

Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

NOTICE OF DECISION

GFU Health Occupations Parking Determination
MISC119-0003

May 7, 2019

Mimi Doukas
AKS Engineering & Forestry, LLC
12965 SW Herman Rd., Suite 100
Tualatin, OR 97062

Re: George Fox University (GFU) Health Occupations Building – Parking Determination
Case File No. MISC119-0003

Dear Ms. Doukas,

The Community Development Director has approved the Miscellaneous case (MISC1189-0003) for the GFU Health Occupations Building Parking Determination. The decision will become effective on May 21, 2019 unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. If you wish to appeal, you must submit the written appeal form together with the required fee of \$528.15 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on May 20, 2019.

If you have any questions, please contact me at 503-554-7744 or cheryl.caines@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl A. Caines".

Cheryl Caines, Senior Planner

STAFF REPORT
879 N Providence Dr. – GFU Health Occupations
Parking Determination

FILE NO: MISC119-0003

REQUEST: Parking determination for a proposed George Fox University Graduate Health Occupations building

LOCATION: 879 N Providence Drive

TAX LOT: 3216-02022

APPLICANT: AKS Engineering & Forestry, LLC

OWNER: Werth Family, LLC

ZONE: R-P/SP (Residential Professional/Specific Plan Subdistrict)

SPECIFIC PLAN: Springbrook Oaks

FINDINGS

NMC 15.440.040 Parking requirements for uses not specified.

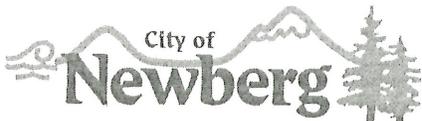
The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein.

Finding: The applicant is requesting a parking determination for a new, Graduate Health Occupations (HO) building to be constructed at 879 N Providence Drive. This request is intended to inform the design of a forthcoming application for the building. It is anticipated that the building will be used for teaching and office space. The use is defined as College by the Zoning Use Table (NMC 15.305.020).

This building will be located off the main George Fox University (GFU) campus, which is approximately 1.3 miles away. GFU is a private university with dormitories on the main campus. Parking will be provided on-site for the new HO building. In addition, there will be two alternate means of transit between the main campus and the Health Occupations Building. Yamhill County Transit Area (YCTA) Route 7 runs directly by the new building and the main campus. GFU also plans to operate a shuttle between the building and campus for students in the Graduate Health Occupations program. These options are expected to lessen the demand for parking on-site.

Minimum parking space requirements are determined by use as outlined in NMC 15.440.030. GFU is considered a resident type college use. A satellite campus is not explicitly listed as a use in NMC 15.440.030. The other types of college uses listed include commuter type and commercial or business colleges, which do not provide on-campus housing. Because the new Health Occupations Building will be an extension of GFU's main campus and the nature of the university, it is determined that the required minimum parking for the Health Occupations Building is based on a resident type college use.

Contents: Attachment 1: Application Materials



TYPE I APPLICATION -- 2019 (ADMINISTRATIVE REVIEW)

File #: MISC 119-0003

TYPES – PLEASE CHECK ONE:

- Code Adjustment
- Final Plat
- Minor Design Review
- Property Line Adjustment

- Property Line Consolidation
- Type I Extension or Type I Minor/Major Modification
- Type II or Type III Extension or Minor Modification
- Other: (Explain) Parking Determination

APPLICANT INFORMATION:

APPLICANT: Mimi Doukas
 ADDRESS: 12965 SW Herman Road, Suite 100; Tualatin, OR 97062
 EMAIL ADDRESS: MimiD@aks-eng.com
 PHONE: 503-563-6151, ext. 216 MOBILE: _____ FAX: _____
 OWNER (if different from above): Werth Family LLC PHONE: 503-538-5157
 ADDRESS: 33180 NE Haugen Road, Newberg, OR 97132
 ENGINEER/SURVEYOR: AKS Engineering & Forestry LLC, Attn: Mimi Doukas PHONE: 503-563-6151, ext. 216
 ADDRESS: 12965 SW Herman Road, Suite 100; Tualatin, OR 97062

GENERAL INFORMATION:

PROJECT NAME: Oak Meadows II - Lot 5 PROJECT LOCATION: Graduate Health Occupations building for GFU
 PROJECT DESCRIPTION/USE: Parking Determination for a Graduate Health Occupations building and parking lot for George Fox University PROJECT VALUATION: _____
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3S 2W 16-2022 and 3S 2W 21-6503 ZONE: R-P/SP SITE SIZE: 1.533 SQ. FT. ACRE
 COMP PLAN DESIGNATION: MIX/SP TOPOGRAPHY: Relatively level, sloping north to south
 CURRENT USE: Undeveloped
 SURROUNDING USES:
 NORTH: Independent Living SOUTH: Joint Use Parking Area
 EAST: Undeveloped/Golf Course WEST: Independent Living

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Code Adjustment	p. 4
Final Plat	p. 6
Minor Design Review	p. 10
Property Line Consolidation.....	p. 11
Property Line Adjustment.....	p. 12

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Mimi Doukas 3/18/19
 Applicant Signature Date
 Mimi Doukas
 Print Name

Mike Gouglar 3/11/19
 Owner Signature Date
 MIKE GOUGLAR
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

RECEIVED

MAR 18 2019

Initial: _____

CK# 4414
\$178.50



Submittal Transmittal

AKS Engineering & Forestry LLC | 12965 SW Herman Rd. Suite 100 Tualatin, OR 97062

FROM: Mimi Doukas
 AKS Engineering & Forestry LLC
 12965 SW Herman Rd.
 Suite 100
 Tualatin, OR 97062
 MimiD@aks-eng.com
 503-563-6151

TO: -
 City of Newberg
 414 East First Street
 Newberg, OR 97132
 503-537-1286

PROJECT: GFU Graduate Health Occupations Building 5016 DATE SENT: 3/18/2019

SUBJECT: City of Newberg Parking Determination Submittal 1 ID: 00016

PURPOSE: For Review and Comment VIA: Delivered by AKS Engineering

CONTENTS

QTY:	DATED	DESCRIPTION:	ACTION:
2	3/11/2019	Parking Narrative	
1	3/18/2019	City of Newberg Type 1 Application - Signed	
2	2/26/2019	Title Report	
1	3/11/2019	Check(#4414)\$178.50 for Fee	

RECEIVED

MAR 18 2019

Initial: _____

March 11, 2019



City of Newberg
Planning Division
414 E First Street
Newberg, OR 97132

RE: 5016 George Fox University Parking Determination

This Type I Permit Application is a request for a Parking Determination for the proposed George Fox University (GFU) Graduate Health Occupations building located at the intersection of Providence Drive and Werth Boulevard; Yamhill County Assessor's Map 3S 2W 16, Tax Lot 2022. The property is located in the R-P/SP (Residential-Professional with the Specific Plan Subdistrict overlay for the Springbrook Oaks Specific Plan). The Comprehensive Plan designation is MIX/SP (Mixed Use Specific Plan).

Per Newberg Municipal Code (NMC) Section 15.440.040, the parking space requirements for uses not listed in 15.440.030 are determined by the Planning Department through a Type I procedure based upon the requirement for the most comparable listed use. Per the pre-application meeting for GFU Graduate Health Occupations Building on January 7, 2019, the closest use is "College—resident type," which would require 1 parking space for every 3 students. With a maximum of 200 students using this building, the minimum required parking would be 67 parking spaces. See NMC Section 15.440.030 below.

In addition to the onsite parking that will be provided, there are two alternate means of transit from the main campus and college residences to the new Graduate Health Occupations Building. The Yamhill County Transit Area (YCTA) Route 7 runs directly by the new GFU Graduate Health Occupations Building and directly by the GFU Main Campus. As well, GFU plans to operate a shuttle between the main campus and the Graduate Health Occupations Building specifically for students in the program. Both options will help lessen the demand for onsite parking spaces.

Below is a written response to the applicable criteria of the City of Newberg Municipal Code.

Chapter 15.305 ZONING USE TABLE

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use.** The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use.** A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use.** The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#)** A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use.** The use is specifically prohibited.

15.305.020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table			
#	Use	RP	Notes and Special Use Standards
331	College	P	

Response: This parking determination is intended to inform the design of a forthcoming application for a new Graduate Health Occupations Building for GFU. It is anticipated that the building program will include teaching and office spaces. Such use is classified as College and is permitted in the R-P district.

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

- A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

Response: All proposed parking will be located on-site. The criterion can be met.

- B. Off-street parking is not required in the C-3 district, except for.
- C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

Response: The subject property is located in the R-P district. The criteria are not applicable.

- D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

Response: More than 20 off-street parking spaces will be required, however the application is not anticipated to include designated employee parking. The criterion is not applicable.

15.440.030 Parking spaces required.

Parking Spaces Required	
Use	Minimum Parking Spaces Required
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1))**

Response: This application is for a for a Graduate Health Occupations building for GFU. GFU’s main campus is a private university with dormitories, located on North Meridian Street, approximately 1 mile away from the proposed Graduate Health Occupations Building. The Graduate Health Occupations Building will be an extension of GFU’s main campus. Given the nature of the university, it was determined that Colleges—“resident” type is the closest use represented in NMC 15.440.030. Therefore, 67 parking spaces will be the required minimum for the 200 students set to utilize the building.

15.440.040

Parking requirements for uses not specified.

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein.

Response: A satellite campus is not explicitly listed as a use in the parking table in NMC 15.440.030. Therefore, this application seeks a determination based on the above provided information that the proposed Graduate Health Occupations building for George Fox University meet the requirements of Colleges—"resident" type, with 1 parking space for every 3 students, as listed in the table above.

This written response and accompanying documentation demonstrate that the application is consistent with the applicable provisions and intent of the City of Newberg Development Code. Therefore, the applicant respectfully requests approval for the Parking Determination.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP

Attachments:

YCTA Route 7 Map and Schedule

Routes 5 & 7 Newberg

Route 5 Newberg Foothills Drive									
1st and Main (Newberg Naps Thriftway)	Meridain & E Franklin	The Oaks Apts. (near Sierra Vista Dr)	Foothills Drive & Main (Senior Center)	Main & Columbia	E 9th & Blaine	Woodview Village Apts	E 5th & Main	1st and Main (Newberg Naps Thriftway)	
7:30	7:33	7:34	7:39	7:42	7:49	7:50	7:53	7:55	
8:30	8:33	8:34	8:39	8:42	8:49	8:50	8:53	8:55	
9:30	9:33	9:34	9:39	9:42	9:49	9:50	9:53	9:55	
10:30	10:33	10:34	10:39	10:42	10:49	10:50	10:53	10:55	
11:30	11:33	11:34	11:39	11:42	11:49	11:50	11:53	11:55	
12:30	12:33	12:34	12:39	12:42	12:49	12:50	12:53	12:55	
1:30	1:33	1:34	1:39	1:42	1:49	1:50	1:53	1:55	
2:30	2:33	2:34	2:39	2:42	2:49	2:50	2:53	2:55	
3:30	3:33	3:34	3:39	3:42	3:49	3:50	3:53	3:55	
4:30	4:33	4:34	4:39	4:42	4:49	4:50	4:53	4:55	
5:30	5:33	5:34	5:39	5:42	5:49	5:50	5:53	5:55	

Weekday Service Only

PM times in bold

Route 7 Newberg Providence									
1st and Main (Newberg Naps Thriftway)	E 2nd St (between Arduis & Corinne)	Elliott Rd (FISH Emergency)	Brutscher St Shelter (between Hayes St & 99W)	Brutscher St & Werth Blvd (PCC Newberg Campus)	Providence Hospital (front entrance)	Hwy 99W @ Newberg (Radio Shack)	Hwy 99W & Sitka Ave	1st and Main (Newberg Naps Thriftway)	
7:00	7:04	7:09	7:13	7:15	7:19	7:23	7:25	7:30	
8:00	8:04	8:09	8:13	8:15	8:19	8:23	8:25	8:30	
9:00	9:04	9:09	9:13	9:15	9:19	9:23	9:25	9:30	
11:00	11:04	11:09	11:13	11:15	11:19	11:23	11:25	11:30	
12:00	12:04	12:09	12:13	12:15	12:19	12:23	12:25	12:30	
1:00	1:04	1:09	1:13	1:15	1:19	1:23	1:25	1:30	
2:00	2:04	2:09	2:13	2:15	2:19	2:23	2:25	2:30	
3:00	3:04	3:09	3:13	3:15	3:19	3:23	3:25	3:30	
4:00	4:04	4:09	4:13	4:15	4:19	4:23	4:25	4:30	
5:00	5:04	5:09	5:13	5:15	5:19	5:23	5:25	5:30	
6:00	6:04	6:09	6:13	6:15	6:19	6:23	6:25	6:30	

Weekday Service Only

PM times in bold

Yamhill County Transit Area (YCTA) operates eleven routes; including (4) local fixed routes in McMinnville and Newberg and (7) commuter, express Mon-Fri to Salem, Grand Ronde, Hillsboro, and Tigard. Saturday routes to Grand Ronde and Tigard. Customers can connect to TriMet at Hillsboro MAX station and Tigard Transit Center and to Cherriots at Glen Creek Transit Center and the Coastal Connector at Spirit Mountain. YCTA also offers paratransit service in Newberg and McMinnville and general public dial-a-ride on a limited basis.

Bus Stops - Flag Stops

Flag Stops are allowed on the McMinnville and Newberg local fixed routes. Customers may flag down a YCTA bus along these routes. Please check the website and google maps for the preferred safe flag stop locations. NO flag stops on Commuter Routes. Please check the website and google maps for the preferred safe bus stop locations. YCTA is working on installing bus stop signs and shelters along commuter routes.

Fare Information

Local & Commuter Routes	General Public Dial-A-Ride
Single one-way fare \$1.25	Single one-way fare \$1.75
Single day pass \$2.50	Unlimited monthly pass \$40.00
Unlimited monthly pass \$35.00	Paratransit Single one-way fare \$2.50
10 day pass book \$18.00	Children under 6 ride free

Passes Available at the following McMinnville locations
 Any YCTA driver (exact change only)
 Board of Commissioners Office 434 NE Evans Street (check or exact change)
 Transit Center (First Transit office) 800 NE 2nd Street (cash or check only)



**Yamhill County
Transit Area**

YCTA

Route and Schedule Information
 First Transit
 800 NE 2nd Street
 McMinnville, OR 97128
 503-474-4900 | 503-538-7433 (Newberg)
www.yctransitarea.org
 Oregon Relay Service 1-800-735-2900



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Order No.: 1032-3195263
February 26, 2019

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

LAUREL BARNES, Escrow Officer/Closer
Phone: (503)538-7361 - Fax: (866)800-7290 - Email: LaBarnes@firstam.com
First American Title Insurance Company
515 E Hancock, Newberg, OR 97132

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: , Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$	TBD	Premium \$	TBD
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9.10, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	40.00
Other			Cost \$	

Proposed Insured Lender:

Proposed Borrower: Gougler and Assigns (TBD)

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of February 20, 2019 at 8:00 a.m., title to the fee simple estate is vested in:

Werth Family, LLC, an Oregon limited liability company

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. City liens, if any, of the City of Newberg.
Note: ***NO SEARCH HAS BEEN MADE.*** *If inquiry is desired, please contact your Title Officer for a lien search.*
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. Restrictive Covenant to Waive Remonstrance, pertaining to Streets, Futurestreets, or Public Utilities Including Storm Sewer, Sanitary Sewer and Water lines including the terms and provisions thereof
Recorded: August 22, 1991 in Film Volume 258, Page 1175, Deed and Mortgage Records

10. Easement, including terms and provisions contained therein:
Recording Information: July 11, 2002 as instrument No. 200213432, Deed and Mortgage Records
In Favor of: City of Newberg, a municipal corporation
For: Public Water Line and Pedestrian and Bicycle Path
11. Easement, including terms and provisions contained therein:
Recording Information: October 25, 2002 as Instrument No. 200221022, Deed and Mortgage Records
In Favor of: Northwest Natural Gas Company, an Oregon corporation
For: Gas Pipeline
12. Easement, including terms and provisions contained therein:
Recording Information: December 23, 2002 as Instrument No. 200225412, Deed and Mortgage Records
In Favor of: Northwest Natural Gas Company, an Oregon corporation
For: Gas Pipeline
13. Covenant of Waiver of Rights and Remedies Agreement and the terms and conditions thereof:
Recording Information: July 25, 2006 as Instrument No. 200616704, Deed and Mortgage Records
14. Advanced Financing Agreement and the terms and conditions thereof:
Recording Information: July 28, 2006 as Instrument No. 200617344, Deed and Mortgage Records
15. 10' Public Utility Easement as shown on Plat of Oak Meadows II.
16. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: May 16, 2008 as Instrument No. 200808480, Deed and Mortgage Records
17. The By-Laws, including the terms and provisions thereof of Oak Meadows II Owner's Association, Inc.
Recorded: May 16, 2008 as Instrument No. 200808481, Deed and Mortgage Records
18. Regulations and Assessments of Springbrook Oak Meadows II, as set forth in Declaration recorded May 16, 2008 as Instrument No. 200808480, Deed and Mortgage Records.
19. Easement, including terms and provisions contained therein:
Recording Information: December 16, 2009 as Instrument No. 200919501, Deed and Mortgage Records
For: Access and Utility

20. Limited access provisions contained in Deed to the State of Oregon, by and through Department of Transportation recorded January 17, 2019 as Instrument No. 201900685 Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
21. Any conveyance or encumbrance by Werth Family, LLC should be executed pursuant to their Operating Agreement , a copy of which should be submitted to this office for inspection.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no matters of public record against Gougler and Assigns (TBD) that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2018-2019 PAID IN FULL

Tax Amount:	\$4,183.93
Map No.:	R3216-02022
Property ID:	542179
Tax Code No.:	29.0

NOTE: Taxes for the year 2018-2019 PAID IN FULL

Tax Amount:	\$4,198.02
Map No.:	R3221-06503
Property ID:	547183
Tax Code No.:	29.0

Situs Address as disclosed on Yamhill County Tax Roll:

, Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Yamhill County**
777 Commercial Street SE, Suite 100
Salem, OR 97301

Recording Fees: \$ **81.00** for the first page
\$ **5.00** for each additional page

cc: Gougler and Assigns (TBD)

cc: Werth Family LLC



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

Parcel 1:

A tract of land being a portion of Lot 5 of the Plat of "Oak Meadows II" and Parcel 2 of Partition Plat Number 2011-24 located in the Southeast One-Quarter of Section 16, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 5 of the Plat of "Oak Meadows II", thence along the easterly right-of-way line of Werth Boulevard (30.00 feet from centerline) North $00^{\circ}46'51''$ East 60.00 feet to the Point of Beginning; thence continuing along said easterly right-of-way line North $00^{\circ}46'51''$ East 101.33 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Magness PLS 60087"; thence continuing along said easterly right-of-way line North $04^{\circ}56'08''$ East 94.55 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Magness PLS 60087"; thence along a curve to the right with a radius of 30.00 feet, delta of $82^{\circ}53'13''$, length of 43.40 feet and a chord of North $46^{\circ}22'45''$ East 39.71 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Magness PLS 60087" on the southerly right-of-way line of Providence Drive; thence continuing along said southerly right-of-way line North $87^{\circ}49'21''$ East 101.83 feet to a 5/8 inch iron rod; thence continuing along said southerly right-of-way line along a curve to the left with a radius of 231.25 feet, delta of $64^{\circ}41'18''$, length of 261.09 feet and a chord of North $55^{\circ}28'42''$ East 247.44 feet to the most northerly corner of said Lot 5 being a 5/8 inch iron rod with yellow plastic cap inscribed "Magness PLS 60087"; thence along the easterly line of said Lot South $23^{\circ}08'03''$ West 108.52 feet to the most northerly line of Parcel 2 of Partition Plat Number 2011-24 being a 5/8 inch iron rod with yellow plastic cap inscribed "TSCS"; thence along the easterly line of said parcel South $41^{\circ}43'37''$ East 15.19 feet; thence continuing along said easterly parcel line along a curve to the right with a radius of 100.00 feet, delta of $46^{\circ}51'01''$, length of 81.77 feet, and a chord of South $18^{\circ}18'06''$ East 79.51 feet; thence continuing along said easterly parcel line South $05^{\circ}07'24''$ West 196.48 feet; thence leaving said easterly parcel line North $84^{\circ}52'36''$ West 132.89 feet; thence along a curve to the left with a radius of 330.00 feet, delta of $04^{\circ}21'50''$, length of 25.13 feet and chord of North $87^{\circ}03'31''$ West 25.13 feet; thence North $89^{\circ}14'26''$ West 161.34 feet to the Point of Beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation, in Bargain and Sale Deed recorded January 17, 2019 as Instrument No. 201900685, Deed and Mortgage Records.

Parcel 2:

A tract of land being a portion of Lot 5 of the plat of "Oak Meadows II", Parcel 1 of Partition Plat Number 2011-25, and Parcel 2 of Partition Plat Number 2011-24 located in the Southeast One-Quarter of Section 16 and the Northeast One-Quarter of Section 21, Township 3 South, Range 2 West, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Beginning at the southeasterly corner of Parcel 1 of Partition Plat Number 2011-25 being a 5/8 inch iron rod with yellow plastic cap inscribed "TSCS", thence along the southerly line of said parcel North $84^{\circ}52'36''$ West 188.45 feet to the southwesterly corner of said parcel; thence along the easterly line of Parcel 2 of Partition Plat Number 2011-24 South $05^{\circ}07'24''$ West 390.62 feet to the southeasterly corner of said parcel; thence along the southerly line of said parcel North $64^{\circ}35'07''$ West 274.35 feet to the southwesterly corner of said parcel being a 5/8 inch iron rod with yellow plastic cap inscribed "TSCS"; thence along the westerly line of said parcel North $25^{\circ}24'53''$ East 187.00 feet to a 5/8 inch iron rod with yellow plastic cap inscribed "Magness PLS 60087"; thence continuing along said westerly line North $23^{\circ}08'03''$ East 126.27 feet to the southeasterly corner of Lot 5 of the Plat of "Oak Meadows II"; thence along the southerly line of said lot North $89^{\circ}14'26''$ West 161.37 feet to the southwesterly corner of said lot; thence along the easterly right-of-way line of Werth Boulevard (30.00 feet from centerline) North

00°46'51" East 60.00 feet; thence leaving said right-of-way line South 89°14'26" East 161.34 feet; thence along a curve to the right with a radius of 330.00 feet, delta of 04°21'50", length of 25.13 feet and a chord of South 87°03'31" East 25.13 feet; thence South 84°52'36" East 324.75 feet to the easterly line of Parcel 1 of Partition Plat 2011-25; thence along said easterly parcel line along a non-tangent curve to the right with a radius of 2390.68, delta of 01°27'33", length of 60.88 feet and chord of South 08°19'43" West 60.88 feet to the Point of Beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation, in Bargain and Sale Deed recorded January 17, 2019 as Instrument No. 201900685, Deed and Mortgage Records.



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This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey

