

AGREEMENT

The Three Arch Inn, through its owner Duane Bauley, and the Oceanside Protection Society community foundation agree as follows.

The Oceanside Protection Society (“OPS”) will support Three Arch Inn’s application to Tillamook County for conditional use of the Inn property to include a sixth unit without providing off-street parking. In exchange for this support, Three Arch Inn agrees to structure its operations and staff responsibilities to effectuate prompt, timely and consistent compliance with the following conditions.

Three Arch Inn agrees to:

- a. Limit its rental operations to hotel or residential use to the existing six units.
- b. Devote the ground floor of the structure to use as a retail business or businesses open to the public, except for the existing office space on the northwest corner.
- c. Take action at its own expense to reduce the width of its sidewalk on Tillamook Avenue by removing a section that starts at 10” at the north end and tapers in a straight line to 0” at the section adjacent to the Three Arch Inn’s south door. This will be completed no more than 6 months after the county approves Three Arch Inn’s application.
- d. Add painted lettering on the entrance door that emphasizes compliance with signs and painted parking boundaries on Tillamook Avenue.
- e. Prominently display materials in each hotel unit describing permitted parking on Tillamook Avenue near the hotel, including a map and a parking tag to be displayed in guest vehicles that identifies them as a hotel guest.
- f. Install and monitor camera(s) to observe parked cars on Tillamook Avenue within 60 feet of the hotel in both directions.
- g. Implement measures to notify hotel guests of county parking restrictions on the section of Tillamook Avenue adjacent to the structure and extending 60 feet in both directions.
- h. Ensure that at least one employee/manager or contracted agent will be on call between 9 a.m. and 9 p.m. to respond within one hour after a member of the public reports a parking violation by a guest or hotel vendor on the section of Tillamook Avenue specified in section (c) above. Within the specified hour, the assigned employee or agent shall:

- (1) confirm whether the offending vehicle is a registered guest or vendor of the hotel and, if so, whether it is complying posted parking signs or painted parking boundaries, and
 - (2) promptly contact noncompliant guests with instructions to bring their vehicle into compliance.
- i. Document and retain records of its guests' refusals or failures to heed such instructions and notify them in writing that reservations will not be accepted from them in the future. Such records and communications shall be retained for no less than 3 years for review upon demand by any officer of the Oceanside Protection Society or owners of property abutting Tillamook Avenue within 60 feet of the structure.

In consideration of this agreement, the Oceanside Protection Society agrees to publicly support Three Arch Inn's application and to appear at any public hearing and also to submit written testimony supporting it. It is understood that the OPS will append a copy of this Agreement to such written testimony as evidence of the agreement. The parties further note that they jointly requested Tillamook County to incorporate the conditions recited in this Agreement as conditions of any conditional use order that allows the application, and that the county officials declined to do so.

The parties also understand and agree that either party may approach the other to propose modifications of these specific measures, and that such modifications shall be considered and negotiated in good faith.

In the event Three Arch Inn does not comply with any of the aforementioned conditions, the parties agree that the Oceanside Protection Society will notify Tillamook County and take whatever actions it deems necessary to either secure compliance or to require that Three Arch Inn discontinue use of the sixth room as a rental unit and return it to use as a Manager's Apartment.

Duane Bailey / Three Arch Inn

Date

Jerry Keene, President
Oceanside Protection Society

Date