your neighbors' privacy by keeping the noise level coming from your house to a minimum.
- N. **STREET LIGHTS AND SEWER PUMP STATIONS HOUSINGS.** Be careful when driving or parking that you do not hit or back into one of these fixtures. They are expensive to replace and you will be billed for their repair. If you feel that one is located so as to interfere with your vehicle travel, please contact the Board.
- O. **BE A GOOD NEIGHBOR.**
1. Pick up litter on streets and the beach, especially sharp objects like glass. Many walkers carry a plastic bag with them to collect such items.
 2. Cut back, pull up and dispose of scotch boom in spring – on your property, common ground or property of absent neighbors. Cut back and dispose of salal from edges of roads. Also pull up and dispose of roadside weeds and mushrooms when in season.
 3. Don't feed wild sea birds and animals. Fish and Wildlife would prefer they forage naturally.
 4. If you see baby seals on the beach, leave them alone. The mother has gone to find food and will be back. Keep pets away from them. Also if you see a sick or dead animal, call Fish and Wildlife at 541-888-5515.
- P. **BEACH ACCESSES.** There are two maintained pedestrian beach accesses. Be aware wave action can erode the sand at these access points. Use them at your own risk. They are located:
1. On Shoreline Loop opposite Lot #20.
 2. North of Triplex when weather and sand permits.
- Q. **OCCUPANCY/RENTALS.** As of February 2001, a change to the C&Rs went into effect requiring that the rental of any home in Kla-Ha-Nee be for a minimum of one month (30 consecutive days). It is important that renters understand that ours is a residential community. Visitors and renters should respect the property, privacy, rights and space of those who live here. Homeowners planning to rent to outsiders should ensure that renters understand how to deal with a community septic system. Renters should not have more vehicles than the garage and driveway can accommodate. Respect Oregon's beaches and remove any garbage and debris when using them and dispose of with your garbage (soda cans and fireworks seem to be left the most often).
- R. **GATE ACCESS.** You must use a gate access code to open Kla-Ha-Nee front gate. Periodically a general gate access code is assigned for construction workers and deliveries. Changes to this number will be published in the monthly Board minutes. Please give this code out when expecting guests, deliveries or temporary workers. **Each lot owner may also have an individual gate code.** Please contact Maintenance for set-up. If you want to use an automatic device to open the gate, you can purchase a MultiCode by Linear from Quality Fence Co. In Central Point, OR., or contact a

member of the Board for more information. If the power goes out at Kla-ha-nee, the gates will automatically open and remain opened until reset.

- S. **KLA-HA-NEE FIRE DISTRICT.** Kla-Ha-Nee is in the Siuslaw Valley Fire & Rescue District headquartered at 2625 Hwy. 101 in Florence (541-997-3212). Nearest fire stations are at headquarters and at Hwy 101 and Sutton Lake Road. If you have a fire emergency, **CALL 911**. Fire hydrants are located throughout Kla-Ha-Nee.
- T. **LANE COUNTY SHERIFF'S DEPARTMENT** may be contacted by dialing 541-582-4150. In emergencies you may also call 911.
- U. **PARKING.**
1. Overnight parking is not permitted on the roads in Kla-Ha-Nee, since our roads are narrow and are used by the Forest Service and Fire District as fire lanes for emergency access to our community and adjoining forest lands. In addition, we want to maintain the beauty and natural look of the Kla-Ha-Nee environment. Parking or driving on lawns, drain fields and HSHA common areas is not permitted at any time. Drain fields are particularly sensitive because of possible damage to effluent distribution and irrigation systems. Consistent or excessive road blocking, at any time, is prohibited. Vehicles must be parked in temporary overflow parking areas so as not to impede local traffic.
 2. See Article VI Section J for Kla-Ha-Nee traffic rules.
 3. Types of Vehicles
 - a. Category A Vehicles: includes passenger cars, SUVs, vans, motorcycles and personal-use light trucks.
 - b. Category B Vehicles: includes RVs (Recreational Vehicles), travel trailers, campers, motor homes and other similar vehicles.
 - i. The Temporary Overflow Parking Areas can be used by residents and their guests for a maximum of 72 hours once (1) in a 30 day period. Permission is required from the President, Board Member or an ACC Member to park in the Temporary Overflow Parking areas for this type of vehicle. A parking permit must be obtained from the HSHA Board and displayed on the windshield of all Category B vehicles.
 - ii. Staying in any of these vehicles overnight is not allowed.
 - iii. Permanent parking for these vehicles must be in a garage or offsite. See section 4 below for location of Temporary Overflow Parking areas.
 - c. Category C Vehicles: includes recreational equipment, boats, boat trailers, rafts, off-road vehicles, horse trailers, trailers and similar vehicles. All recreational units must be in/on a trailer or truck.
 - i. The Temporary Overflow Parking Areas can be used by residents and their guests for a maximum of 72 hours once (1) in a 30 day period.
 - ii. Temporary parking for Category C Vehicles is not allowed on any private lot for more than 72 hours and not more than once (1) in 30 days.
 - iii. Permanent parking for these vehicles must be in a garage or offsite. See section 4 below for location of Temporary Overflow Parking areas.
 - d. Category D Vehicles: includes construction and business trucks, trailers and other contractor equipment. Category D Vehicles must conform to contractor rules in Article VII section 3.

4. Temporary Overflow Parking for vehicles is provided for you and your guests in the areas identified below. These areas are for temporary parking only; storage of any other items or material is not permitted.
 - a. At the Gazebo. During holidays and holiday weekends, parking at the Gazebo may be restricted. Check with the President if you plan to use this area.
 - b. The large paved area behind (West of) lots 30, 31, 32.
 - c. North of Tri-plex (lots 44, 45, 46)
 - d. Cul-de-sac West of lot 57, north of lot 56 (small vehicles only).
 - e. Wide area just inside entrance gate, on East side of Shoreline Drive.
 5. Camping on or overnight use of common grounds, Temporary Overflow Parking areas and drainfields is prohibited at all times.
 6. Parking of inoperative or vehicles being repaired or serviced is not allowed.
 7. Repeated or flagrant disregard of the above rules may result in the offending vehicle(s) being towed.
- V. **DOGS AND CATS.** Dogs must be on a leash in Kla-Ha-Nee. Please pick up your pet's waste products. It is not attractive to see piles of dog waste alongside the road. Cats should be kept inside as much as possible. Coyotes have been spotted in and around Kla-Ha-Nee and the disappearance of a number of pet cats has been attributed to them.
- W. **WINTERIZING.** Disconnect your hoses from the house spigot if you are going to be absent over the winter months. It has been known to freeze on the coast and pipes have frozen. Also install the special hose outlet covers to protect your connections.
- X. **GARAGE SALES.** Garage or yard sales are not permitted. Estate sales are not permitted without express written permission from the HOA Board.
- Y. **COMPLAINTS.** Complaints about construction or other property owner abuses will be handled as follows:
 1. During construction – Be sure to attend Preliminary Reviews while a neighboring property is under review. If issues arise during construction, contact the new property owner or his builder to try to resolve the problem before contacting an ACC member.
 2. On built properties – Contact your neighbor to try to resolve the problem. If you cannot resolve it between you, then contact a Board member.
 3. On common properties – Contact a Board member.
- Z. **ACC SPRING AND FALL WALK-ABOUT.** Each spring and fall the ACC will walk Kla-Ha-Nee to ensure that it remains an attractive community. They will evaluate each property for eyesores, fire hazards, yard maintenance or other violations of community rules. Property owners will then receive a letter asking them to correct the problem.
- AA. **DAMAGE TO HSHA FACILITIES ON YOUR LOT OR ON COMMON PROPERTY.**
 A property owner is liable for any damage to HSHA facilities, such a sewer lines, etc. up to the edge of the road. They must pay for costs incurred to repair. If damage is done to common property by a property owner or their guests or contractors, it is their responsibility to pay for the work done to correct the problem.

VII. LICENSED CONTRACTOR/SUB-CONTRACTOR CONSTRUCTION SITE RESTRICTIONS AND INFORMATION.

Property owners (HSHA members) are responsible for their contractor's compliance with HSHA rules, restrictions and this document (POG Section VII).

Property owners must give a copy of this document (POG section VII) to the architect and the licensed general contractor. The property owner, architect and general contractor must complete and sign a copy of the Design and Development Agreement (Section VIII) and return it to the ACC. An ACC member and a backup ACC member will be assigned to this project as a contact and the members' names will also be added to this agreement. The property owner is responsible for compliance with the HSHA C&Rs and Property Owners Guide (POG). This checklist also applies to house repairs, additions, landscaping, painting etc.

The property owner will provide the ACC with a contact number if the owner will not be physically present during the construction. Additional copies/updates of the POG may be obtained from an ACC member.

A) Construction site restrictions and requirements.

1. Open fires and trash burning are strictly prohibited. (also illegal in the local fire district).
2. Pets accompanying contractor personnel must be on leash or tethered and under control.
3. Each construction site is required by Lane County to have a portable toilet and trash dumpster on site during construction. These items should not be placed on neighboring property or common areas.
4. Noise other than normal construction must be minimal, no loud radios or other sound making devices are allowed. Excessive noise (noisy power tools, hammering, etc.) should stop by 7 PM. See Section VII-4 for start times.
5. All lots and common areas have a 10 foot utility easement abutting all roads.
6. Exposed, loose sand should have a bark covering or be tarped and wet down during construction to prevent blowing and drifting. The north winds are especially bad in the summer and can start as early as April. Blowing sand may ruin the landscaping of other residents and the common areas. If this occurs, the contractor will have to repair such landscaping.
7. All contractors and sub-contractors must be insured and bonded. You can request a typical Hold Harmless and Indemnity & Insurance form from the ACC.
8. Large and heavy construction vehicles should use Shoreline Drive whenever possible.

B) Do not park on or traverse (other than foot traffic) the septic system drain fields or their access points. All fields, in addition to drain pipes, have water sprinklers; fields 2 and 3 have sprinklers within one foot of the road. All pipes are near the surface, **easily broken** and expensive to repair.

There are three (3) drain fields:

Field #1 – Main Drain Field - South of gazebo, east of Shoreline Dr. (east of and behind lots).

From gazebo parking lot to Kla-Ha-Nee property line (chain-link fence) distribution boxes 1-8. Distribution box 9 is located northeast of the gazebo adjacent to Shoreline Drive.

Field # 2 – Shoreline Loop Drain Field – Beginning East of large boulders on Shoreline Loop. Opposite (east of) lots 1 through 13. North of lot 3. Extending North of and starts at road “Y” just inside front gate. Between Shoreline Dr. and Shoreline Loop and is contiguous with south end of field 2.

Field # 3 – North East Drain Field - East side of Shoreline Drive beginning north of Shoreline Loop intersection and extending north to property lines above Shoreline Vista lots 47 and 50

containing 3 distribution boxes. Please report any drain field problems to the assigned ACC member or backup ACC member.

- C) If possible, contractor parking and storage should be at the construction site. Additional areas are listed below (item c); park on paved areas only. Please allow room for emergency vehicle passage.

If road needs to be blocked for an extended time, provide warning signs or cones to alert drivers to use an alternative route, especially if you are working on Shoreline Loop, which is a narrow, one way street.

1. Overnight parking and storage are allowed just inside or outside of front gate. Permission must be obtained from the ACC or BOARD to use this area. Vehicles must not be stored there for an extended period. All contractor equipment and vehicles **must be removed** from Kla-ha-nee parking areas on weekends (Friday 7 PM through Monday 7 AM) and holidays unless a Parking Permit is obtained from the HSHA Board. Any other equipment or vehicles left over weekends may be towed at contractor's expense. Please park in owner's driveways whenever possible.
2. Only overnight parking that is necessary is allowed, with permission of the ACC contact person or backup and it must not block any roads, especially fire access roads.
3. Vehicles must be parked in temporary overflow parking areas so as not to impede local traffic.
4. Daytime parking and storage is allowed in following open parking areas (Monday through Friday only).
 - Gazebo.
 - Large paved area behind (west of) lots 30, 31, 32. North of lot 36.
 - Cul-de-sac north of lot 33.
 - North of Tri-plex (lots 44-45-46). West of lot 47.
 - Cul-de-sac west of lot 57 (small vehicles only).

- D) Daily start times (not before):

1. Weekdays 7AM.
2. Saturday 8AM.
3. Sunday work is strongly discouraged!! If really necessary, do not start before 9AM.

- E) The front gates may be locked open for expected heavy vehicle traffic. Make request to the Maintenance Chairperson a few days in advance.

- F) Property owners are responsible for all aspects of their contractor's work. They are responsible for restoration or repair to any damage caused by their workers to Kla-Ha-Nee roads, property, common areas and adjacent lots; especially the street lights and sewer pump housings. All damaged areas must be returned to their original condition. Trash and litter must not be allowed to spill over on roads, common areas and adjacent lands and must be removed nightly, if not placed in a dumpster.

- G) Contact adjacent lot owners for permission if any use of their property is anticipated.

- H) Remember to slow down for speed bumps – Heavy construction vehicles play havoc with these bumps. Maximum speed limit is 10 mph on Kla-Ha-Nee streets.

VIII. DESIGN AND DEVELOPMENT AGREEMENT.

I have read the HSHA Declaration of Covenants and Restrictions (C&Rs) and Property Owners Guide (POG) and agree to adhere to all of the stated conditions. (Fill in following information, sign, date and return with final plans.)

Property owner	
Contact phone #(s)	
24 hour phone #(s)	
email:	
Contractor	
License #	
Contact phone #(s)	
Insured & bonded	Yes No comments:
email:	
Design Professional	
Contact phone #(s)	
email:	
ACC Contact	
Contact phone #(s)	
email:	

Title	Signature	Date
Property Owner		
Contractor		
Design Professional		
ACC Contact		

Architectural Control Committee (ACC) members: See most recent Kla-ha-nee Homeowners list.

IX. APPLICATION FOR PREDEVELOPMENT PLAN REVIEW

PROPERTY OWNER:		date: _____ fee included: \$ _____
MAIL ADDRESS:		KLA-HA-NEE lot no: _____
		review requested: check one
PHONES:		new home
email:		addition or alteration
FAX:		landscaping
		other (please describe below)
DESIGN PROFESSIONAL:		
MAIL ADDRESS:		
PHONES:		
email:		
FAX:		

PLEASE ANSWER ALL OF THE QUESTIONS BELOW FOR NEW CONSTRUCTION, ALTERATION OR ADDITION.

1. Buildable lot size: _____ feet
2. What is the distance of the house and decks from the:
 - a. West lot line: _____ feet East lot line: _____ feet
 - b. North lot line: _____ feet South lot line: _____ feet
3. What are the following floor heights in relation to entering street level:

First floor: _____ feet Second floor: _____ feet
4. How far above the entering street level is the highest point of house roof: _____ feet
5. How high is house from "grade" to "highest point of highest roof": _____ feet
 - a. What definition of "building height" are you using: _____
 - b. What definition of "grade" are you using: _____
(Definitions may be found in section III - E - 1 & 2).
6. What is the location and distance of the:
 - a. garage door from the entering street: _____ loc _____ feet
 - b. house from the septic tank head: _____ loc _____ feet

7. What is the square footage of the:

first floor: _____ second floor: _____ loft: _____ Overall: _____

8. What is the percentage of the lot covered by the house and covered decks (30% max):

footprint: _____ percent. (Definitions may be found in section IV - D).

What is the percentage of the total lot covered by all surfaces (40% max):

footprint: _____ percent. (Definitions may be found in section IV - D).

9. What are the following materials and colors?

FEATURE	MATERIALS	COLORS
Trim:		
Siding:		
Windows:		
Roofing:		
Decks, walks, steps:		
Gutters and downspouts:		
Outside lighting fixtures:	Number of:	Type:
Propane tank	Size:	Location:

10. Variances approved by Lane County:

a. For beach front lots (1-15, 33-36, 55-56)

Sweet-Edwards Erosion Hazard Study Variance	date approved
Breaker Height & Shore Study; Main to Peterson	date approved
Conditions 3-7 of Planning Action RV80-478	date approved
Hold Harmless Agreement	date signed

b. For Dune lots

Dunes Overlay Area Variance	date approved
Hold Harmless Agreement	date signed

APPLICANT'S SIGNATURE: _____

Attach any additional description and/or samples of exterior materials and their colors. Final color selections may be submitted to the ACC during construction but must have been approved by the committee at Predevelopment Review time. This is important! Failure to do so in regard to a paint color, for example, may result in the owner being required to reapply another color.

Please attach questions, comments, or additional information on separate sheets.

HOLD HARMLESS AGREEMENT

Attachment A

Homeowners Association Name and Address:

KLA-HA-NEE
Heceta Shores Homeowners Association
P.O. Box 1361
Florence, OR 97439

Owners Name and Address:

Hold Harmless Agreement

_____ are the recorded owners (Owner) of the following described property:

Lot ____, THE SHORES, as platted and recorded in File ____, Slides _____, Lane County Oregon Plat Records, in Lane County, Oregon.

More commonly known as _____ Shoreline Loop/Drive, Florence, OR 97439.

Map No.: 17-12-33-__ Tax Lot No.: _____

Tax Account No.: 131_____

In exchange for being granted permission by Heceta Shores Homeowners Association (HSHA) to effect construction improvements on Owner's lot, the undersigned does hereby agree to hold harmless and indemnify the Architectural Control Committee (ACC) and the by HSHA for any and all problems encountered relating to the design, excavation, and building and landscaping, now or at any time in the future, and further agrees that the Owner will be personally responsible for any liabilities/obligations incurred. Specifically, the Owner indemnifies and holds harmless the HSHA and ACC and Board of Directors as follows:

1. Indemnification against any and all actions, suits, proceedings, claims, demands, judgments, settlements, costs, expenses (including advancement of reasonable attorney's fees) occurring as a result of a property owners or duly authorized contractors / employees acts, omissions or breaches of this agreement..
2. Owners will be responsible for correcting any damage resulting from the actions of homeowners, tenants, employees or contractors.

OWNERS:

By: _____ BY _____

Dated: _____

Heceta Shores Homeowners Association:

By: _____

Title: _____

Dated: _____

STATE OF OREGON)

COUNTY OF LANE)

The foregoing instrument was acknowledged before me on this _____ day of _____

By _____ of the Heceta Shores Homeowners Association.

Notary Public for Oregon

My Commission Expires: _____

STATE OF OREGON)

COUNTY OF LANE)

The foregoing instrument was acknowledged before me on this _____ day of _____

By _____ and _____, the Owners of the property located

at _____.

Notary Public for Oregon

My Commission Expires: _____

Attachment B – Estate Sale Guidelines

Paperwork

- All requests for Estate Sale must be requested in writing to KlaHaNee HOA Board and follow the Guidelines below.
- All requests for Estate Sale must be approved in writing by KlaHaNee HOA Board.
- Event must be limited to max 3 days, between 10 AM and 4 PM.
Suggest Fri - Sun, or Sat - Mon.
- Owner of Estate takes responsibility for any damages to KlaHaNee caused by attendee.

Guidelines:

- A. All attendees must schedule appointment, on the hour – Max.5 appointments per hour
- B. Estate Sale needs to be supported by at least 3 people
 - Person at Entry Gate to admit each attendee by giving them Parking Pass and keying in Entry Code.
 - Give directions to residence;
 - Never give Entry Code to attendee;
 - Parking Pass is to go in driver's side front window;
 - Retrieve Parking Pass from departing Vehicle.
 - There will be only 5 Parking Passes. #d 1 * 5
 - When one leaves another may enter.
 - Valet 1 will direct attendee to parking area.
 - Valet 2 will direct parking.
- C. End of each day of Estate Sale area must be cleared of any trash.

Attachment C – For Sale Signage



ATTACHMENT D - ENFORCEMENT

Owners are advised that the current guidelines and regulations will be enforced and applied to all properties.

Each property owner shall provide exterior maintenance to their property. This includes paint, repair, replace and care for roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks, and other exterior improvements.

When property owners do not maintain their property, the ACC will notify the owner in writing of deficiencies which need to be addressed.

If these deficiencies are not corrected or addressed with the ACC within 60 days, an assessment of fine will be charged. Fines may be levied up to \$500 for failure to comply with guidelines or complete repairs after notification.

If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate of eight percent (8%) per annum, and the Association may bring an action at law against the owner personally obligated to pay the same or to foreclose the lien against the property, and there shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorney's fee to be fixed by the court together with the costs of action.

ATTACHMENT E – FEES AND ASSESSMENTS

Most assessments will take place one month after 1st notification

C&R or POG	Reference	Note	Date of Revision	Assessment Amount
			12/14/2023	
POG	IV, B, 1	Temp Structure 30 days beyond stated limits		\$ 100
POG	III, B, 2-5	No Proposal Request to ACC before start of Project		\$ 100
POG	IV, B, 2	Project not completed within time frame requirements		\$ 500
POG	IV, B, 2	Project not complete for each month past 1st assessment		\$ 500
POG	IV, B, 3	Signs and Flags not to code, per week after 1st notification		\$ 100
POG	IV, B, 5	Pets not to code, per month after 1st notification		\$ 100
POG	IV, B, 6 & 7	External structures not approved by ACC per month after 1st notification		\$ 100
POG	IV, B, 8	External Storage per month after 1st notification		\$ 100
POG	IV, B, 9 - 12	Misc. per month after 1st notification		\$ 100
POG	IV, G	Per month after 1st notification		\$ 100
POG	IV, I	Vegetation removed not to POG guidelines and ACC approval		\$ 250
POG	IV, K	Lighting per month after 1st notification		\$ 100
POG	IV, P	Driveways not kept clean per month after 1st notification		\$ 100

POG	IV, S	Paint and Exterior Texture applied not approve by ACC, 1st notification				\$ 500
POG	IV, S	Paint not corrected in 60 days, assessed in 60 day increments				\$ 500
POG	IV, R	Unapproved Mailbox, 30 days to correct after 1st notification				\$ 200
POG	II, C, 10	Hold Harmless Agreement not signed before Project starts				\$ 200
POG	VI, L	Exterior Lights off by 11 PM per month after 1st notification				\$ 100
POG	VI, Z	if 60 days after 1st notification and not addressed / every month thereafter				\$ 100