

# NOTICE OF DECISION GEORGE FOX UNIVERSITY MEDICAL CLINIC – 1515 E PORTLAND ROAD VAR23-0002 / DR223-0001

June 18, 2023

Dan Schutter George Fox University 414 N Meridian Street Newberg, OR 97132

The Newberg Community Development Director **approved** the proposed variance and design review VAR23-0002 / DR223-0001 for the Georg Fox University Medical Clinic renovation at 1515 E Portland Road, tax lots R3220BA 00402, R3220BA 00400, R3220BA 00301, R3220BA 00300, R3220BA 00401 subject to the conditions listed in the attached report. The decision will become effective on July 2, 2023, 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. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$582 (plus a 5% technology fee) to the Planning Division within 14 days of the date of this decision.

# The deadline for filing an appeal is 4:30 pm on July 1, 2023.

At the conclusion of the appeal period, please remove all notices from the site.

The Variance and Design review approval is only valid for one year from the effective date above. If building or construction permits are not issued within this time period, then the variance and design review approval becomes null and void and no construction may take place. If the variance and design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

Please contact the Planning Division at <u>planning@newbergoregon.gov</u> or call 503-537-1240 if you have questions.

Sincerely,

Doug Rux, AICP

Community Development Director

Attachment: 1. Variance/design Review Decision



# Community Development

#### **DECISION AND FINDINGS**

George Fox University Medical Clinic – 1515 E Portland Road Variance – VAR23-0002/Design Review – DR223-0003

FILE NO: VAR23-0002/DR223-0003

REQUEST: Renovation of a building for medical & mental health services and

instructional training for GFU Behavioral Health Sciences students

LOCATION: 1515 E Portland Road

TAX LOT: R3220BA 00402, R3220BA 00400, R3220BA 00301, R3220BA 00300,

R3220BA 00401

APPLICANT: George Fox University

OWNER: George Fox University

ZONE: C-2 (Community Commercial

PLAN: PQ (Public-Quasi Public)

OVERLAY: Airport Inner Horizontal Surface, Marijuana Exclusion Zone, Institutional

Overlay

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Section I: Application Information Section II: Findings Variance

Section III: Findings Design Review

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### Attachments:

1. Application Material and Supplemental Material

2. Agency Comments

### **Section I: Application Information**

#### A. DESCRIPTION OF APPLICATION:

This is a proposal for a Type II Design Review for the renovation of the former Providence Sleep lab for medical & mental health services provided by Providence and instructional training for GFU Behavioral Health Sciences students. The proposed work involves renovating the existing offices to create a more sound-secure environment, along with the addition of exam rooms, treatment spaces, additional offices, and a waiting/reception area. The proposed work also includes building out the basement storage area to create more private offices for educational training with access through a new interior stair and elevator. The addition of two large and five short transom windows and the replacement of an existing exterior entrance door, all on the lower level of the west elevation, and a new face for the existing pedestal sign located adjacent to the Portland Road Frontage are the only exterior changes currently proposed.

Prior land use applications related to the site include CUP-4-76 (Miniature Golf Complex), P-12-89 (3 lot partition), DR1-07-18 (trash enclosure), DR1-08-026 (Providence Building Remodel). No file was located for the Design Review for the existing building. A portion of the parking lot was the site of the former A&W Restaurant.

Adjoining properties land use files related to the shared parking are DR-1-84 (Medici), DR-1-05-229 (case file cannot be located), DR-1-86 (7 - Eleven), DR1-15-002 (Taste 808).

#### **B. SITE INFORMATION:**

1. Location: The project site is located at 1515 E Portland Road.



- 2. Size: 0.45 acres for building site
- 3. Current Land Uses: Former Providence Sleep Lab.
- 4. Natural Features: Vegetation.
- 5. Adjacent Land Uses:
  - a. North: George Fox University and Attrell's Funeral Chapel
  - b. South: Commercial and parking lots
  - c. East: George Fox University
  - d. West: Commercial (Newbergundian Bistro & Thai the Knot)
- 6. Zoning: The following zoning districts adjoin the subject property.

- a. North: I Institutional, C-2 Community Commercial
- b. East: C-2 Community Commercial
- c. South: I Institutional, C-2 Community Commercial
- d. West: I Institutional, C-2 Community Commercial
- 7. Access and Transportation: Access to the proposed development is provided from E Portland Road which is classified as a Major Arterial under the jurisdiction of Oregon Department of Transportation, and N Villa Road It is classified as a Major Collector under the jurisdiction of the city.
- 8. Utilities:
  - a. Water: There is a 12-inch water main located in E Portland Road. There is also a fire hydrant along the southern boundary of the property.
  - b. Wastewater: There is a 6-inch wastewater main located in E Portland Road with an existing service lateral serving the property.
  - c. Stormwater: Stormwater runoff from impervious areas of the site is managed by existing on-site stormwater infrastructure.
  - d. Overhead Lines: Any new connection to the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.
- **C. PROCESS:** The Design Review and Variance request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14-day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed.

Important dates related to this application are as follows:

1.	04/27/2023:	The Community Development Director deemed the
		application complete.

2. 04/07/23 & The applicant mailed notice to the property owners within 04/28/2023: 500 feet of the site.

3. 04/07/2023 &

04/28/2023: The applicant posted notice on the site.

4. 05/13/2023: The 14-day public comment period ended.

- 5. 06/18/2023: The Community Development Director issued a decision on the application.
- **D. AGENCY COMMENTS:** The application was routed to several public agencies for review and comment (Attachment 2). Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:
  - 1. Building Official: Reviewed, no conflict.
  - 2. City Manager: Reviewed, no conflict.
  - 3. Finance Department: Reviewed, no conflict.
  - 4. Public Works Wastewater Treatment: Reviewed, no conflict.
  - 5. Public Works Maintenance Superintendent: Reviewed, no conflict.
  - 6. Public Works Maintenance Supervisor: Reviewed, no conflict.
  - 7. Ziply Fiber: Reviewed, no conflict.

#### **E. PUBLIC COMMENTS:**

No public comments were received on the application.

### Section II: Findings – File VAR23-0002 Variance – 1515 E Portland Road

### 15.215.040 Type II variance criteria.

The Type II procedure shall be used to process a variance request. The hearing body shall grant the variance if the following criteria are satisfied:

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

**Finding:** The Applicant is requesting a variance related to parking and existing parking agreements between the subject site and adjoining properties. There is a long history related parking for the subject site and the adjoining/abutting commercial buildings. The Applicant has provided a detailed narrative based on recorded documents for joint use parking and access. The subject site has 60 parking spaces based on the application material. Staff evaluation of the site in 2015 identified 61 spaces.

The Medici Commercial Building was approved for 14 spaces on site based on staff review of the case file and what appears to be 7 spaces through a shared arrangement with the Medical Clinic site. The Medici site has a shared access agreement with the Medical Clinic site. Staff evaluation of the site in 2015 identified 12 spaces.

Taste 808 which subsequently became Thai the Knot Restaurant, at the time of the change in use was approved with 6 spaces in March 2015 with documentation it had shared parking with the Medical Clinic site. This site was originally approved for a 7-Eleven with 8 spaces based on the site plan in the case file. Staff evaluation of the site in 2015 identified 12 spaces. A site inspection in June 2023 identified 5 spaces.

The Newbergundian Bistro has 5 spaces and was not part of the shared parking arrangement with the Medical Clinic site but does have a recorded access easement that benefits the Medical Clinic site.

At the time of conversion of the 7-Eleven site to Taste 808 the staff report identified the following in the parking analysis:

Address	Available parking	Required parking	Notes
1515 Portland Road (Providence)	61 spaces	16 spaces (based on 4,500 sf of medical office)	On three lots
201 Villa Road (proposed restaurant)	6 spaces	23 spaces (based on 2,238 sf of restaurant space)	Shared parking agreement with Providence

1505 Portland Road (mix of office, retail, and restaurant)	12 spaces	34 spaces (based on 3,292 sf of retail/office space, and 2,437 sf of restaurant space)	Separate shared parking agreement with Providence
	Total = 79 spaces	Total = 73 spaces	
For reference: 203 Villa Road (Diva Dogs)	7 spaces	9 spaces	Existing non- conforming; not part of shared parking agreement.



The required number of parking spaces for the Medical Clinic, including the renovation area in the basement that brings the building square footage to 6,750 and the parking requirement is 3.5

spaces for each 1,000 gross square feet. This requires the renovated and expanded Medical Clinic to have 24 spaces. The total number of required spaces for the various uses covered by the recorded shared parking agreements is 81 spaces and the Medical Clinic site provides the predominant number of the necessary parking spaces per the recorded documents with 61 spaces.

Address	Available parking	Required parking	Notes
1515 Portland Road	61 spaces	24 spaces	On three lots
(GFU)		(based on 6,750 sf of	
		medical office)	
201 Villa Road	5 spaces	23 spaces	Shared parking
		(based on 2,238 sf of	agreement with GFU
		restaurant space)	
1505 Portland Road	14 spaces	34 spaces	Separate shared
(mix of office, retail,		(based on 3,292 sf of	parking agreement
and restaurant)		retail/office space –	with GFU
		10 spaces, and 2,437	
		sf of restaurant space	
		– 24 spaces)	
	Total = 80  spaces	Total = 81 spaces	
For reference:	5 spaces (two spaces	9 spaces	Existing non-
203 Villa Road	were used for the		conforming; not part
(Newbergundian	outdoor seating area		of shared parking
Bistro)	during COVID)		agreement.

The Applicant has provided their own analysis of the existing and required parking for their site and the adjoining properties. The analysis indicates a total requirement of 106 parking spaces with a total of 80 spaces provided. This differs from the historic analysis in 2015 and updated analysis by staff. This can be attributed to the building square footage. Staff believes its analysis is more accurate based on available data.

As noted in the Design Review findings there is a condition to comply with ADA parking space requirements. This could reduce the number of parking spaces on the site to 60 spaces.

Because of the existing recorded shared parking agreements, the literal interpretation of requiring Code established parking would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

**Finding:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district. There is a history of shared parking through recorded documents. Over time uses have changed or been adjusted for the surrounding uses.

Based on the current uses 81 parking spaces would be required through the shared parking agreements for the three different buildings. A total of 80 spaces are available with 61 of those spaces occurring on the Medical Clinic site. ADA parking requirements may reduce the available number of spaces down to 60 spaces. The parking circumstances applicable to this land use case do not generally apply to other properties in the C-2 zone.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

**Finding:** The Applicant is activating 1,775 square feet that was storage into occupiable space for the Medical Clinic. There is not a building expansion outside of the existing building footprint. Staff conducted their own parking analysis based on uses and building square footage. The Applicant conducted their own analysis and came up with a higher parking requirement based on their estimate of building square footage and uses. Not granting the variance would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district and reduce the amount of tenant improvement and remodeling within the existing building envelope.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

**Finding:** Granting the variance does not constitute a grant of special privilege because past land use cases allowed the shared parking arrangement. The Medical Clinic renovations increase their required parking from 15 spaces to 24 spaces and there is limited space to add additional parking at a reasonable cost based on the value of the proposed renovation. The design review that approved the trash enclosure removed two parking spaces which brought the parking number down to 61 from the previous 63 spaces. Without the trash enclosure there would be sufficient parking, but a trash enclosure is required.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

**Finding:** Granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity because the parking situation and agreements are pre-existing. As noted in the application material the parking demand can be mitigated in part by the GFU students and staff utilizing parking on the GFU campus to the north of the Medical Clinic in and around the Roberts Center.

**CONCLUSION:** Approval of the application based on the above findings which indicate that the project meets the criteria required within the Newberg Development Code with a total of 60 spaces on the Medical Clinic site.

## Section III: Findings – File DR223-0003 Design Review – 1515 E Portland Road Medical Clinic Remodel

### Chapter 15.220 Site Design Review

15.220.020 Site design review applicability.

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

### 1. Type I.

- a. Single-family dwellings;
- b. Duplex dwellings;
- c. Triplex dwellings;
- d. Quadplex dwellings;
- e. Townhouse dwellings;
- f. Cottage cluster projects;
- g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;
- h. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;
- i. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;
- j. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;
- k. Signs which are not installed in conjunction with a new development or remodel;
- l. Modifications, paving, landscaping, restriping, or regrading of an existing multifamily, institutional, commercial or industrial parking lot;
- m. Fences and trash enclosures;
- n. Accessory dwelling units.

### 2. *Type II*.

- a. Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.
- b. Telecommunications facilities.
- 3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:
  - a. Replacement of an existing item such as a roof, floor, door, window, or siding.
  - b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

**Finding:** This review will be processed as a Type II review per NMC 15.220.020(A)(2)(a) because it is an institutional interior remodel which exceeds 25 percent of the assessed valuation of the existing structure.

15.220.030 Site design review requirements.

12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.

**Finding:** The site has an existing trash enclosure constructed of masonry block and it is not proposed to be modified.

The criterion is met.

15.220.050 Criteria for design review (Type II process).

B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

1. Design compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

**Finding:** The existing building is a one-story structure with a basement under the west portion of the building with brick and lap siding exterior materials. The structure has both gabled and flat roof elements. The building colors are earthtone. Landscaping is provided on the building site and within the parking area. Modifications to the building will include the addition of two large and five short transom windows and the replacement of an existing exterior entrance door, all on the lower level of the west elevation.

The proposed work includes renovating the existing 1,000 square feet of storage space in the basement and building out about 775 square feet of the unfinished basement area to create 1,775 square feet of total office and instructional space in the basement level for clinical health services provided by George Fox University. The total gross building area used for medical services will increase from the existing 4,975 square feet to 6,750 square feet.

The existing building with the proposed modifications is compatible with surrounding existing development which includes Newbergundian Bistro, Thai the Knot, Medici Commercial Building, Attrell's Funeral Chapel, and George Fox University facilities.

The criterion is met.

15.220.070 Additional requirements for development in the C-2 zoning district.

The purpose of this section is to ensure that development in the C-2 zoning district is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 zoning district, which is subject to the site design review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

A. Building Entrances. Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. "Oriented to a street" means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. "Primary street" means the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

**Finding:** The existing building has a primary entrance on its south elevation that is oriented to the parking lot and E Portland Road. There is a walkway that connects the main building entrance to E Portland Road along the site's western boundary. The route is over 200 feet in length and is existing. Because the building is an existing building some of the above requirements are not applicable as a new building is not proposed.

The criterion is met.

B. Parking and Service Drives. No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of the primary street, as defined in subsection (A) of this section, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.

**Finding:** Parking for the existing building is located between E Portland Road and the existing building. This is a pre-existing condition and is not proposed to be modified.

See below for exceptions to the criterion.

C. Exceptions. The review body may approve exceptions to the above, provided there are no reasonable alternatives that would allow access to or parking on the lot.

**Finding:** Parking for the existing building is located between E Portland Road and the existing building. This is a pre-existing condition and is not proposed to be modified. The existing site layout is an exception to the Parking and Service Drives criterion. Because the site is already developed the Parking and Service Drives criterion is not applicable.

D. Building Mass. Where building elevations are oriented to the street in conformance with subsection (A) of this section, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

**Finding:** The existing building is a one-story structure with a partial basement on its west side. The building has windows, a pedestrian entrance, building offset at the entrance, and store front entrance that assist in breaking up the building mass.

The criterion is met.

E. Corner Lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 40 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.

**Finding:** Not applicable because the building is not on a corner lot.

F. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian scale.

**Finding:** The existing building has a pedestrian scale entrance that projects as a canopy south from the main building wall plane and is at a pedestrian scale leading to the parking area south of the building.

The criterion is met.

#### G. Windows.

1. On commercial building facades facing a public street, windows shall comprise a minimum of 40 percent of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) of this

section, windows shall comprise a minimum of 20 percent of the ground floor facade.

2. For large-scale buildings and developments meeting the standards under subsection (H) of this section, 50 percent of all required window area shall allow view into an active space. An "active space" is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at least semi-annually shall be considered an active space. Examples of areas that are considered nonactive spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

**Finding:** The building is existing. A store front entrance is provided at the southeast corner of the building. The windows on the south building elevation are under the 40% requirement but is an existing condition and no modifications are proposed to the south building elevation. Because this is a pre-existing condition additional windows are not required. The existing building is not a large-scale building being less than 30,000 square feet on the main floor.

H. Design of Large-Scale Buildings and Developments. All buildings on a development site shall conform to the design standards included under this subsection where the total square footage of one commercial building exceeds 30,000 square feet of total ground floor area or all commercial buildings exceed 50,000 square feet of total ground floor area. Deviations from these standards may be approved, where appropriate, through the conditional use permit process.

**Finding:** Not applicable because the existing building is not classified as a large-scale building. Because the building's first floor is under 30,000 square feet the criterion does not apply.

- 1. Facade Articulation. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting); and similar features. At least five of the following elements shall be included along each 100 feet of building frontage facing a street:
  - a. A building offset or projection of at least six feet depth and width.
  - b. An awning or roof sheltering a pedestrian walkway or seating area.
  - c. A building facade shall be comprised of at least two building materials, with the lesser comprising not less than 10 percent of the total facade.
  - d. Contrasting brick, stone, or natural wood trim.

- e. Pitched roofs or gable-end roofs.
- f. Curved arches or roof line features.
- g. A tower, spire, or cupola.
- h. A cornice.
  - i. Second story windows that comprise a minimum of 10 percent of the second floor facade.

**Finding:** The criteria of 1. a. -h. do not apply because the building's first floor is under 30,000 square feet.

2. Pedestrian Entrance. Every building elevation facing a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance no more than 100 feet from another entrance or end-wall; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

3. Building Facades Not Fronting a Street. For all ground floor facades that do not face a public street, windows shall comprise a minimum of 20 percent of the ground floor facade or a landscape strip shall be provided adjacent to the building. The landscape strip shall be a minimum of five feet in width and include a combination of trees, shrubs, and groundcover or grass. Plant material shall be selected from at least two of the different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs). The type of tree selected shall have a crown of less than 15 feet at maturity. Exceptions to this standard include building facades that abut outdoor storage areas, loading docks, and mechanical equipment areas.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

4. Building Orientation. All buildings shall be oriented to a primary street as defined in subsection (A) of this section or oriented to a plaza or open space within the development site that connects to the primary street. "Oriented to a plaza or open space" means that the building entrance faces the plaza, open

space, shared parking area or is connected to the plaza by a direct and convenient pathway not exceeding 60 feet in length.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

### 5. On-Site Landscaping and Screening.

a. A continuous landscape strip, with a five-foot minimum width, shall be located perpendicular to groups of two or more parking stalls. Within the landscape strip, at a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. The type of tree shall be chosen from the City of Newberg preferred street tree list and have a minimum crown spread of 25 feet. This standard shall apply unless otherwise approved by the director based on the following alternative standards:

i. No more than seven parking stalls shall be grouped together without a landscape island. The landscape island shall have a width and depth no less than five feet and contain no less than one deciduous shade tree; or

**Finding:** The above criteria do not apply because the building's first floor is under 30,000 square feet.

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, with a maximum of 75 feet, within areas proposed for grouped parking. For every seven planting landscape islands, one shall be no less than 500 square feet in size.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

b. At a minimum 50 percent of the parking area shall drain to a stormwater mitigation area. The mitigation area shall be designed using best management stormwater practices including, but not limited to, bioswales, rain gardens, or similar design intended to reduce stormwater flow and improve stormwater quality.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

c. A 20-foot-wide landscaped buffer shall be provided between the development and any adjoining residential district. The buffer shall include a continuous six-foot-high sight-obscuring fence or wall, a continuous

hedge and/or berm designed to achieve a height of six feet upon maturity, a row of trees not more than 35 feet on-center, and shrubs or living groundcover.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

d. Outdoor storage areas, loading docks, and mechanical equipment areas shall be fenced with 75 percent opaque site-obscuring fencing or screened with landscaping between the area and public streets.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

- e. One square foot of interior open space or plaza space shall be required for every five square feet of gross floor area. The following features shall be included in the open space or plaza area:
  - i. One linear foot of seating space shall be required for every 30 square feet of open space or plaza space.
  - ii. One tree shall be provided for every 800 square feet of plaza space or open space.
  - iii. Pedestrian-scale lighting according to subsection (H)(7) of this section.

**Finding:** The above criteria do not apply because the building's first floor is under 30,000 square feet.

- 6. Vehicle and Pedestrian Connectivity.
  - a. Public streets may be required to be dedicated where needed to improve internal circulation, to connect to neighboring properties or streets, to break up large blocks, or to reduce travel around a site.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

b. At a minimum, 95 percent of the parking spaces shall be located within 75 feet of a private walkway or public sidewalk.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

7. Pedestrian-Scale Lighting. Pedestrian-scale lighting shall be located along all internal walkways and provide a minimum illumination of one foot-candle. Building entrances shall have a minimum illumination of five foot-candles. Lighting shall be fully shielded so that no light is emitted at an angle above the horizontal plane as illustrated by the lighting plan. The type of features that should be considered include, but are not limited to, street lamps, light fixtures attached to buildings, and light bollards. All pedestrian-scale light fixtures shall not exceed a maximum height of 15 feet as measured from grade to the fixture lamp. The lens material for all pedestrian-scale lighting shall be constructed of acrylic or similar shatter-resistant material as determined by the director. Glass lenses shall not be used for any pedestrian-scale lighting.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

8. Parking. The number of parking stalls shall not exceed 125 percent of the minimum number of stalls required. Parking stalls constructed of grass blocks, grasscrete, pervious asphalt or concrete, or similar pervious material shall not be counted in this limit.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

9. Existing Development. Any existing legal conforming site, through future development, exceeding the square footage threshold contained in this subsection (H) shall follow the standards contained in Chapter 15.205 NMC, Nonconforming Uses and Buildings.

**Finding:** The above criterion does not apply because the building's first floor is under 30,000 square feet.

- 10. Vacancy Agreement. All large-scale retail development sites as defined in this subsection (H) shall have an abandoned building surety agreement filed with the city. The purpose of the agreement is to ensure a continued attractive business environment in case a building goes vacant. The agreement shall provide measures to maintain the on-site landscaping and exterior of the buildings to their prevacancy condition, and to assist in finding a future tenant. "Vacancy" is defined as a period exceeding one year without legal occupancy. The terms of the agreement shall include:
  - a. A surety bond equal to one percent of the total valuation of the buildings on site.
  - b. If the owner fails to maintain the physical exterior of the property or any building on site, the bond may be used for items including, but not limited

- to: landscape maintenance, exterior building repairs, parking lot paving, amenities in the public right-of-way (lighting, benches, landscaping, etc.). If the cost of maintenance exceeds the amount of the bond, the city will bill the owner. Any unpaid amounts will become a lien on the property.
- c. If the owner fails to legally occupy the site, the bond may be used as an incentive for prospective tenants including, but not limited to: payment of permit fees, application fees, system development charges, funding for onsite landscaping, and facade improvements.
- d. If the surety bond is expended in any amount, the owner shall provide a new surety bond prior to occupancy by a new tenant. The amount of the bond shall be equal to one percent of the value of the building at the time of occupancy.
- e. If at any time prior to one-year vacancy, the director finds the property is in need of maintenance, the director shall notify the owner in writing of the need to maintain the property and the intent to use the bond. Unless the owner provides the needed maintenance or objects within 30 days of the notice, the surety may be used to maintain the property. If the owner objects, the city council will hear the matter and determine whether the surety will be used.

**Finding:** The above criteria does not apply because the building's first floor is under 30,000 square feet.

- 11. Environmental Impact. All new large-scale retail development as defined in subsection (H) of this section shall be LEED certified as defined by the U.S. Green Building Council. The terms of approval are as follows:
  - a. The applicant shall demonstrate to the director the extent to which the applicant has complied with the commitment to earn a LEED new construction certification rating for a completed project. Demonstration of LEED certification shall be completed prior to the issuance of final certificate of occupancy for the new structure by submitting a report analyzing the extent credits earned toward such rating from the U.S. Green Building Council or another independent entity approved by the director.
  - b. With specific regard to the LEED stormwater design category, all buildings shall obtain a total of at least two points in this category.
  - c. With specific regard to the LEED water efficiency category, all buildings shall obtain a total of at least one point in this category.

- d. In this section the term "leadership in energy and environmental design (LEED)" means a green building rating system promulgated by the United States Green Building Council (USGBC) that provides specific principles and practices, some mandatory but the majority discretionary, that may be applied during the design, construction, and operation phases, which enable the building to be awarded points from reaching present standards of environmental efficiency so that it may achieve LEED certification from the USGBC as a "green" building, as such rating system exists on January 1, 2009.
- e. The USGBC intends to release a revised version of the LEED green building rating system every three years, and the director shall refer to the most current version of the LEED when reviewing a new building construction permit project or renovation.
- f. The LEED existing building rating system shall be used during retrofit projects of existing structures.

**Finding:** The above criteria does not apply because the building's first floor is under 30,000 square feet.

### **Exterior Lighting**

15.425.020 Applicability and exemptions.

- A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:
  - 1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
  - 2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
  - 3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

**Finding:** The lighting on the site is existing and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

- B. Exemptions. The following uses shall be exempt from the provisions of this section:
  - 1. Public street and airport lighting.
  - 2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.
  - 3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
  - 4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
    - a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.
    - b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.
  - 5. Lighting activated by motion sensor devices.
  - 6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.
  - 7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property. [Ord. 2720 § 1(18), 11-2-09; Ord. 2537, 11-6-00. Code 2001 § 151.586.]

**Finding:** This criterion is not applicable as no exemption has been requested by the Applicant.

The criterion is not applicable.

15.425.030 Alternative materials and methods of construction, installation, or operation.

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

**Finding**: The lighting on the site exists and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

### 15.425.040 Requirements.

- A. General Requirements All Zoning Districts.
  - 1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.

**Finding:** The lighting on the site exists and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.

**Finding:** The lighting on the site exists and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

**Finding:** The lighting on the site exists and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

### B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium,	Fully
mercury vapor, metal halide and	
fluorescent over 50 watts	
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or	None
less	
Other sources	As approved by NMC 15.425.030

**Finding:** The lighting on the site exists and is not proposed to be modified. The lighting was approved by prior design review approvals.

The criterion is not applicable.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

#### 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.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

**Finding:** There are 60 existing parking spaces identified on the site plan. The 2015 parking evaluation noted there are 61 spaces on the site. For the purposes of this evaluation staff will be using 61 parking spaces on the site. The 61 spaces are located on R3220BA 00400, R3220BA 00301, and R3220BA 00300 that comprise the development site. There is an existing shared parking arrangement as noted in the application material. A variance application was submitted

and is recommended for approval to reduce the overall required parking spaces for the Medical Clinic and the adjoining parcels that have the shared parking agreements to 80 spaces. Staff inspection of the site noted that striping of the parking spaces has worn away and are not very visible to those using the parking lot. The Applicant shall re-strip the parking lot to clearly delineate the location of the 61 parking spaces.

This criterion will be met if the aforementioned condition of approval is adhered to.

- B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.
  - 1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

**Finding:** See the analysis under subsection (F) below.

- C. Off-street parking is not required in the C-3 district, except for:
  - 1. Dwelling units meeting the requirements noted in NMC 15.305.020.
  - 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.
  - 3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

**Finding:** These criteria do not apply because the site is not in the C-3 district.

D. 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.

**Finding:** The development area is not within the C-4 district and is not applicable.

E. All commercial, office, or industrial developments that have more than 20 offstreet 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.

**Finding:** A total of 61 existing parking spaces are identified. There is no designated employee parking for the existing building. Car/vanpool parking is not required.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the

minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

- 1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or
- 2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or
- 3. A factor determined according to a parking analysis.

**Finding:** A total of 61 existing parking spaces are identified on the site. There is no on-street parking provided or allowed on E Portland Road. The development site has identified parking that meets the requirements per the recommend variance approval.

Because the development is proposing the required number of parking spaces the above criteria do not apply.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

**Finding:** A total of 61 existing parking spaces are identified. The parking spaces are designed to meet the size requirements for 90° angle parking as further analyzed under NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

**Finding:** Service drives are provided to the parking locations that facilitates the flow of traffic within the development area to the designated parking areas as represented in the application materials. The existing service drives are identified to be minimum of 24 feet or greater in width exceeding the 20-foot minimum.

The criterion is met.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

**Finding:** The criterion does not apply because there are no private drives or streets.

- D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:
  - 1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review

**Finding:** This criterion is not applicable as the development area is not in an AI or AR district.

15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.

**Finding:** A total of 24 parking spaces are required for the Medical Clinic based on 6,750 square feet of occupiable spaces. Twenty-four (24) spaces are identified in the parking lot out of the total of 61 spaces for the Medical Clinic.

The criterion is met.

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:** A medical office is a specified use in NMC 15.440.030. This criterion is not applicable.

15.440.050 Common facilities for mixed uses.

A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

**Finding:** This criterion is not applicable as the proposed use is a single use, medical clinic.

- B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:
  - 1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
  - 2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.
  - 3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.

**Finding:** Joint parking occurs on the site for adjacent parcels to the wet and east as noted in this report. The joint use for parking are detailed in recorded documents included I the application material.

The criterion is met.

C. Commercial establishments within 200 feet of a commercial public parking lot may reduce the required number of parking spaces by 50 percent.

**Finding:** This criterion is not applicable because there is no public parking lot in the vicinity and the applicant is not requesting a reduction in the number of spaces required.

Parking and Service Drives

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

**Finding:** The existing parking areas are paved with asphaltic concrete and meet the criterion.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

**Finding:** The plans indicate that existing parking and service drive areas will not encroach onto public streets and that no parking areas are proposed between the curb and sidewalk in the public right-of-way.

This criterion is met.

C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex or townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

**Finding:** The existing parking lot layout provides perimeter curbing that prevents cars from encroaching on abutting private and public property, and landscape areas.

This criterion is met.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex or townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

Finding: See response to NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

**Finding:** This criterion is not applicable because the subject property does not abut and is not adjacent to any residential zoning districts.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

**Finding:** The submitted site plan identifies that all parking spaces will be marked. Staff inspection of the site noted that striping of the parking spaces has worn away and are not very visible to those using the parking lot. The Applicant shall re-strip the parking lot to clearly delineate the location of the 61 parking spaces.

Staff noted that at its site inspection in June 2023 that three parking spaces were being used as the location of trash bins. It appeared the trash bins were for the adjacent Medici Commercial Building. The trash bins will need to be removed in order to provide the 61 parking spaces on the site. The Applicant shall have the trash bins on the west side of the parking lot removed in order to make the three spaces available for parking and a total of 61 spaces available for parking on the site.

This criterion will be met if the aforementioned conditions of approval is adhered to.

- G. Parking areas for residential uses shall not be located in a required front yard, except as follows:
- 1. Single-family detached, duplex, triplex, quadplex, and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

**Finding:** This criterion of the NMC is not applicable because the use is not residential.

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

**Finding:** No compact parking spaces are identified for the site and no compact spaces are requested.

The criterion is not applicable.

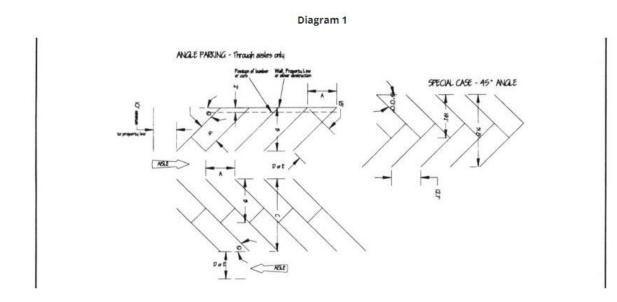
I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

**Finding:** The proposed project is not an affordable housing project, and this criterion does not apply.

J. Portions of off-street parking areas may be developed or redeveloped for transitrelated facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

**Finding:** This criterion is not applicable because the applicant is not proposing transit-related facilities or uses and there is no immediate plan to locate one of these facilities by other governmental entities within the project area.

### 15.440.070 Parking tables and diagrams.



**Finding:** All existing surface parking stalls are conditioned to be restriped and will meet the required dimensions of 18 feet by 9 feet for 90° angle parking. No compact spaces are identified.

The criteria will be met.

The application material identifies four (4) ADA parking spaces. The 2018 parking analysis identifies 4 ADA spaces. Staff inspection of the site in June 2023 noted that the two western most ADA spaces do not have an accessible ramp for the private walkway and does not comply with ADA requirements. To correct this situation the private walkway would need to be modified to provide an accessible ramp. In making this modification 1 parking space will be lost bringing the site down to a total of 60 spaces. The Applicant shall make sure that all ADA provided parking spaces are compliant with ADA requirements as part of the Building Permit review process.

### 15.440.080 Off-street loading.

- A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.
  - 1. The following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area of the	No. of Berths
Building in Square Feet	
Up to 10,000	1
10,000 and over	2

**Finding:** The gross floor area of the building is 6,750. This requires one loading berth. The site does not have a designated loading berth per prior design review approvals and deliveries would be limited to small vehicles such as UPS and Fed-X that can use a parking space.

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

**Finding:** The site does not have a designated loading berth per prior design review approvals. There is not space available on the site to accommodate a 10' x 35' loading berth without displacing existing parking and encumbering the services drives.

This criterion is not applicable.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).

Finding: This criterion is not applicable as the site is not in the C-4 district.

4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

**Finding:** There is no aircraft hangar proposed for the development and this criterion does not apply.

- B. The following provisions shall apply to off-street loading facilities:
  - 1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

**Finding:** The site does not have a designated loading berth per prior design review approvals. There is not space available on the site to accommodate a 10' x 35' loading berth without displacing existing parking and encumbering the services drives.

This criterion is not applicable.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

**Finding:** This criterion is not applicable because owners of two or more buildings are not proposing to jointly use the same loading area. This criterion does not apply.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.

**Finding:** The site does not have a designated loading berth per prior design review approvals. There is not space available on the site to accommodate a 10' x 35' loading berth without displacing existing parking and encumbering the services drives.

This criterion is not applicable.

- 4. Design Requirements for Loading Areas.
  - a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or Portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.
  - b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.
  - c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
  - d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
  - e. Vision clearance standards as identified in NMC 15.410.060 shall apply.

**Finding:** The site does not have a designated loading berth per prior design review approvals. There is not space available on the site to accommodate a 10' x 35' loading berth without displacing existing parking and encumbering the services drives.

This criterion is not applicable.

### Bicycle Parking

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Minimum Number of Bicycle Parking Spaces Required
One bicycle parking space for every 10,000 square feet of gross loor area. In C-4 districts, two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater
l

**Finding:** The overall building square footage is 6,750 square feet. This includes the activation of 1,775 square feet within the existing building envelope. The building is not a new building and the activation area is less than 4,000 square feet. No bicycle parking is required.

#### 15.440.110 Design.

- A. Bicycle parking facilities shall consist of one or more of the following:
  - 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.
  - 2. An enclosed locker.
  - 3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
  - 4. Other facility designs approved by the director.

**Finding:** Not applicable because no new bicycle parking is required.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

**Finding:** Not applicable because no new bicycle parking is required.

C. All spaces shall be located within 50 feet of a building entrance of the development.

**Finding:** Not applicable because no new bicycle parking is required.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.

**Finding:** Not applicable because no new bicycle parking is required.

Article III. Private Walkways

15.440.120 Purpose.

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it

is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

**Finding:** See the analysis below under 15.440.140(A-G).

#### 15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

#### 15.440.140 Private walkway design.

A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.

**Finding:** An existing private walkway is provided from the main building entrance to E Portland Road. A site inspection revealed that the walkway would need some repair as it has a location where there is a grade differential of more than ¼ inch. The Applicant shall ensure that the private walkway meets applicable building code and Americans with Disabilities Act requirements.

This criterion will be met with compliance with the aforementioned condition of approval.

#### B. Required private walkways shall be a minimum of four feet wide.

**Finding:** The existing private walkway is a minimum of four feet wide. With the condition to restripe the pedestrian crossing of the service drive it will need to meet the four-foot width requirement. The Applicant shall stripe the pedestrian crossing of the service drive to be a minimum of four feet wide.

This criterion will be met with compliance with the aforementioned condition of approval.

C. Required private walkways shall be constructed of Portland cement concrete or brick.

**Finding:** The existing private walkway is constructed of Portland Cement and meets the requirement.

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

**Finding:** An existing private walkway is provided from the main building entrance to E Portland Road. Where the walkway cross a service drive connecting the site with the Medici Commercial Building the striped crossing has worn away and needs to be restriped. The Applicant shall restripe the pedestrian crossing across the service drive that connects the Medical Clinic site to the Medici Commercial Building site.

This criterion will be met with compliance with the aforementioned condition of approval.

E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

**Finding:** The existing private walkway connects the main pedestrian building entrance to the public street and meets the criterion.

F. The review body may require on-site walks to connect to development on adjoining sites.

**Finding:** No private walkway connections are required to adjoining sites.

G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.

**Finding:** The review body has not identified any necessary modifications per this criterion.

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

15.405.010 Minimum and maximum lot area.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

# 1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area For duplex	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area Per dwelling for multifamily
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	_

**Finding:** The site is zoned General Commercial (C-2). The above lot area requirements do not apply.

2. In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

**Finding:** The development area total is 0.45 acres (19,455.97 square feet). The development area exceeds the minimum 5,000 square foot minimum.

3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

**Finding:** This criterion is not applicable because this development area is not in a M-1, M-2, M-3, or M-E district.

4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

**Finding:** This criterion is not applicable because this development area is not in an Institutional district.

5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

**Finding:** This criterion is not applicable because this development area is not in a commercial or mixed employment district of the riverfront overlay subdistrict.

- 15.405.040 Lot coverage and parking coverage requirements.
  - A. Purpose. The lot coverage and parking coverage requirements below are intended to:
    - 1. Limit the amount of impervious surface and storm drain runoff on residential lots.
    - 2. Provide open space and recreational space on the same lot for occupants of that lot.
    - 3. Limit the bulk of residential development to that appropriate in the applicable zone.

**Finding:** Lot coverage does not apply in the C-2 district.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.

**Finding:** The development area is in the C-2 district and is not limited by lot coverage.

The criterion does not apply.

- 15.410.010 General yard regulations.
  - A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

**Finding:** No yards are proposed that that would apply towards a yard or open space for any other building. This criterion is met.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

**Finding:** No yards are proposed that that would apply towards a yard or open space for any other lot or development site. This criterion is met.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or

private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

**Finding:** The site was approved for parking by prior design review approvals. This criterion is not applicable.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

**Finding:** This criterion is not applicable because no building covers a common property line.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

**Finding:** This criterion is not applicable because no dwellings are proposed.

F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

**Finding:** This criterion is not applicable because the development area is not in the AI airport industrial district.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel.

**Finding:** This criterion is not applicable because the development area is not in the AR airport residential district.

15.410.020 Front yard setback.

#### B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property

that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.

**Finding:** This criterion is not applicable because the development area is not in the C-1 district.

2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

**Finding:** The existing front yard setback is 184 feet to the south property line of E Portland Road. Adjacent to the building the off-street parking is located on three (3) separate tax lots. The parking separates the existing building from E Portland Road.

This criterion does not apply.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

**Finding:** This criterion is not applicable because the development area is not in the C-3 district.

4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

**Finding:** This criterion is not applicable because the development area is not in the C-4 district.

#### 15.410.030 Interior yard setback.

#### B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

**Finding:** The development area abuts Commercial (C-2) to the north and east. To the south the abutting property is Commercial (C-2) and Institutional (I). There is no residential zoned property adjacent to the site.

The criterion is met.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.

**Finding:** This criterion is not applicable because the development area is not in the C-3 district.

3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

**Finding:** This criterion is not applicable because the development area is not in the C-4 district.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

**Finding:** This criterion is not applicable because there are not intersecting streets adjacent to the site.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

**Finding:** There is one existing driveway access for the site onto E Portland Road. Staff inspected the site and the vision clearance triangle requirements have been met.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

**Finding:** There is one existing driveway access for the site onto E Portland Road. Staff inspected the site and the vision clearance triangle requirements have been met.

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

**Finding:** This criterion is not applicable because the development site is not within the Riverfront (RD) overlay subdistrict.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

**Finding:** This criterion is not applicable because there are no depressed areas within the development site for fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

**Finding:** This criterion is not applicable because there are no accessory buildings.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

- 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
- 2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
- 3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
- 4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

**Finding:** This criterion is not applicable because there are no projecting features into the required front yard.

#### D. Fences and Walls.

- 1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.

**Finding:** This criterion is not applicable because the development site is not in a residential district.

- 2. In any commercial, industrial, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

**Finding:** This criterion is not applicable because no fencing is proposed.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

**Finding:** This criterion is not applicable because no chain link fencing is proposed on the site. An existing chain link fence is located along the east property line constructed as part of the Newberg Ford development. There will be a metal decorative fence around the swimming pool, it is not chain link, is not adjacent to a property line and is interior to the site.

4. The requirements of vision clearance shall apply to the placement of fences.

**Finding:** This criterion is not applicable because no fencing is proposed in the vision clearance triangles.

- E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).
  - 1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.

**Finding:** There is one existing driveway access for R3220BA 00400 that serves the building site on R3220BA 00402. A second driveway serves the building site through an access easement to N Villa Road. The applicable service drives are existing.

- 2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
  - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.
  - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat

trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.

- c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
- d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

**Finding:** These criteria do not apply because the development site is not in a residential district.

3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).

**Finding:** Existing parking is provided on R3220BA 00400, R3220BA 0030, and R3220BA 00300 between E Portland Road and the building site on R3220BA 00402. The parking is in a yard for each lot and meets the criterion.

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

**Finding:** This criterion is not applicable because the development site is not in the I district.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

**Finding:** This criterion is not applicable because no Public Telephone Booths and Public Transit Shelters are proposed or required.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts.

**Finding:** This criterion is not applicable because the development site is not in the AR airport residential district.

- 15.415.020 Building height limitation.
  - B. Commercial and Industrial.
    - 2. In the AI, C-2, C-3, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

**Finding:** The existing building site is in the C-2 district which does not have a height limit. The height limit is regulated by the airport overlay conical surfaces. The existing building is not adjacent to a residential district. The application indicates the south elevation of the existing building is 20 feet 2 inches to top of roof at the front elevation (South) and 30 feet 2 inches to top of roof above the lower grade level on the west elevation.

The criterion is met.

- E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:
  - 1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and
  - 2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

**Finding:** This criterion is not applicable because no alternative building height calculation is being proposed.

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.

**Finding:** The existing building site is within the Airport Inner Horizontal Surface (AIHS) and is addressed below in Section 8 under 15.340.040.

#### 15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

**Finding:** The C-2 district does not have a maximum height restriction. No exemptions are applied for the proposed application. This section of the NMC is not applicable.

### 15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under MC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

**Finding:** The existing building has access to E Portland R3220BA 00400 and a second access through an existing access easement to N Villa Road.

- 4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.
  - 15.420.010 Required minimum standards.
    - B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:
      - 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is

exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified.

The criterion is met.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified.

The criterion is met.

- 3. The following landscape requirements shall apply to the parking and loading areas:
  - a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard. There is a sidewalk along E Portland Road for R3220BA 00300 that is curb tight and has five (5) street trees. There is existing landscaping between the parking lot and the public sidewalk.

The criterion is met.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

**Finding**: The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

**Finding:** This criterion does not apply because the development site is not adjacent to a residential district.

- h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:
  - i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
  - ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

- 4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
  - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

**Finding:** E Portland Road, an arterial street, abuts the existing building site and the associated parking areas. There are five (5) existing street trees.

The criterion is met.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

**Finding:** This criterion is not applicable because the site does not have frontage on a collector street.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4'' containers	2 feet on center
2-1/4'' containers	18" on center
Rooted cuttings	12" on center

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

**Finding:** The Applicant indicates the site has some irrigation that covers about 30% of the site. The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

6. Required landscaping shall be continuously maintained.

**Finding:** The Applicant indicates in their narrative that the site landscaping will be maintained.

The criterion is met.

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

The criterion is met.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

**Finding:** This criterion does not apply because the development is not an institutional use.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

**Finding:** This criterion does not apply because the development site is not in the M-4 zone.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

**Finding:** The Applicant indicates the existing building site and the parking that serves the site is existing and not proposed to be modified. The existing parking lot landscaping is considered non-conforming for the applicable standard.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

- A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.
  - 1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).

**Finding:** Street trees are existing along the property frontage of E Portland Road. The standard is not applicable.

- 2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
  - b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.

**Finding:** Not applicable because there is no landscape strip. The existing sidewalk is curb tight. Landscaping is provided behind the sidewalk to the parking lot area.

3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.

- a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
- b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
- c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
- d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.

**Finding:** This criterion is not applicable because pedestrian scale lighting is not proposed or required for the proposed site improvements. The landscape strip is already improved with street trees and grass.

- 4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
  - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.
  - b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.

**Finding:** This criterion is not applicable because street furniture is not required within this area of the C-2 district.

5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

**Finding:** The existing site has a curb cut approved through prior design reviews. This criterion is not applicable.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations

of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

**Finding:** Not applicable because there is no landscape strip. The existing sidewalk along E Portland Road is curb tight.

- 2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).
  - a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
  - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.

**Finding:** Not applicable because there is no landscape strip. The existing sidewalk along E Portland Road is curb tight.

- 3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
  - b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
  - c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

**Finding:** Not applicable because there is no landscape strip. The existing sidewalk along E Portland Road is curb tight.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

**Finding:** Not applicable because there is no landscape strip. The existing sidewalk along E Portland Road is curb tight.

D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

**Finding:** This criterion is not applicable because the site is not in the AI or AR residential district.

5. Signs. Signs shall comply with NMC 15.435.010 et seq dealing with signs.

#### 15.435.010 Purpose.

- A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.
- B. These regulations are designed:
  - 1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.
  - 2. To enhance the attractiveness of Newberg as a place to conduct business.
  - 3. To enable the identification of places of residence and business.
  - 4. To allow freedom of expression.
  - 5. To reduce distractions and obstructions from signs which would adversely affect safety.
  - 6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.590.]

15.435.030 Permit required.

- A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.
- B. The following do not require sign permits, but must otherwise comply with the standards of this chapter:
  - 1. Minor freestanding signs.
  - 2. Minor attached signs.
  - 3. Temporary signs.
  - 4. Portable signs.
  - 5. Flag display (one allowed on each street frontage).
  - 6. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following the issuance of such permit. [Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2499, 11-2-98. Code 2001 § 151.592.]

**Finding:** The Applicant has identified modifying the existing signage on the site which are Major Freestanding signs. Sign review applications will be required in order to approve signs.

This section of the NMC will be met with adherence to the aforementioned condition of approval.

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

**Finding:** The criteria of NMC 445.075 through 15.445.100 do not apply because a manufactured dwelling or mobile home park is not being proposed.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

**Finding:** The site is in the C-2 district. The proposed use is a permitted use per NMC 15.305.020. As noted in this report the proposed use complies with NMC 15.305.010 through 15.336.020 as conditioned.

The criteria are met.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

**Finding**: The development site is located in the Airport Overlay Inner Horizontal Surface (AIHS).

15.340.040 Procedures.

B. FAA Notice Required. To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to one for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77 of the Federal Aviation Regulations.

**Finding**: The building is existing and the building height is not proposed to be increased. The criterion is not applicable.

9. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

15.220.030(B)(14) Traffic Study.

A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

**Finding:** The Engineering Division has determined a traffic study was not required based on the activated space of 1,775 square feet.

10. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements

If more than \$30,000 of improvements are made to the property, street/frontage improvements can be required, see NMC 12.05.090. No street frontage improvements are required for this application per the engineering Division findings in 15.505.030.

# Chapter 12.05 Street and Sidewalks

12.05.090 Permits and certificates.

- A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:
  - 1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The Applicant will be responsible for replacing missing sidewalks and replacing any sidewalk panels not meeting current ADA standards along the property frontage.

This criterion will be met if the aforementioned condition of approval is adhered to.

2. Dedicate right-of-way in accordance with the city transportation plan.

**Finding:** There is adequate right-of-way along both frontages, E Portland Road (OR99W) and N Villa Road.

This criterion is met.

13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

**Findings:** No public improvements are proposed. Conditions have been identified related to sidewalk replacement requirements in this report.

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground.

This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

- B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.
- C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:
  - 1. The cost of undergrounding the utility is extraordinarily expensive.
  - 2. There are physical factors that make undergrounding extraordinarily difficult.
  - 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

**Finding:** The proposed tenant improvement does not include new utility connections. <u>Any new utility line connection to the property will need to be undergrounded.</u>

This criterion will be met if the aforementioned condition of approval is adhered to.

# 15.505 Public Improvements Standards

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

**Finding:** All improvements reviewed under this application are identified in the NMC 15.505 section specific to them and are conditioned to comply with the Public Works Design and Construction Standards in those sections.

This requirement is met.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

**Finding:** The proposed tenant improvement will connect to the existing water service. A new water service connection is not proposed or required.

This criterion is met.

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

**Finding:** The proposed tenant improvement will connect to the existing wastewater service. A new wastewater service connection is not proposed or required.

This criterion is met.

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

**Finding:** The proposed tenant improvement will not create new impervious area or new stormwater runoff to manage.

This criterion is not applicable.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

**Finding:** No new utility easements are required.

This criterion is met.

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

**Finding**: Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.

This criterion will be met if the aforementioned condition of approval is adhered to.

#### 15.505.030 Street standards.

- A. Purpose. The purpose of this section is to:
  - 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.
  - 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, "adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
  - 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, "adequate area" means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.
- B. Applicability. The provisions of this section apply to:
  - 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.
  - 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
  - 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
  - 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
  - 5. Developments outside the city that tie into or take access from city streets.
- C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and

construction standards, the Newberg transportation system plan, and other adopted city plans.

- D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:
  - 1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
  - 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

**Finding:** The proposed tenant improvement does not create an impact which would require new streets or street improvements.

This criteria are not applicable.

- E. Improvements to Existing Streets.
  - 1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
  - 2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
  - 3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary

design of the constructed street provided by the applicant's engineer and shall be approved by the director.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criteria are not applicable.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this <u>code</u>. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

**Finding:** The proposed tenant improvement does not create an impact which would require street improvements. If sidewalk replacements are necessary, the improvements are proportional to the impact of the project.

### G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of Street	Right- of-Way Width	Curb-to- Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						

Table 15.505.030(G) Street Design Standards

Type of Street	Right- of-Way Width	Curb-to- Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Major arterial	95 – 100 feet	74 feet	4 lanes	TWLTL or median*	Yes	No*
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors	-	-	1	1	1	1
Major	57 – 80 feet	36 feet	2 lanes	None*	Yes	No*
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/ Industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

<sup>\*</sup> May be modified with approval of the director. Modification will change overall curbto-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.

Table 15.505.030(G) Street Design Standards

Type of Street of	Right- of-Way Width	Curb-to- Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
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<sup>\*\*</sup> All standards shall be per ODOT expressway standards.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

- 2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.
  - a. Exception.
    - i. Minimum lane width of 11 feet along S River Street from E First Street to E Fourteenth Street.

**Finding**: E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

- 3. Bike Lanes. Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.
  - a. Exception.
    - i. Minimum striped bike lane width of six feet with a one-foot wide buffer along S River Street from E First Street to the bypass.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

- 4. Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.
  - a. Exception.
    - i. Minimum parking lane width of seven feet along S River Street from the bypass to E Fourteenth Street.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. There are no existing parking lanes along this segment of E Portland Road (Highway 99W) and none are required. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

5. Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

- 6. Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:
  - a. The requirements of the fire chief shall be followed.
  - b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.
  - c. Use for through streets or looped streets is preferred over cul-de-sac streets.
  - d. Use for short blocks (under 400 feet) is preferred over longer blocks.
  - e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.
  - f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.

**Finding:** Limited residential streets are not proposed. The proposed tenant improvement does not create an impact which would require street improvements.

These criteria are not applicable.

7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

#### a. Exception.

- i. Twelve-foot-wide sidewalks, inclusive of the curb, with tree wells along S River Street from the bypass to E Fourteenth Street.
- ii. Twelve-foot-wide shared-use path and four-foot buffer, inclusive of the curb, with tree wells along the east side of S River Street from the bypass to E Fourteenth Street.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The applicant will be responsible for replacing missing sidewalks, and replacing any sidewalk panels not meeting current ADA standards along the property frontage.

This criterion will be met if the aforementioned condition of approval is adhered to.

- 8. Planter Strips. Except where infeasible, a pl. er strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:
  - a. Additional reinforcement is done to the sidewalk section at corners.
  - b. Sidewalk width is six feet.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.

**Finding:** No slope easements are proposed or required.

This criterion is not applicable.

10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

**Finding:** No exceptions are proposed or required.

This criterion is not applicable.

- H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:
  - 1. The modification is necessary to provide design flexibility in instances where: a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
    - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
    - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area: or
    - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
  - 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

**Finding:** No modifications are proposed or required.

These criteria are not applicable.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street

connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. Temporary turnarounds are not proposed and none are required. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

This criterion is not applicable.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be "to and through": through the development and to the edges of the project site to serve adjacent properties for future development.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require new streets or street improvements.

This criterion is not applicable.

### L. Cul-de-Sacs.

1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.

a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.

- b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.
- c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.
- d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.
- 2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).
- 3. Cul-de-sacs shall not serve more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and curb tight sidewalks along the project site's frontage. A cul-de-sac is not proposed. The proposed tenant improvement does not create an impact which would require new streets or street improvements.

These criteria are not applicable.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

**Finding:** No new street names are proposed or required.

- N. Platting Standards for Alleys.
  - 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.
  - 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.
  - 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.
  - 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.

5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

**Finding:** No alleys are proposed or required.

This criterion is not applicable.

### O. Platting Standards for Blocks.

- 1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.
- 2. Maximum Block Length and Perimeter. The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zone(s)	Maximum Block Length	Maximum Block Perimeter		
R-1	800 feet	2,000 feet		
R-2, R-3, RP, I	1,200 feet	3,000 feet		

### 3. Exceptions.

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these

circumstances but a public walkway is still feasible, a public walkway shall be provided.

- d. Institutional campuses located in an R1 zone may apply the standards for the institutional zone.
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

**Finding:** No changes to blocks are proposed or required.

These criteria are not applicable.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

**Finding:** No private streets are proposed or required.

This criterion is not applicable.

- Q. Traffic Calming.
  - 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:
    - a. Serpentine alignment.
    - b. Curb extensions.
    - c. Traffic diverters/circles.
    - d. Raised medians and landscaping.
    - e. Other methods shown effective through engineering studies.
  - 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

**Finding:** No traffic calming is proposed or required.

These criteria are not applicable.

- R. Vehicular Access Standards.
  - 1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional

classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacin	g Standards
-------------------------------	-------------

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet) <sup>2</sup>	Driveway Setback from Intersecting Street <sup>3</sup>
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

<sup>&</sup>lt;sup>1</sup> "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

**Finding:** No new access is proposed.

These criteria are not applicable.

<sup>&</sup>quot;CBD" refers to intersections within the central business district (C-3 zone).

<sup>&</sup>quot;All" refers to all intersections within the Newberg urban growth boundary.

<sup>&</sup>lt;sup>2</sup> Measured centerline to centerline.

<sup>&</sup>lt;sup>3</sup> The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

**Finding:** No change in access is proposed.

This criterion is not applicable.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

**Finding:** The lots on which the tenant improvement is proposed has only one driveway on the E Portland Road (Highway 99W) frontage.

This criterion is not applicable.

- 5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:
  - a. The review body finds that creating a public street frontage is not feasible.
  - b. The alley access is for no more than six dwellings and no more than six lots.
  - c. The alley has through access to streets on both ends.
  - d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

**Finding:** No alley exists at the proposed tenant improvement location.

These criteria are not applicable.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

**Finding:** The Applicant is not proposing to close the existing access.

### 7. Shared Driveways.

- a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential). b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
- c. No more than four lots may access one shared driveway.
- d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.
- e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

**Finding:** New shared driveways are not proposed.

These criteria are met.

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

**Finding:** E Portland Road (Highway 99W) is developed with travel lanes, a turn lane, bike lanes, curbs and sidewalks along the project site's frontage. The proposed tenant improvement does not create an impact which would require street improvements.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

**Finding:** The project site has an existing access along the E Portland Road (Highway 99W) frontage.

This criterion is met.

- 10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:
  - a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
  - b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
  - c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

**Finding:** No exceptions have been requested.

These criteria are not applicable.

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

**Finding:** No exceptions have been requested.

- S. Public Walkways.
  - 1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where

- practical, public walkway easements and locations may also be used to accommodate public utilities.
- 2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.
- 3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.
- 4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.
- 5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.
- 6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.
- 7. Lighting may be required for public walkways in excess of 250 feet in length.
- 8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

**Finding:** No public walkway is proposed or required.

These criteria are not applicable.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

**Finding:** Street trees are existing along E Portland Road. No new street trees are required.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

**Finding:** No new streetlights are proposed and with no change in use or to the exterior of the building and no site work none are required.

This criterion is not applicable.

- V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:
  - 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
  - 2. A transit passenger landing pad accessible to disabled persons.
  - 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
  - 4. Lighting at the transit facility.

**Finding:** No transit improvements are proposed or required.

These criteria are not applicable.

### 15.505.040 Public utility standards.

- A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.
- B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.
- C. General Standards.
  - 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.
  - 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.
- D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the

extension or improvement of necessary wastewater and stormwater facilities, as applicable.

- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
- 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.
- 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in
- 4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city. The judgment of the city, cannot be feasibly served otherwise.

**Finding:** No water improvements are proposed or required.

These criteria are not applicable.

- E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.
  - 1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
  - 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.
  - 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of

these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

- 4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
- 5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
- 6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.
- 7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

**Finding**: No wastewater improvements are proposed or required.

These criteria are not applicable.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

**Finding:** No easements are proposed or required.

This criterion is not applicable.

15.505.050 Stormwater system standards.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system,

public right-of-way or public easement, including but not limited to off-street parking and loading areas.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

**Finding:** No new impervious area or stormwater runoff is created by this tenant improvement.

These criteria are not applicable.

- D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:
  - 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
  - 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.
  - 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

**Finding:** No new stormwater runoff is created by this tenant improvement. The proposed project is a tenant improvement. No ground disturbance is proposed.

These criteria are not applicable.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

**Finding:** The proposed tenant improvement does not require stormwater facilities or erosion control.

**CONCLUSION:** Approve the application based on the above findings which indicate that the project meets the criteria required within the Newberg Development Code with conditions. The development will be subject to completion of the attached conditions.

### Section IV: Conditions – File VAR23-0002/DR223-0001 Variance and Design Review – GFU Medical Clinic

### A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

- 1. **Permit Submittal:** Submit a building permit application and two (2) complete working drawing sets of the proposed project. Show all the features of the plan approved through design review.
- 2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.

### 3. **Parking:**

- a. The Applicant shall restrip the parking lot to clearly delineate the location of the 60 parking spaces.
- b. The Applicant shall have the trash bins on the west side of the parking lot removed in order to make the three spaces available for parking and a total of 60 spaces available for parking on the site.
- c. The Applicant shall make sure that all ADA provided parking spaces are compliant with ADA requirements as part of the Building Permit review process.

### 4. **Private Walkways**

- a. The Applicant shall ensure that the private walkway meets applicable building code and Americans with Disabilities Act requirements.
- b. The Applicant shall stripe the pedestrian crossing of the service drive to be a minimum of four feet wide.
- The Applicant shall restripe the pedestrian crossing across the service drive that connects the Medical Clinic site to the Medici Commercial Building site.

### 5. Signs

a. Sign review applications will be required in order to approve signs.

### 6. **Public Sidewalks**

a. The Applicant will be responsible for replacing missing sidewalks and replacing any sidewalk panels not meeting current ADA standards along the property frontage.

### 7. **Underground Utility Installation**

a. Any new utility line connection to the property will need to be undergrounded.

### 8. **Permits**

a. Any required public improvement permit(s) for this project must be submitted, approved and issued prior to building permits being issued.

### B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY:

- 1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department (TVF&R) standards relating to access and fire protection.
- 2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
- 3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

### C. DEVELOPMENT NOTES

1. Systems development charges (SDCs) will be collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.

# **Attachment 1: Application Material**



### TYPE II APPLICATION - LAND USE

File #:VAR23-0002	
TYPES – PLEASE CHECK ONE: ☐ Design review ☐ Tentative Plan for Partition	☐ Type II Major Modification  ✓ Variance
☐ Tentative Plan for Subdivision	Other: (Explain)
APPLICANT INFORMATION:	是是是,我们就是自己的。 第15章 我们就是是一个人的,我们就是一个人的。
APPLICANT: George Fox University	
ADDRESS: 414 N. Meridian St.	CITY: Newberg STATE: Oregon ZIP: 97132
EMAIL ADDRESS: dschutter@georgefox.edu	PHONE: 503-554-2014 MOBILE: 503-317-5614
OWNER (if different from above):	PHONE:
ADDRESS:	
ENGINEER/SURVEYOR:	CONTACT:
EMAIL ADDRESS:	PHONE: MOBILE:
GENERAL INFORMATION:	
PROJECT LOCATION: 1515 N. Portland Rd.  PROJECT DESCRIPTION/USE: TI (plus build out of 1775 sq. MAP/TAX LOT NO. (i.e.3200AB-400): R3220BA-00402  COMP PLAN DESIGNATION: tax lot 400, 401, 402 are I, others  CURRENT USE: Medical Clinic - Providence Sleep C	
SURROUNDING USES:  NORTH: C-2 Attrell's and I George Fox  EAST: C-2 Thai the Knot Resturant and Newbergundian Bistro	SOUTH: C-2, Portland Rd. / Hwy 99W frontage
ATTACHED PROJECT CRITERIA AND REQUIRE	MENTS (check all that apply)
General Checklist: ☑ Fees ☑ Public Notice Information ☑ Curro ☑ 2 Copies of full Application Packet	ent Title Report 🗹 Written Criteria Response 🗹 Owner Signature
For detailed checklists, applicable criteria for the written resp	onse, and other requirements per application type, turn to:
Partition Tentative Plat Subdivision Tentative Plat Variance Checklist Short-term Rental	p. 13 p. 15 p. 17 p. 20 p. 22
If the Application is emailed 2 physical copies must be ma	newbergoregon.gov or at 414 E First St., Newberg OR. 97132  illed or brought into the Community Development Department
The above statements and information herein contained are in all respenues substantially conform to all standards, regulations, and procedure letters of consent. Incomplete by missing information may delay the applicant Signature  Date	ects true, complete, and correct to the best of my knowledge and belief. Tentative plans as officially adopted by the City of Newberg. All owners must sign the application or submit proval process.  Owner Signature  Date
Dan Schutter	Jeremiah Horton
Print Name	Print Name



### Community Development Department

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

### WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to construct *Existing Building Renovations including buildout of and existing basement area*. You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

The development would include renovating part of the exiting build, including build out of the existing basement are, and adding windows to the basement level of the west elevation.

APPLICANT:

George Fox University - Dan Schutter

TELEPHONE:

503-554-2014

PROPERTY OWNER:

George Fox University

LOCATION:

1515 N. Portland Rd. (Hwy 99W)

TAX LOT NUMBER: 32

3219BA - 00402



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. VAR-23-KAN
City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on <u>enter date two weeks from date you</u> <u>mailed notice</u>. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for design review approval are found in Newberg Development Code 15.220.050(B).

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: Date notice is mailed

# Land Use Notice

File # VAR-23-00xx

parking for an existing building renovation PROPOSAL: Allow Non-compliant on-site

Project.

FOR FURTHER INFORMATION, CONTACT: Planning & Building Department Phone 503-537-1240 414 E. First Street City of Newberg

PL	A.	N	NI	N	G	D	IV	/[5	31	0	N	F	IL	E.	#	•		

## CITY OF NEWBERG AFFIDAVIT OF NOTICING

REFERENCE ATTACHED LIST(S)/NOTICE(S)

l,	, do hereby certify that	the attached Notice	of Land Use Action was:
a)	mailed to the following list of property owners, by on; (date)	United States mail	, postage prepaid
b)	posted on the site according to standards establion  (date)	shed in Newberg D	evelopment Code §15.100.260
applica	owledge that failure to mail the notice in a timely nant to defer the 120-day process limit and acknow atic postponement of a decision on the application	ledge that failure to	mail will result in the
			(date)
		Signature	Date
		Print name	

R3217CD 04000 Newberg State Bank PO Box 94839 Cleveland, OH 44101

R3217CD 04100 Wilfred Liew 17662 SW Galewood Dr Sherwood, OR 97140

R3220BA 02100 David & Carol Morse 5808 SW Multnomah Blvd Portland, OR 97219

R3220BA 02900 Sandra Jordan 1519 E 2nd St Newberg, OR 97132

R3220BA 00600 Circle K Stores Inc 255 E Rincon St STE 100 Corona, CA 92879

R3220BA 02304 Tai Harden & Andre Moore 1502 E 1st St Newberg, OR 97132

R3217CD 06002 George Fox University 414 Meridian St Newberg, OR 97132

R3220BA 00500 Harold & Dorothy Medici 28005 NE Bell Rd Newberg, OR 97132

R3217CD 06100 George Fox University 414 N Meridian St Newberg, OR 97132

R3217CD 06500 Kyle Kern 1941 N Westlake Loop Newberg, OR 97132 R3220BB 03800 City of Newberg PO Box 970 Newberg, OR 97132

R3220BB 04200 John & Melissa Kubitz 1318 E 1st St Newberg, OR 97132

R3220BA 01000 City of Newberg 535 NE 5th St Mcminnville, OR 97128

R3217CD 06000 George Fox University 414 N Meridian St Newberg, OR 97132

R3217CD 05900 George Fee University 414 M Meridian St Newberg, OR 97132

R3220BA 01600 Portland Road Properties LLC 433 N Camden Dr Ste 1000 Beverly Hills, CA 90210

R3220BB 05300 Andrew & Stephanie Dufour 109 S Church St Newberg, OR 97132

R3220BB 00600 George Fox University 200 N Carlton Way Newberg, OR 97132

R3220BB 00800 George Fox University 414 M Meridian St Mewberg, OR 97132

R3220BA 02310 Stephanie & Anthony Carpenter 1514 E 1st St Newberg, OR 97132 R3217CD 04002 Clinic LLC Villa 308 N Villa Rd Newberg, OR 97132

R3220BA 02303 Heincrich & Melanie Sohler 102 S Church St Newberg, OR 97132

R3220BA 02601 Jose & Anay Rivera 110 S Church St Newberg, OR 97132

R3220BA 00100 M & L Douglas LLC 11500 NE Anna Dr Newberg, OR 97132

R3220BA 03000 Renee & Craig May 70885 Indian Ford Rd Sisters, OR 97759

R3220BA 00301 George Fox University 414 M Meridian St Newberg, OR 97132

R3217CD 03800 Daniel & Rhonda Hawkins 623 Rossanley Dr Medford, OR 97501

R3217CD 06200 George Fox University 414 Meridian St Newberg, OR 97132

R3220BA 01300 Akshar Enterprise LLC 1864 E Portland Rd Newberg, OR 97132

R3220BA 02309 Tassy Davis Po Box 160 Forest Grove, OR 97116

R3220BA 02305 R3220BB 00709 R3217CD 04001 Sharon Walker George Fox University **Newberg State Bank** 414 Meridian St 5007 E Longest Dr 1515 E Portland Rd Newberg, OR 97132 Wewberg, OR 97132 Newberg, OR 97132 R3220BA 02700 R3220BA 02800 R3220BB 00300 Joshua Allan & Samantha Milner George Fox University Wesley & Stephanie Hall 1509 E 2nd St 414 N Meridian St 1517 E 2nd St Newberg, OR 97132 Newberg, OR 97132 Newberg, OR 97132 R3217CD 03300 R3217CD 03600 R3220BA 02200 Paul & Rebecca Fodge Sisters Of Providence Richard Taylor 1321 E Palomino Ct 800 5th Ave # 1200 3920 SW Condor Ave Newberg, OR 97132 Seattle, WA 98104 Portland, OR 97239 R3220BA 02311 R3220BA 00300 R3217CD 06700 George Fox University Cindy Stetson & Jace Rode Oregon Care Group LLC 414 MMeridian St 1516 E 1st St 302 9th St Newberg, OR 97132 Newberg, OR 97132 Wenatchee, WA 98801 R3220BA 00800 R3217CD 03900 R3217CD 06300 Pacific Resources Associates L George Fox University Daniel & Rhonda Hawkins 15350 SW Sequoia Pkwy STE 300 623 Rossanley Dr 414 N. Meridian St Portland, OR 97224 Medford, OR 97501 Newberg, OR 97132 R3220BB 00500 R3217CD 03700 R3220BB 03900 George Fox University **Newberg State Bank David Randall** 414 MMeridian St 1815 E Portland Rd 1412 E 1st St Newberg, OR 97132 Newberg, OR 97132 Newberg, OR 97132 R3220BA 02307 R3220BA 02301 R3220BA 01200 Deborah Quinoa Julie & Steven Fugate **Enes Alacano** 1508 E 1st St Po Box 412 PO Box 1159 Newberg, OR 97132 Sherwood, OR 97140 Deerfield, IL 60015 R3217CD 03500 R3220BA 00200 R3220BA 00900 Providence Health System Inc M & L Douglas LLC City of Newberg 800 5th Ave # 1200 11500 NE Anna Dr 535 NE 5th St Seattle, WA 98104 Newberg, OR 97132 Mcminnville, OR 97128 R3220BB 04100 R3217CD 03400 R3220BB 04000 **Douglas Baisley** Sisters Of Providence Abraham & Devin Salazar 1400 E 1st St 800 5th Ave # 1200 400 Lavender St Newberg, OR 97132 Seattle, WA 98104 Silverton, OR 97381

R3220BA 02306 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140 R3220BA 02312 Den Of Newberg LLC 5105 SW 45th Ave STE 201 Portland, OR 97221 R3220BA 02308 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140 R3220BA 01100 Stuart & Violet Richey PO Box 1159 Deerfield, IL 60015

R3220BA 00400 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BA 00402 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BB 00100 George Fox University 414 Meridian St Newberg, OR 97132

R3220BB 00101
George Fox University
414 Meridian St
Newberg, OR 97132

R3220BA 02600 Crystal Lott-Perkins 114 S Church St Newberg, OR 97132

R3220BA 02000 Mcbride Insurance Agency Inc 1548 E 1st St Newberg, OR 97132

R3217CD 06001 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BA 00401

George Fox University
414 National St
Newberg, OR 97132

R3217CD 03204 Newberg Professional Center As Po Box 63 Newberg, OR 97132 R3220BA 00700 Pacific Resources Associates L 15350 SW Sequoia Pkwy STE 300 Portland, OR 97224

R3220BA 02302 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140

R3217CC 00100 George Fox University 414 M Meridian St Newberg, OR 97132

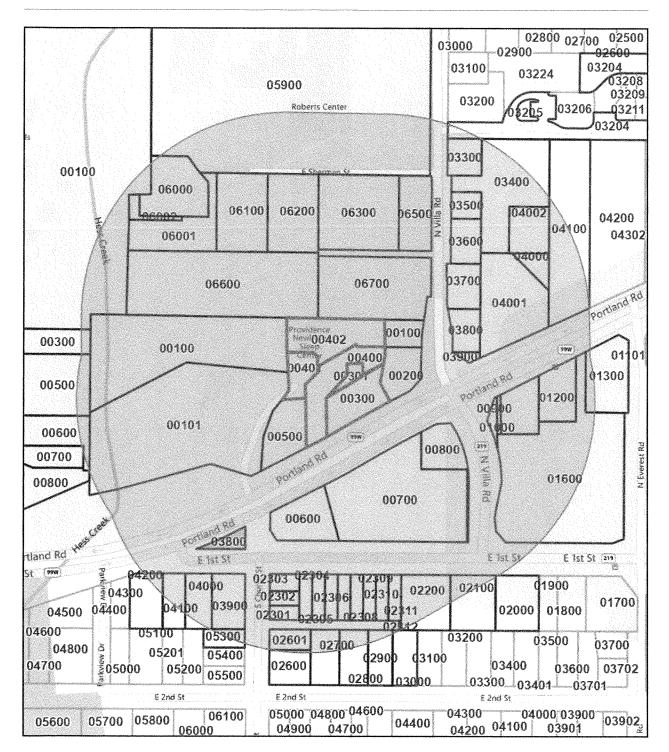
R3217CD 06600 George Fox University 414 Meridian St Newberg, OR 97132



### 500 ft Buffer

### 1513 E Portland Rd, Newberg, OR 97132

Report Generated: 3/1/2023



# DESIGN REVIEW CRITERIA RESPONSE VARIANCE CRITERIA RESPONSE

**FOR** 

George Fox University Health Clinic Renovation

1515 Portland Road, Newberg OR 97132

Tax. Lot R3220BA 00400, 401, 402, 300, 301

April 7, 2023



414 N. Meridian Street Newberg, OR 97132-2697

Contact: Dan Schutter
Associate Director, Physical Plant
503.554.2014
dschutter@georgefox.edu

### PROPOSED PROJECT DESCRIPTION

This Variance is submitted in support of a Type 2 Land Use permit application and is needed for gaining approval of the proposed project with less on-site parking than required by the Newberg Development code. The proposed project will increase the parking space requirement for this development from 15 to 24. This property has 60 parking spaces but shares non-exclusive parking privileges with two adjacent properties making a combined total parking requirement of 106 parking spaces according to NMC 15.440.010. The adjacent properties have about 20 spaces of their own, providing a combined total of about 80 spaces.

This proposed project involves renovating a single story medical office (plus basement level) located at 1515 Portland Road. This building was previously used as a sleep study center by Providence health providers and is being renovated to provide medical and mental health Clinical Services provided by Providence medical services along with educational and instructional training provided by George Fox University for its Behavioral Health Sciences Students (aka practicum instruction). The proposed work includes renovating the existing 1000 sq. ft. of storage space in the basement and building out about 775 sq. ft. of the unfinished basement area to create about 1775 sq. ft. of total office and instructional space at the basement level for clinical health services provided by George Fox University. The total gross building area used for medical services will increase from the existing 4975 sq. ft. to 6750 sq. ft.

The building is located on tax lot 3220BA-00402, at 1515 N. Portland Rd. (aka State Hwy 99W). The site encapsulates the nearby tax lots 300, 301, 400, and 401, all owned by George Fox University, which are used for site access and circulation, parking, and a trash enclosure. It should be noted that tax lots 300 and 301 are zoned C-2 per the Newberg Interactive zoning map, and lots 400, 401 and 402 are listed as Institutional. The adjoining business located to the east of this site, the Newbergundian Bistro on lot 100 and Thai the Knot restaurant located on lot 200, are both listed on the interactive map as C-2 but the business to the west, the Medici building with Sub Terra Kitchen and Cellar on the lower level and several businesses located on the upper level, located on lot 500 is listed on the interactive map as Institutional and the business located to the northeast, Attrell's Funeral Chapel, located on tax lot 3220CD-06700 is listed on the Interactive map as Institutional. It is assumed these adjacent properties are actually zoned C-2. All properties on this block, whether zoned Institutional or Commercial are within the Institutional overlay (I-O) zone.

The existing parking lot located on the George Fox University owned property has 60 total spaces including 2 marked ADA spaces. The adjacent properties

have parking spaces of their own including 5 spaces at Thai the Knot Restaurant, 5 at the Newbergundian Bistro, and about 15 located at the Medici Building (these are not marked well making it difficult to count the number accurately). There have been numerous agreements down through the years between the various adjoining property owners concerning non-exclusive parking privileges but it appears the most recent recorded documents allow for non-exclusive right to vehicular access and parking in the parking lot located on tax lots R3220BA-00300, 00301, and 00400 for the adjacent businesses located at 1505 E. Portland Rd. (aka the Medici building) and 201 N. Villa Rd. (Tie the Knot Restaurant). Reference Attached Exhibit A.

Prior to September 2003 the property where the Newbergundian Bistro is located (203 Villa Rd.) had non-exclusive shared parking privileges and the property where Thai the Knot is located (201 Villa Rd.) had none. At this time 203 Villa Road was a retail pharmacy and 201 Villa Road was a Convenience store (7 eleven). According to recorded Instrument 200324281 (Exhibit B), recorded on September 9, 2003, the non-exclusive shared parking privileges were transferred from 203 Villa Rd. (tax lot 100) to 201 Villa Rd. (tax lot 200), leaving the property at 203 Villa Rd. with no shared parking privileges. On September 9, 2003 when this non-exclusive shared parking agreement was made the previous owner of the property, now owned by George Fox University, namely Providence Medical Services, it was understood the adjacent property would be made into a retail pharmacy with a drive through pick-up service window. Reference recorded instrument 200324281, recitals paragraph 3. It was sometime later that 201 Vila Road was issued a change in use and made into a restaurant, increasing the number of parking spaces per NMC 15.440.010 from 9 to 26 (based on a gross building area of 2600 sq. ft.). The change in use approving the restaurant was issued on March 18, 2015 under permit no. 623-15-000134-STR.

The history of the terms and assumed conditions for the non-exclusive shared parking privileges for the adjacent Medici building, located at 1515 Portland Road (tax lot 3220BA-00500) is not as well defined. The owners of the property now owned by George Fox University prior to Providence Medical Services agreed to non-exclusive shared parking privileges with the Medici property per recorded instrument film 241 P0786 (Exhibit D) recorded March 7, 1990. It is uncertain what the occupancy of the building on this property was at the time this agreement was made but it is estimated Sub Terra moved in about the early 2000s and prior to Sub Terra the entire building was primarily retail business use. In this case the current NMC 15.440.010 code would have required only 28 parking spaces. A change in use of the lower level from Retail Business to Restaurant use increased the number of parking spaces required from 28 to 42, taking up almost half of the applicants parking.

### Parking Space Requirements based on current use

Property	Address	Tax Lot No.	No. of	Gross	Occupancy	Parking	No. of
Name			Spaces	Bldg. Area	use	Space	Spaces
			Provided	(sq. ft.)		Factor	Required
George Fox	1515 N.	R3220DB-	0	6750	Medical	3.5 per	24
Medical	Portland	00401, 402			Office	1000	
Clinic	Rd.						
		R3220DB-	24		Parking		
		00301, 400					
		R3220DB-	26		Parking		
		00300					
Medici	1505 N.	R3220DB-	3	4150	Restaurant	1 per 100	42
Bldg. Sub	Portland	00500			w/o drive	sq. ft.	
Terra	Rd.				through		
Lower level							
Medici	1505 N.	R3220DB-	12	4150	Retail	1 per 300	14
Bldg.	Portland	00500			Business	sq. ft.	
Businesses	Rd.				w/o bulky		
Upper level							
Thai the	201 N.	R3220DB-	5	2600	Restaurant	1 per 100	26
Knot	Villa Rd.	00200			w/o drive	sq. ft.	
					through		
		Total	80			Total	106
			80				100
		Parking Spaces				Parking Spaces	
		Provided				-	
		Frovided				Required	

### 15.215.040 Type II variance criteria.

The Type II procedure shall be used to process a <u>variance</u> request. The <u>hearing</u> <u>body</u> shall grant the <u>variance</u> if the following criteria are satisfied:

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this <u>code</u>.

Response - The proposed development will increase the required number of parking spaces from 15 to 24. Given the unusual circumstances involving the non-exclusive shared parking privileges with adjacent property owners it appears that strict and literal interpretation of NMC 15.440.010 would require the applicant to construct 30 additional parking spaces, increasing the amount of on-site parking from 60 spaces to 86 spaces, but most of this to meet the code requirements for the adjacent businesses. At least one space would need to be ADA, including accessible route to the applicant's building and perhaps additional accessible routes to the Medici building on the adjacent property to the west. The applicant's property has insufficient space for this additional parking lot and the cost will be exorbitant, making this both practically difficult and a financial hardship.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended <u>use</u> of the property which do not apply generally to other properties classified in the same zoning district.

Response - The parking situation for this property is certainly unusual if not completely unique in that it must share parking spaces with two adjacent properties. The adjacent property owners hold a right to non-exclusive parking privileges according to agreements made by previous owners and passed down with the title to the land but there are no legal guidelines concerning how many spaces are to be allowed for each of the property owners or any direction concerning additional parking spaces required if any of the adjacent property owners make a change in use that requires more parking per NMC 15.440.010. It appears that both of the adjacent property owners have made a change in use that added significantly to the amount of parking required on the applicant's property without providing any additional parking on their own property. It seems an extraordinary circumstance that the city granted change in use permits for the adjacent property owners without requiring some means to meet the code requirements for the requisite parking spaces.

Also, it is probably unusual that any other property owner happens to own over 80 acres of property with more than 1500 parking spaces directly adjacent to the proposed development. In this case, the George Fox University campus is directly adjacent to the north side of the proposed development and the proposed use will allow to some degree shared use of the available parking on the main campus. Part on the proposed use involves students and faculty from the Doctor of Clinical Psychology program located in the Robert's Center located a short distance to the north of the proposed development and to some degree these people will walk over from the main campus.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the <u>applicant</u> of privileges enjoyed by the <u>owners</u> of other properties classified in the same zoning district.

Response - It appears that the adjoining property owner located at 203 Villa Rd. (current location of the Newbergundian Bistro) completed a change in use from Retail Business (formally Mike's Pharmacy) to a restaurant (Java Jungle) in 2006 without providing the required increase in parking spaces per NMC 15.440.010. This business has approximately 1500 gross building sq. ft. so the 5 on-site parking spaces are sufficient for retail business use but not nearly enough to meet the one space per 100 sq. ft. required per code NMC15.440 for a restaurant. If George Fox University was allowed to apply this same privilege to the adjacent restaurants that have non-exclusive shared parking privileges then the existing 76 on-site parking spaces would be adequate.

D. That the granting of the <u>variance</u> will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

It appears that the adjoining property at 203 N. Villa Rd. (Newbergundian Bistro) was granted and currently enjoys the same special privilege that the applicant is requesting except that it is uncertain if the adjacent property owners was required to obtain a variance to receive this privilege.

E. That the granting of the <u>variance</u> will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. [Ord. <u>2451</u>, 12-2-96. Code 2001 § 151.163.]

It is very unlikely that the proposed development will have any detrimental effects on public health, safety or welfare or be materially injurious to properties or improvements in the area. On the other hand, the health services that will be provided with this proposed development, namely mental health services offered by George Fox and Providence for both the community at large and more disadvantaged and at-risk people in particular, along with expanding the George Fox program for training more professional care providers, far outweighs the downside, the risk of some uncertain possibility of a full parking lot if customers for both of the adjacent restaurants and the healthcare clients arrive at the same time of day. In this case the on street parking on Villa Road along with adjoining sidewalks that provide for safe, accessible and easy pedestrian access between on street parking and the proposed development.

# EXHIBIT A



### **EXHIBIT B**

(15 pages)

AFTER RECORDING RETURN TO:

Michael G. Gunn P.C. Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YAMHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

00142411200300243810150153

400.00

200324281

\$96.00

09/23/2003 09:34:21 AM

DMR-EDMR Cnt=1 Stn=2 ANITA \$75.00 \$10.00 \$11.00

### EASEMENT

This Easement (herein known as ''EASEMENT'') is made and executed this  $\frac{16}{10}$  day of September , 2003, by and between Michael A. Douglas (herein known as ''Douglas'') and Providence Health System - Oregon (herein known as ''Providence'');

### WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit ''A'' (herein known as ''Douglas existing pharmacy property'') and more particularly described on attached Exhibit ''B' (herein known as ''Douglas proposed pharmacy property'').
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, the building that is resident on the proposed pharmacy property is presently vacant, and Douglas desires to utilize the said building as a retail pharmacy as well as a storage facility.
- 4. WHEREAS, there is a dispute between both parties regarding easement rights that each party may have over the other parties' property, and both parties desire to fully resolve the matter via this EASEMENT.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions contained herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.  $\,$
- 2. Providence hereby conveys unto Douglas an easement for egress purposes over a portion of Providence property with the said easement more particularly described on attached Exhibit "D" and set forth as "Parcel D- Ingress and Egress Easement" on the map attached hereto as Exhibit "E" with the purpose of the said easement to allow vehicular traffic which enters the proposed pharmacy property from Villa Rd to utilize drive thru windows on the west side of the said building



resident on the Douglas proposed pharmacy property and to also allow vehicular traffic which enters the proposed pharmacy property from Villa Rd and which utilizes parking facilities on the east end of the proposed pharmacy property, to then drive onto the said Providence parking lot so as to then exit the said vehicular traffic onto OR State Hwy 99W.

- A. Both Providence and Douglas specifically agree that unless specific written authorization is granted by the City of Newberg, there are to be no improvements (other than asphalt or concrete associated with the said pavement) constructed within this said easement area (i.e., a ''no build'' zone required for fire purposes since the said building is built to within one foot of the property line separating the Providence property from the proposed pharmacy property); provided, however, that both Providence and Douglas agree that Douglas has obtained permission from the City of Newberg to construct an awning on the said building resident on the Douglas proposed pharmacy property that overhangs approximately 3' into the said easement.
- B. Douglas agrees to post any signage that is reasonably necessary to inform customers associated with the proposed pharmacy property that vehicular traffic is to egress through the Providence parking lot and exit on to OR State Hwy 99W, rather than driving 'back through' the Providence parking lot and then exiting onto Villa Rd.
- 1). Providence reserves the right to approve all proposed signage of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are automatically approved.
- 2). The said Notice shall be addressed to Dana White whose address is as follows: Regional Real Estate, 4706 NE Glisan #101, Portland, OR 97213 with a copy also to John Bridges, Attorney at Law, 515 E. 1<sup>st</sup> St, Newberg, OR 97132. The RE line on the communication shall also set forth IN BOLD FACED AND WITH CAPITAL LETTERS that the Notice is subject to a ten (10) day time period for response by Providence.
- 3. Providence hereby conveys unto Douglas easements for landscaping purposes over a portion of the Providence property with the easements more particularly described on attached Exhibits "F" and "G" and set forth as "Parcel F and Parcel G Landscape Easement" on the map attached hereto as Exhibit "E".
- A. Providence reserves the right to approve all landscaping plans of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are

automatically approved with the said Notice addressed in the same manner as set forth above in Paragraph 2B2).

- 4. Douglas is responsible for all the maintenance, repairs, and improvements associated with the easements set forth on attached Exhibits "D", "F", and "G".
- 5. At all material times herein, Douglas agrees to maintain a standard business owners' liability insurance policy with limits not less than \$1,000,000 aggregate naming Providence as an additional named insured.
- 6. Providence agrees to allow Douglas a maximum of four (4) parking spots for employee purposes associated with the proposed pharmacy property with the location of the parking spots designated by Providence in the southwest corner of the Providence parking lot, and Douglas agrees to notify his employees not to park in any area immediately in front of the existing or future Providence medical building as that area is reserved for patients.
- 7. Providence warrants and represents to Douglas that there are no money encumbrances which encumber the said Providence property.
- 8. Douglas hereby conveys unto Providence an easement over a portion of the existing pharmacy property for garbage dumpster purposes with the said easement more particularly described on attached Exhibit "H" and set forth as "Parcel H Dumpster Easement" on the map attached hereto as Exhibit "E" with specific terms and conditions as follows:
- A. Douglas shall construct as directed by the City of Newberg and maintain at his expense the said area where the garbage dumpsters are located as set forth on Exhibit "H"; provided, however, that Providence is responsible for the cost of any maintenance and repairs that are required based on the action of Providence or any person or party acting by and through Providence.
- B. Providence will be allowed space for one (1) standard size one yard garbage dumpster and one standard size 100 gallon recycling bin.
- C. Providence agrees by the execution and recording of this EASEMENT, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit "I" (i.e., this is a "no build" area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters).
- 9. At all material times herein, Providence agrees to maintain a standard business owners' liability insurance policy associated with its use of the garbage dumpster easement as set forth above with limits not less than \$1,000,000 aggregate naming Douglas as an additional named insured.

- 10. Douglas warrants and represents to Providence that there are no money encumbrances which encumber the said existing pharmacy property.
- 11. Providence and Douglas agree that customers of the existing pharmacy property have rights to park in the Providence property parking lot under the terms and conditions of that certain agreement September 23, 1989 in Film 236 Page 1807 of the deed and mortgage records of Yamhill County, and that both Providence and Douglas agree to allow Douglas to transfer those customer parking rights to the proposed pharmacy property so that customers of the proposed pharmacy property have the right to park in the Providence parking lot; provided, however, that Douglas agrees to inform customers through reasonable signage that they are not to park in any area of the Providence parking lot that is immediately in front of the existing Providence medical building as that area is reserved for patients, and furthermore, that subsequent to the date of recording hereof, that customers of the existing pharmacy property shall no longer have any rights to park in the Providence property parking lot.
- 12. All of the said easements set forth herein are perpetual in nature and 'run with the land.''
- 13. In case of a breach of any term or condition by either party, the non-breaching party is afforded all available remedies both at law and in equity.
- 14. In case any suit or action is required to enforce any of the terms and conditions of this said EASEMENT, the non-prevailing party is required to pay the prevailing party's reasonable attorney fees and costs incurred in enforcing the term or condition, both at trial and on appeal.

15. In executing this EASEMENT, both parties agree that they have been represented, by their own legal counsel.

Michael A. Douglas

Providence Health System - Oregon

State of Oregon )
)ss
County of Yamhill )

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this 📉 day of



Notary Public for Oregon
My commission expires

State of Oregon )

County of Multranah

Personally appeared before me the above-named Terry Smith who stated that he was the CEO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this  $\underline{\bigvee}$  day of

September, 2003.

OFFICIAL SEAL
MELISSA LIND
NOTARY PUBLIC - OREGON
COMMISSION NO, 338377
MY COMMISSION EXPIRES OCT. 20, 2004

Notary public for Oregon
My commission expires

5/ EASEMENT

# EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins Donation Land Claid in Section 20, Township 3 South, Range 2 West of the Willametta Meridian in Yamhill County, Oragon, 33 rods and 18 links North of the Southeast corner of said Claim; these North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 271.5 feet to diveyed to G.N. Hartly by deed recorded in Northeast corner of that tract thence South 10 55; East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREPROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation. Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An essement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yachill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

EXHIBIT "B"
PAGE 1 of 2

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Glaim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 76° 57' 57" West 133.323 meters) 133.850 meters; thence on a spiral curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

EXHIBIT "B"

PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhill County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

**EXCEPTING** therefrom Parcel 1.

#### **EXHIBIT C**

# Tract C Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON

2122

EXP 12.31.03

# **EXHIBIT D**

# PARCEL D

# Permanent Easement for Ingress and Egress

A parcel of land in located in the Northwest Quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron rod at the NE corner of Parcel 2 of Tax Lot No. 3220BA-400, Partition P-12-89, City of Newberg Partition File, recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422, Yamhill County Survey Records,

thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'20" W, 19.79 feet:

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters northwesterly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records;

Thence N 70°32'16" W 62.34 feet

Thence S 60°01'08"W 124.20 feet:

Thence S 00°01'30" W 56.34 feet to the north line of said Pacific Highway West;

Thence S60°25'34"W along said north line of Pacific Highway West 13.80 feet;

Thence N 00°01'30" E, 68.84 feet;

Thence N 60°01'08" E, 166.97 feet:

Thence N 10°54'30" E, 82.86 feet to the north line of said Parcel 2, Partition P-12-89;

Thence S 88°15'00" E, 8.47 feet to the point of beginning.

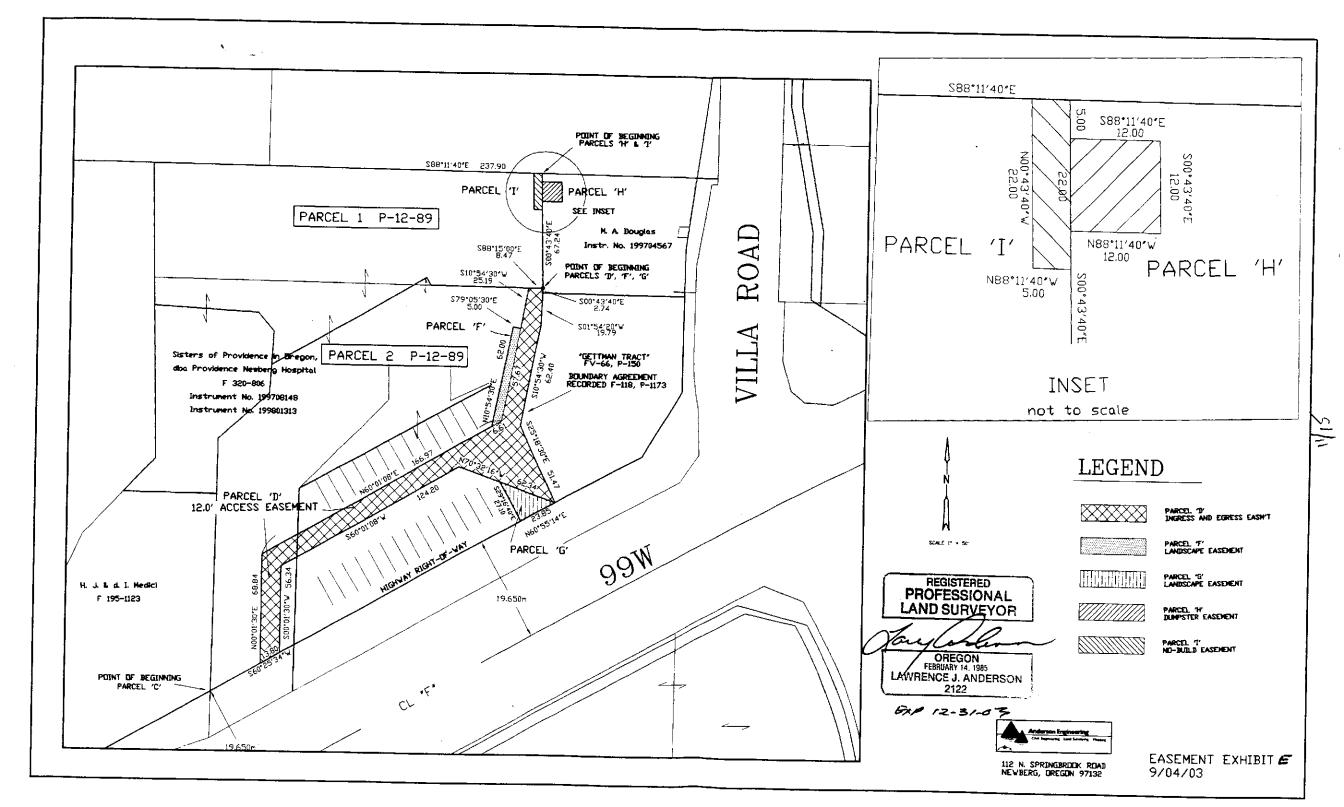
Containing 4,472 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON 2122

5xP 12-31-03

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# **EXHIBIT F**

# Parcel F

# Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence, along the north of said Parcel 1, N 88°15'00" W, 8.47 feet to a point;

Thence S 10°54'30" E, 25.19 feet to the TRUE POINT OF BEGINNING.

Thence S 10°54'30" W, 57.67 to a point;

Thence S 60°01'08" W, 6.61 feet to a point;

Thence N 10°54'30" E, 62.00;

Thence S 79°05'30" E, 5.00 feet to the point of beginning.

Containing 299 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

12/15

# **EXHIBIT G**

# Parcel G Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Commencing at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'30" W, 19.79 feet;

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters westerly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records, and the TRUE POINT OF BEGINNING of Parcel- G

Thence N 70°32'16" W 36.17 feet:

Thence S 29°16'40" E 27.10 feet to the north line of said Pacific Highway West (99W); Thence along said north line of Pacific Highway West N 60°55'14"W 23.85 feet to the TRUE POINT OF BEGINNING.

Containing 320 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON

2122

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# **EXHIBIT H**

# Parcel H Dumpster Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence, along the east line of said Parcel 1, S 00°43'40"E 5.00 feet to the TRUE POINT OF BEGINNING of Parcel H:

Thence S 88°11'40" E, parallel with the north line of said Parcel 1, 12.00 feet Thence S 00°43'40"E, parallel with the east line of said Parcel 1,12.00 feet; Thence N 88°11'40" W, parallel with the north line of said Parcel 1, 12.00 feet to the east line of said Parcel 1;

Thence along the east line of said Parcel 1, N 00°43'40"W 12.00 to the TRUE POINT OF BEGINNING

Containing 143 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985

LAWRENCE J. ANDERSON 2122

EXP 12-41-03

# **EXHIBIT I**

# Parcel | No-build Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence along the east line of said Parcel 1, S 00°43′40″E 22.00 feet Thence N 88°11′40″ W, parallel with the north line of said Parcel 1, 5.00 feet Thence N 00°43′40″ W, parallel with the east line of said Parcel 1, 22.00 to the north line of said Parcel 1

Thence along the north line of said Parcel 1, S 88°11'40" E 5.00 feet to the point of beginning.

Containing 110.0 square feet more or less

PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

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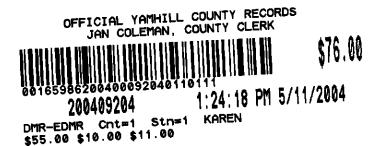
# **EXHIBIT C** (11 Pages)

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change



#### **EASEMENT**

This Modification of Easement (herein known as ''MODIFICATION'') is made and executed this  $\mu$  day of  $\mu$ , 2004, by and between Michael A. Douglas (herein known as ''Douglas'') and Providence Health System - Oregon (herein known as ''Providence'');

# WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit "A" (herein known as "Douglas existing pharmacy property") and more particularly described on attached Exhibit "B" (herein known as "Douglas proposed pharmacy property").
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, on or about September 16, 2003, Douglas and Providence executed an Easement Agreement which resolved various issues between the parties and which was recorded on September 23, 2004 in Instrument #200324281 of the Deed and Mortgage records of Yamhill County, OR.
- 4. WHEREAS, one of the provisions of the said Easement was that Douglas conveyed to Providence and easement over a certain portion of Douglas' property for garbage dumpster purposes as Douglas was required to construct an enclosure on Douglas' property which enclosed separate dumpsters and recycling bins utilized by Douglas and Providence, and Douglas was also required to allow Providence space within that enclosure for Providence's garbage dumpster as well as Providence's recycling bin.
- 5. WHEREAS, the size of the enclosure as contemplated by the parties as set forth in the said Easement Agreement was not of sufficient size, and Newberg Garbage Service Inc. (the garbage hauler) required that the size of the enclosure be increased.
- 6. WHEREAS, because of the requirement in the increase in the size of the enclosure as set forth above, the said enclosure would have to be located partially on Douglas' property and partially on Providence's property.

# 1 MODIFICATION OF EASEMENT

- 7. WHEREAS, Providence has determined that it has sufficient space on its property to locate both its garbage dumpster and recycling bin and that it will no longer be necessary for Douglas to provide a location on his property for Providence's garbage dumpster and recycling bin.
- 8. WHEREAS, both parties desire to modify the terms and conditions of the Easement Agreement accordingly.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions set forth herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.
- 2. The Easement Agreement recorded on September 23, 2003 in Instrument #200324281 (herein known as "Original Easement Agreement") is modified as follows:
- A. Paragraph 8 is superceded and replaced in its entirety with the following language:
- ''8. The dumpster easement set forth on the Original Easement Agreement which was previously conveyed by Douglas to Providence and more particularly described on attached Exhibit 'H' and set forth as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' is hereby terminated effective upon the date of execution hereof as Providence will no longer utilize Douglas' property as a location for its dumpster and recycling bin.
- A. The size of the enclosure to be constructed by Douglas set forth on the Original Easement Agreement as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' may be decreased in size based upon the fact that Providence will not be utilizing the said enclosure on Douglas' property for its garbage dumpster and recycling bin.
- B. Douglas shall no longer be required to allow Providence space within the enclosed area set forth above for Providence's dumpster and recycling bin.
- C. Providence agrees by the execution and recording of this MODIFICATION, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit 'I' to the Original Easement Agreement (this area is the area set forth in Paragraph 8C of the Original Easement Agreement; i.e., this is a 'no build' area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters)."

- 3. Paragraph 9 of the Original Easement Agreement is deleted.
- 4. Paragraphs 10 15 of the Original Easement Agreement are renumbered as Paragraphs 9 14 based upon the deletion of Paragraph 9.

Other than specifically modified as set forth herein, the remaining terms and conditions of the Original Easement Agreement are not modified and remain in full force and effect.

Michael A. Douglas

Providence Health System - Oregon

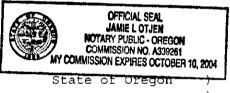
State of Oregon

)ss

County of Yamhill
)

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this 4 day of 2004.



Notary Public for oregon
My commission expires 10/10/2004

State of Oregon ) s

County of \_\_\_\_\_)

Personally appeared before me the above-named Perry Smith who stated that the was the CPO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this  $\frac{17}{2004}$  day of

Notary public for pregon(
My commission expires

OFFICIAL SEAL

GLENDA L FOSSUM-SMITH

NOTARY PUBLIC-OREGON

COMMISSION NO. 372798

MY COMMISSION EXPIRES SEP. 18, 2007

# EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins bonation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; thence South 1° 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

#### EXCEPTING THEREFROM the West 238 feet.

ALSO SAVE AND EXCEPT therefrom the Tract of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yamhill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CVOO-357 and recorded on February 20, 2003 in Instrument #200304092.

# EXHIBIT "B" PAGE 1 of 2

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

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# EXHIBIT "B"

# PAGE 2 of 2

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EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhill County.

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The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

# **EXHIBIT C**

# Tract C Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
AWRENCE J. ANDERS

LAWRENCE J. ANDERSON 2122

EXP 12.31.03

11/10

# EXHIBIT D (10 pages)

Det 54 fee 20 73 40

ESJ N/R -7 PH 4- 27

F241P0786

#### MUTUAL PARKING AND ACCESS EASEMENT

WHEREAS, Patrick R. Maveety, M.D., Gregory E. Skipper, M.D., Yvonne M. Lyles, M.D. and Kathleen M. Weiss, M.D., hereinafter referred to as the First Party, are the owners of certain real property more particularly described as follows:

# PARCEL 1:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. I of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No-p-12-89 and being more particularly described as follows:

Part St

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod: thence South 87\*11\*41\* West 57.38 feet to an iron pipe; thence North 37\*57\*14\* East 28.10 feet to an iron rod; thence North 02\*09\*20\* West 93.37 feet to an iron rod; said iron rod being the true point of beginning for parcel 1; thence North 02\*09\*20\* West 12.23 feet to an iron pipe; thence North 00\*47\*45\* East 72.30 feet to an iron rod; thence South 88\*11\*40\* East 237.90 feet to an iron rod; thence South 00\*43\*40\* East 67.24 feet to an iron rod; thence North 29\*01\*05\* West 68.70 feet to an iron rod; thence North 60\*58\*55\* West 107.50 feet to an iron rod; thence South 60\*58\*55\* West 107.50 feet to an iron rod; thence North 43\*43\*55\* West 15.00 feet to an iron rod; thence North 88\*43\*55\* West 64.00 feet to the true point of beginning.

PARCEL 2:

The Service of the Se

A portion of a tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Keridian, in Yamhill County, Oregon. Parcel No. 2 of Tax Lot No. 3220BA-400, and Newberg Planning Department partition file No. p-12-89 and being more particularly described as follows:

BEGINNING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of said parcel 2; thence North along the West line, 148.04 feet to an iron rod; thence North

Page 1

54, 195, 57, 197, 55, 56

0°38'35" West 33.37 feet to an iron rod; thence North 46°16'05" East 42.00 feet to an iron rod; thence South 1°16'05" East 14.80 feet to an iron rod; thence North 60°58'55" East 107.50 feet to an iron rod; said point being the Northern most corner of this Parcel; thence South 29°01'05" East 5.50 feet to an iron rod; thence South 88°15'00" East 68.70 feet to an iron rod, said point being the Northeast corner of this Parcel; thence South 0°43'40" East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod; thence South 10°51'55" West 18.18 feet to an iron rod; thence South 59°52'35" West 163.62 feet to an iron rod; thence South 121.08 feet to an iron rod on the Northerly line of Highway 99W; thence South 61°44'50" West 56.84 feet along the Northerly line of Highway 99W to the TRUE POINT OF BEGINNING said Parcel No. 2.

TOGETHER WITH a non-exclusive easement for roadway purposes over and across the Northerly 20.00 feet to the following described property:

A tract of land in the D.D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

AB SX

BEGINNING at the Northwest corner of the intersection of Villa Road with the Northerly right of way line of Oregon State Highway 99W; and running thence Southwesterly along said right of way line, 100 feet, more or less, to the Southeast corner of that certain tract conveyed by Southeast corner of that certain tract conveyed by contract of sale Virgil L. Havener and Nadine Havener, contract of sale Virgil L. Havener and Nodine Havener, contract of sale Virgil L. Havener and Northe 63, Page 775, husband and wife, as recorded in Film Volume 63, Page 775, Deed and Mortgage Records of Yamhill County, Gregon; thence following along the Easterly line of said Havener thence following along the Easterly line of said Havener Tract, North 25°56' West 78 feet and North 2°15' West 50 feet to the Northeast corner of said Tract; thence North 2°15' West to a point on the South line of a Tract conveyed to Hattie E. Rusch and contract as recorded in Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed And Mortgage Records, Film Volume 36, Page 379, Deed And Mort

WHEREAS, Diana S. Mock, hereinafter Referred to as Second Party, is the owner of certain adjoining real property more particularly described as follows:

Page 2

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# PARCEL 3:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. 3 of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No. P-12-89 and being more particularly described as follows:

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod, said iron rod being the TRUE POINT OF BEGINNING of Farcel 3; thence South 87°11°41° West 57.38 feet to an iron pipe; thence North 37°57°14° East 28.10 feet to an iron rod; thence North 02°09°20° West, 93.37 feet to an iron rod; thence South 08°43°55° East 64.00 feet to an iron rod; thence South 43°43°55° East 15.00 feet to an iron rod; thence South 01°16°05° West 38.00 feet to an iron rod; thence South 46°16°05° West 42.00 feet to an iron rod; thence South 00°38°35° West 33.37 feet to the TRUE POINT OF BEGINNING of said Parcel.

TOGETHER WITH a non-exclusive access easement for ingress and egress over and across all of Parcel No. 2 as described above.

WHEREAS, Harold J. Medici and Dorothy I. Medici, husband and wife, hereinafter referred to as Third Party, are the owners of certain adjoining real property more particularly described as follows:

#### PARCEL 4:

Part of the D.D. Deskins Donation Land Claim #54 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

BEGINNING at a point 6.45 chains North and South 89.52. West 4.90 chains from the Southeast corner of said Deskins Donation Land Claim, said place of beginning being a re-entrant corner of land conveyed to Cecil D. Anderson and wife by deed recorded February 13, 1958, in Book 186,

Page 3

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Page 573, Deed of Records; thence South 89°52' West along the South line of said Anderson tract, 0.87 of a chain to an iron pipe set on the Easterly line of that certain tract of land conveyed to Thomas A. Pfund and wife by deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed 575, De and Mortgage records; thence South 41°45' West 0.53-1/2 of a chain to an iron pipe; thence South 25°10' West .099 of a chain to an iron pipe; thence South 7°30' West to a point on the Northerly margin of the State Highway; thence Easterly along the Northerly Margin of said highway following the curvatures thereof to a point on the Westerly line of said Anderson tract; thence North to the place of beginning.

WHEREAS, Terry L. Stellflug and Susan D. Stellflug, Trustees of the Stellflug Family Trust, hereinafter called Fourth Party, are the owners of certain adjoining real property more particularly described as follows:

# PARCEL 5:

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, being a part of that certain tract of land conveyed to Stanley V. Lutgen and Marilyn E. Lutgen, by Deed recorded in Film Volume 111, Page 112, Deed and Mortgage Records, and being more particularly described as follows:

Beginning at an iron rod that is East 50 feet from an iron pipe at an angle corner in the Westerly line of Parcel 1 of Lutgen Tract, said iron pipe being North 165 feet from or Lutgen Tract, said iron pipe being North 165 feet from the most Southerly Southwest corner of said Parcel 1; the most Southerly Southwest corner of said Parcel 1; thence North 43°31'50" East 76.65 feet to an iron rod; thence North 02°13'30" West, 26.79 feet to an iron rod; thence North 87°46'40" East 38.17 feet to an iron rod; thence North 63°46" East, 27.25 feet to a railroad thence South 02°08'40" East, 27.25 feet to a railroad spike: thence North 63°17' Fact 56 96 feet to an iron rod; spike; thence North 63°17' East, 56.90 feet to an iron spike; thence Notth 33'30" West, 62.40 feet to an iron rod; thence South 10°53'30" East 77.94 feet to a point in rod; thence South 25°19'30" East 77.94 feet to a point in the Northerly line of Highway 99W that is/South 61\*30\*30\* West, 100.00 feet from an iron rod at the intersection of the West line of Villa Road with said Northerly line; thence Southwesterly along said Northerly line 189 feet, more or less, to a point that is South of the Point of beginning; thence North 121 feet, more or less, to the paint of beginning.

Page



Save and Except that certain parcel conveyed to First Party herein in Deed recorded October 9, 1989 in Pilm Volume 237, Page 0114, Deed and Mortgage Records of Yamhill County, Oregon.

WHEREAS, the parties hereto desire to provide for joint access and parking to each other, and to their heirs and assigns, over and upon their respective properties (excluding Parcel 1); and they further desire to provide access to their respective properties from Highway 99 West via the access approach more particularly described in Exhibit A attached hereto and by this reference incorporated herein, and

WHEREAS, Third Party is presently the holder of certain parking and easement rights over and upon Parcel 2 and Parcel 3 described above, which easement is described in a contract recorded in Film Volume 81, Page 880, Deed and Mortgage records of Yamhill County, Oregon and is hereinafter referred to as the Medici casement, and

WHEREAS, it is the desire of all parties to terminate the Medici easement and substitute in its place and stead the mutual easement rights created herein; now, therefore,

IN CONSIDERATION FOR THE MUTUAL COVENANTS AND CONDITIONS HEREIN CONTAINED, the parties agree as follows:

1. First Party does hereby give, grant and convey unto Third and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 2 described above in such driveways, roadways and thoroughfares as First Party may from time to time establish, construct and develop on the property, and to the access approach described in Exhibit A.

Page 5

3-7-90

- 2. First Party does hereby give, grant and convey unto Third and fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 2 above described, excluding those parking spaces on that side of Parcel 2 immediately adjacent to First and Second Parties' professional office buildings, now or hereinafter constructed.
- 3. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 4 described above in such driveways, roads and thoroughfares as Third Party may from time to time establish, construct and develop on the property.
- 4. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 4 above described, excluding those parking spaces immediately adjacent to Third Parties' commercial buildings located on the property.
- 5. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties a non-exclusive vehicular access easement over and upon Parcel 5 described above in such driveways roads and thoroughfares as Fourth Party may from time to time establish, construct and develop on the property.
- 6. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 5 above described, excluding those parking spaces immediately adjacent to Fourth Parties' professional office Page 6

- 7. The Medici easement as defined and contained in the contract recorded in Film Volume 81, Page 880, Deed and Mortgage Records of Yamhill County and later amended by easement agreement recorded in Film Volume 150, Page 1890, is hereby abolished.
- maintenance and repairs that are needed for their respective parcels, except that First and Second Party shall share in the ongoing maintenance expense for Parcel 2. Each party agrees and covenants to keep and maintain their parking area, driveways, roadways and thoroughfare in reasonable repair and in a condition that is compatible with each others property.
- 9. This agreement is binding upon the heirs, successors and assigns of all Parties and the access and parking easement rights herein contained shall be appurtenant to and run with the property of all Parties described above.
- of this agreement, they agree to submit the matter to binding arbitration under the then existing rules of the American Arbitration Association, unless the Parties at that time mutually agree to another method of dispute resolution. Agreement by the Parties to mediation or some other form of private dispute resolution does not waive the requirement of submission to binding arbitration rather than litigation unless the Parties expressly so agree in writing. In the event of binding arbitration, the arbitrators may order any Party to pay the reasonable attorney's fees of any other Party.

Any arbitration or other dispute resolution shall, in Page 7

3.7.40

- II. This agreement has been prepared by Allyn E. Brown, of Brown, Tarlow & Berry, P.C., Attorneys at Law, Newberg, Oregon, representing First Party berein.
- 12. Where the context so requires in this agreement, the singular shall include the plural and the term "Party" shall also include that Parties' tenants, employees, licensees, invitees, customers and patients.

IN WITNESS WHEREOF, the Parties have executed this agreement on the 28 day of Pebruary, 1990, at Newberg, Oregon-

agreement on the page	
FIRST PARTY	9 = 1
Patrick R. Maveety, M.D.	Grenty E. SKOEPT, H.D.
Gronne M. Lyles AD	Korhless or Weiss
Yenne M. Lyles, M.	Kathleen M. Welss, M.D.
STATE OF OREGON	

County of Yamhill )

Personally appeared the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

PUDING WINDS and deed

Notary Public for Oregon
My commission expires: 8-17-

Diana S. Mock

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COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL PROPERTY OF THE PARTY OF

Page 8

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STATE OF UREGON	<b>*&amp;</b> _
County of Yambill )	
Personally app	peared the above named Diana S. Mock and
acknowledged the forego:	ing instrument to be her voluntary act and
ALLES OF CA	
3 222	Karling But
	Notary Public top pregon
PUBLIC S	My commission expires: 8-17-93
THERD PARTY	Λ
Jan Market	2// 0 1/1/22
Hatold J. Medici	Mosothel & Medice
	Dolothy L. Medici
STATE OF OREGON )	
County of Yamhill )	
Personally app	eared the above named Harold J. Medici and
Dorothy I. Medici, husba	ind and wife, and acknowledged the forecoins
instrument to be their v	offuntary act and deed
	miller Hour
(40.44) 2)	Notary Public for Oregon// My commission expires: 72-15-9
And the bally	
A STATE OF THE STA	
Soften I Stelly in	Re Sign D. Stilling to othe
Terry Stelling, Trus	tee Susan D. Stellflug Trustee
STATE OF OREGON )	
SS.	
County of Yambill }	
Personally app	eared the above named Terry L. Stellflug and tees of the Stellflug Family Trust, and

Notary Public for Oregon My commission expires:

HALH F.O.S 148.00 (143.11) F241P0795 APPRDAKU. LORTH 1930 IAR -7 FII 4: 27 NEW ATTRACTO

# EXHIBIT E (9 pages)

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YANHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

200324282

ANITA

0142412200300242820040046

09/23/2003 09:35:22 AM

DMR-EDMR Cnt=1 Stn=2 \$20.00 \$10.00 \$11.00

# VACATION OF EASEMENT

This Vacation of Easement (herein known as "VACATION") is executed by Michael A. Douglas and modifies that certain Addendum to Easement Agreement dated August 12, 1989 and recorded on September 23, 1989 in Film Volume 236 Page 1807 of the deed and mortgage records of Yamhill County, OR with the modification as follows:

1. Paragraph 3 of the said Addendum to Easement Agreement is deleted such that after this said VACATION is recorded, the owner of real property more particularly described on attached Exhibit "A" will no longer have any parking rights for customers of the business resident on attached Exhibit "A" to park on the Providence parking lot, as those parking rights have been transferred to real property more particularly described on attached Exhibit "B" via an Easement of even date that is also being recorded. After the recording of the said Easement, customers of the business resident on attached Exhibit "B" shall have the right to park in Providence's parking lot.

Dated this 22 day of September

<u>,</u> 2003.

ichael A: Douglas

State of Oregon

)ss

.)

County of Yamhill

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this day of

2003.

Notary Public for Oregon My commission expires:

OFFICIAL SEAL
LINDA V FREEBORN
NOTARY PUBLIC - OREGON
COMMISSION NO. A350467
MY COMMISSION EXPIRES DCT. 12, 2005

## EXHIBIT "A"

ARGINAING at a point on the East boundary line of the Deniel D. Deskins Boardien Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yashill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an Iron pipe; thence West 271.5 feet to d. point marked with an Iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; Thence South 10 55' East 70 feet to a point marked with an Iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREFROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196. Page 1934, Micrefilm Records of Yashill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhili County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhili County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donatlon Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

# EXHIBIT "B"

#### PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhili County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

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# Addendum to Easement Agreement

It is agreed between the undersigned that the following conditions also apply to the easement agreement dated August 5th, 1989 between the parties.

- 1. PIG should be jointly responsible with other users of said maintenance area for upkeep and repair of said easement area.
- 2. PIG agrees that there will be no construction of buildings or other structures within 10 feet of its easternmost boundary and the western boundary of property owned by Mike Douglas and Lois A. Douglas.
- 3. It is agreed that PIG will not object to occasional use of its parking lot by parties coming to Mike's Pharmacy.
- 4. It is agreed that the easement agreement including the conditions contained in this addendum will be formalized in an agreement containing the legal descriptions of real estate parcels owned or being purchased by the parties.
- 5. It is further agreed that this easement is personal to the members of PIG and may not be transferred prior to construction of a medical clinic on the real property of PIG.
- 6. In the event that PIG does not pursue construction of a medical clinic on said real property of PIG then this agreement and addendum shall be null and void.
- 7. At the time of construction of said clinic, PIG will be responsible for blacktopping said easement area to a depth that will be for traffic.

This easement agreement and this addendum shall be binding on the heirs, assigns, and successors in interest of the parties.

Dated this \_\_\_\_\_ day of August, 1989.

Pineal Investment Group Second Party

Greg Stapper M.D.

Pat Maveety, M.D.

Yvorne Jyles, M. D.

Kathy Weiss, M.D.

Mikes's Medical Pharmacy
Mike's

hul bille

make Douglas

Lois A. Douglas

7.29.89

#### Enterest Aur

# August 9, 1989

This agreement, made and entered into this <u>IQ</u> day of J<sub>Q,Q,Q,S</sub> , 1989 by and between Mike Doughs dba Mike's Pharmacy, hereinafter referred to as Mike's, and Greg Skipper, M.D., Pat Maveety, M.D., Yvonne Lyles, M.D., Kathy Weiss, M.D., dba Pincal Investment Group, hereinafter referred to as PIG, and,

WHEREAS, Mike's is the owner of certain real premises located at 201 Villa Road to wit: beginning at a point on the East boundary line of the Daniel D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Vambill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed resended in Book 24, Page 639, Deed Records; thence South 1 degree 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

EXCEPTING THEREFROM the West 236 feet.

WHEREAS, PIG is or will be the owner of adjoining real premises to the West of Mike's's real premises

WHEREAS, it is the desire of the parties to amend endway easement privileges of PIG as the real premises owned by Mike's.

THEREFORE, in consideration of the mutual convenants and conditions as contained herein, it mutually understood and agreed as follows:

- 1. That Mike's does hereby give and grant unto PIG a non-exclusive easement for roadway purposes over and across the southerty 5.00 feet of the real premises as switted by Mike's. Such area is illustrated in Exhibit
- 2. It is understood and agreed that this easement Agreement shall be binding upon the beirs, executors, and assigns of all the parties and shall run with the land.
- 3. In Witness Whereof, the said parties have executed this agreement the and year above written.

Mike's Medical Pharmacy

Mike's

Pincal Investment Group

Par Mavelin, M.D.

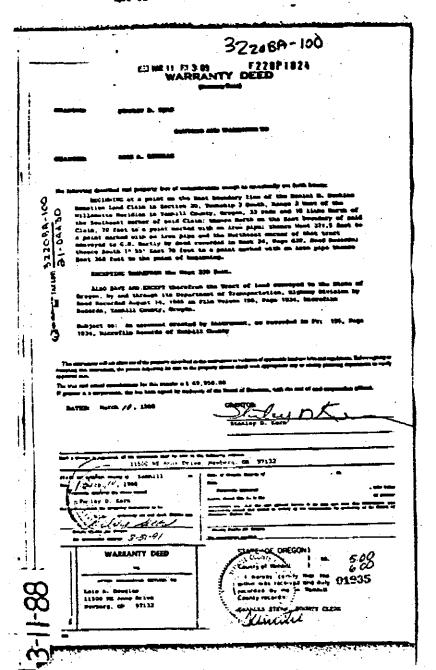
STATE, OF OREGON)

hereby certify that the recorded by me in Yomhill County records

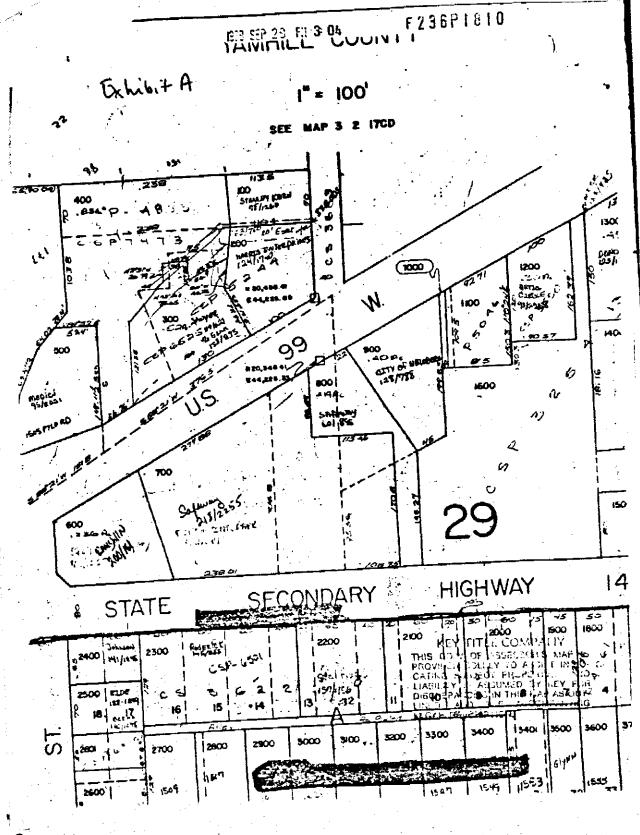
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# TYPE II APPLICATION - LAND USE

File #:DR223-0001	
TYPES – PLEASE CHECK ONE:  ☑ Design review  ☐ Tentative Plan for Partition	☐ Type II Major Modification ☐ Variance
☐ Tentative Plan for Subdivision	Other: (Explain)
APPLICANT INFORMATION:	
APPLICANT: GEORGE FOX UNIVERSITY	
ADDRESS: 414 N. MERIDIAN ST.	CITY: NEWBERG STATE: OR ZIP: 97132
EMAIL ADDRESS: _dschutter@georgefox.edu	PHONE: 503-554-2014 MOBILE: 503-317-5614
OWNER(if different from above):	PHONE:
ADDRESS:	
ENGINEER/SURVEYOR:	CONTACT:
EMAIL ADDRESS:	PHONE: MOBILE:
GENERAL INFORMATION:	
PROJECT LOCATION: 1515 N. Portland Rd.	PROJECT VALUATION: \$ 513.563 **
PROJECT DESCRIPTION/USE: TI (plus build out of 1775 so	q. ft. in basement) total building gross area incl. basement 6750 sq, ft.
MAP/TAX LOT NO. (i.e.3200AB-400): R3220BA-00402	SITE SIZE: 1.3 SQ. FT.□ ACRE □
COMP PLAN DESIGNATION: tax lot 402 is I	CURRENT ZONING: 1
CURRENT USE: Medical Clinic = Providence Sleep Cen	
SURROUNDING USES: ** Project Valuation based on 1/2 the t	abulated new construction valuation for Group B type V-B (pg. 5) in the Newberg Permit
NORTH: C-2 Attrell's and I George Fox Univ.	SOUTH: C-2 Portland Rd. / Hwy 99W Fee document \$164.34/2x6750 sq. ft.
EAST: C-2 Thai the Knot Resturant and Newbergundian Bistro	WEST: C-2 Medici Commercial Bldg. and I George Fox Univ.
ATTACHED PROJECT CRITERIA AND REQUIREM	ENTS (check all that apply)
General Checklist: ☐ Fees ☐ Public Notice Information ☐ Currer	nt Title Report Written Criteria Response Owner Signature
☐ 2 Copies of full Application Packet	
For detailed checklists, applicable criteria for the written response	nse, and other requirements per application type, turn to:
Design Review	p. 13
Partition Tentative PlatSubdivision Tentative Plat	
Variance Checklist	p. 20
Short-term Rental	
If the Application Packet can be submitted to Planning@n  If the Application is emailed 2 physical copies must be maile	ewbergoregon.gov or at 414 E First St., Newberg OR. 97132  ed or brought into the Community Development Department
The above statements and information herein contained are in all respect must substantially conform to all standards, regulations, and procedures letters of consent. Incomplete or missing information may delay the appro	ts true, complete, and correct to the best of my knowledge and belief. Tentative plans officially adopted by the City of Newberg, All owners must sign the application or submit oval process.    Security   13,8,2025   Owner Signature   Date
Dan Schutter	Jeremiah Horton
Print Name	Print Name

# **DESIGN REVIEW CRITERIA RESPONSE**

TYPE 2 - DESIGN REVIEW

For

George Fox University Clinic Renovation

1515 Portland Road, Newberg OR 97132

Tax. Lot R3220BA 00400, 401, 402, 300, 301

March 8, 2023



414 N. Meridian Street
Newberg, OR 97132-2697
Contact: Dan Schutter
Associate Director, Physical Plant
503.554.2014 dschutter@georgefox.edu

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A – Proposed Site Plan

B – Recorded Instrument 200324281

C - Recorded Instrument 200409204

D - Recorded Instrument Film 241 P 0786

E - Recorded Instruments 200324282 and Film 236 P1807

Site Plan - Proposed	A 101
Demo Floor Plan	A 201
Proposed Floor Plan	A 202
Proposed Elevations	A 301

#### PROPOSED PROJECT DESCRIPTION

This proposed project involves renovating single story medial office building with a basement located at 1515 Portland Rd. This building was previously used as a sleep study center by Providence health providers and is being renovated to provide medical and mental health Clinical Services provided by Providence medical services along with educational and instructional training provided by George Fox University for its Behavioral Health Sciences Students (aka practicum instruction). The proposed work involves renovating the existing offices to create a more sound-secure environment, along with the addition of exam rooms, treatment spaces, additional offices, and a waiting/reception area. The proposed work also includes building out the basement storage area to create more private offices for educational training with access through a new interior stair and elevator.

The addition of two large and five short transom windows and the replacement of an existing exterior entrance door, all on the lower level of the west elevation, and a new face for the existing pedestal sign located adjacent to the Portland Road Frontage are the only exterior changes currently proposed.

The main floor would be transitioning from a I-2 use group to a B use group as a physician's office for use by providence and a team of medial professionals. The existing basement storage space will also be built out as a B use group with the addition of 775 sf of offices and vertical circulation. The basement space will be used exclusively by George Fox University for student training as a learning environment.

All exterior signage will be updated to reflect the change in use. An upgraded power supply will be needed to supply the emergency lighting and the elevator which will be run using the existing utility trench and to the existing vault near the building entrance.

The building is located on tax lot 3220BA-00402, on the north side of 99W/Portland Rd. The site encapsulates the nearby tax lots 300, 301, 400, and 401, all owned by George Fox University, which are used for site access and circulation, parking and a trash enclosure. It should be noted that tax lots 300 and 301 are zoned C-2 per the Newberg Interactive zoning map, and lots 400, 401 and 402 are listed as Institutional. The adjoining business located to the east of this site, Newbergundian Bistro on lot 100 and Thai the Knot restaurant located on lot 200, are both listed on the interactive map as C-2 but the business to the west, the Medici building with Sub Terra Kitchen and Cellar on the lower level and several businesses located on the upper level, located on lot 500 is listed on the interactive map as Institutional. The business located to the northeast, Attrell's Funeral Chapel, located on tax lot 3220CD-06700 is listed on the Interactive map as Institutional. All properties on this block, whether zoned Institutional or Commercial are within the Institutional overlay (I-O) zone.

The existing parking lot located on the George Fox owned parcels has 60 total spaces including 2 marked ADA spaces. Many of these spaces have in the past been posted or marked for patient or other specific designated parking but the current plan is to returned these to regular unmarked parking spaces. There have been numerous agreements down through the years between the various adjoining property owners concerning non-exclusive parking privileges but it appears the most recent recorded documents allow for non-exclusive right to vehicular access and parking in the parking lot located on tax lots R3220BA-0300, 0301, and 0400 for the adjacent businesses located at 1505 E. Portland Rd. (aka the Medici building) and 201 N. Villa Rd. (Tie the Knot Restaurant). Reference Attached Exhibit A. See section 2 below for more detail concerning parking.

#### **CRITERIA RESPONSE**

1. Design Compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Response: There are no proposed changes in the exterior architectural design, materials, colors, roof design, or landscape design. The existing use is and has been a medical clinic and it will remain a medical clinic. The existing signage will receive a face lift to reflect the name of the new services but the size and sign structure will remain unchanged.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient

and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Response: There are no proposed changes to the on-site parking lots or driveways. The existing driveways entering the parking lot, one from Villa Road and the other from State highway 99W (south bound lane only) will remain unchanged. The existing parking lot located on George Fox University property has 60 parking spaces including 2 ADA spaces. The proposed project requires 24 parking spaces (3.5 spaces per 1000 sq. ft. gross building area x 6750 gross sq. ft.). The adjacent business to the east of the George Fox University owned parking lot, Thai the Knot Restaurant located at 201 N. Villa Rd. (Tax lot R3220BA-00200) has non-exclusive rights to vehicular access and parking privileges in this parking lot per Recorded Instruments 200324281 and 200409204 (ref. attached Exhibit B and C). This business has 5 of their own on-site parking spaces, including 1 ADA space. The adjacent business property to the west (The Medici building), including Sub Terra Restaurant on the lower level and several Retail Office businesses on the upper level (Newberg Graphic, Salon Debut, Mann Mortgage, American Family Insurance, Windemere Real Estate, Pure Custom Everything) has nonexclusive rights to vehicular access and parking privileges in the George Fox University parking lot per Recorded Instruments Film 241 pg. 0786 (ref. attached Exhibit D). This business building has 8 of it's own on-site parking spaces. In the table below is a tally of the parking spaces by each of the adjacent businesses that have non-exclusive parking privileges. The total number of spaces required is 106 whereas the total number provide is only 73, leaving a deficit of 33 parking spaces.

A Variance will be submitted concurrent with this Design Review application to request approval of the non-conforming parking provisions provided by this proposed development. The basis for the Variance will key in on the fact that the non-exclusive rights to vehicular parking privileges granted to the adjacent businesses presumed these businesses would be retail office space, not restaurants and the corresponding parking requirements would be one space per 300 gross building area and that the agreements made that grant non-exclusive rights parking privileges pre-date the approval for these adjacent properties to restaurant use. The total number of required parking spaces, including the 24 required for the development included in this application, would only be 61 if the adjacent properties were retail office or business, making a variance unnecessary.

It should be noted that per recorded instrument 200324281 paragraph 11 (later renamed paragraph 10 by recorded instrument 200409204) and recorded instrument 200324282 and film 236 pg. 1807 (ref. attached Exhibit D) the non-exclusive rights to vehicular access and parking privileges provided for the Newbergundian Bistro located at 203 N. Villa Rd (referred to as Douglas existing Pharmacy) were transferred to 201 N. villa Rd.

It should also be noted that per recorded instrument 200324281, recitals paragraph 3, that the Douglas proposed property (201 N. Villa Rd.), was intended to be a utilized as a Pharmacy and storage. This use (Retail business use) would require only 9 parking spaces whereas the current use as a restaurant requires 26 parking spaces.

Parking Space Requirements based on business current use

Property Name	Address	Tax Lot No.	Gross Bldg.	Occupancy	Parking	No. of
			Area (sq.	use	Space	Spaces
			ft.)		Factor	Required
George Fox	1515 N.	R3220DB-	6750	Medical	3.5 per	24
Medical Clinic	Portland Rd	00401		Office	1000	
Medici Bldg.	1505 N.	R3220DB-	4150	Restaurant	1 per 100	42
Sub Terra	Portland	00500		w/o drive	sq. ft.	
Lower level	Rd.			through		
Medici Bldg.	1505 N.	R3220DB-	4150	Retail	1 per 300	14
Businesses	Portland	00500		Business	sq. ft.	
Upper level	Rd.			w/o bulky		
Thai the Knot	201 N. Villa	R3220DB-	2600	Restaurant	1 per 100	26
	Rd.	00200		w/o drive	sq. ft.	
				through		
					Total	106
					Parking	
					Spaces	
					Required	

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Response: There are no proposed changes in building height, size, or set back distances, Site coverage, or vision clearances. The building is currently 20 ft 2 inches tall at the front elevation and 30 ft. 2 inches tall above the lower grade level at the west elevation, conforming with Code section 15.415.20.D, which allows a maximum building height of 50 ft. if within 100 ft. of a property line that is zoned C-2 and a maximum building height of 75 ft. for buildings within the I zone and bordering adjoining properties that are zoned I. The existing setback distance on the front side of the building (south side facing Portland Rd.) is 175 feet and on the east side (facing Villa Road frontage) it is 230 feet conforming with the minimum 25 ft. setback distance requirement per Code section 15.410.20.D. Setback distance to the interior property line on the west side is 25 feet, conforming with the minimum 10 ft. setback distance requirement per Code section 15.410.30.D. The existing setback distance to the interior property line on the north side is zero feet, not conforming with the minimum 10 ft. setback distance requirement per Code section 15.410.30.D. but it is assumed this pre-existing

condition is acceptable given the difficultly and cost of compliance (e.g. moving the building 10 ft. to the south).

4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Response: There are no proposed changes in the existing landscaping. The existing landscaping includes an eclectic mix of mature trees and bushes covering about 30 percent of the development site and an irrigation system. There are also 5 street trees along the 230 ft. length of the Portland road frontage. All this will be maintained as needed to retain its current condition or better. The existing site lighting around the building is noted as sufficient and is to remain unchanged.

5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Response: The Existing Signage is to be updated using the existing signage locations to comply with George Fox University and Providence Health Services standard signage requirements. Two existing signage locations are identified on the site plan. One large sign approx. 12 ft in height at the south edge of the property line on Portland Road is to be updated to reflect the current use along with a small four ft tall sign near the entrance of the building which is to be replaced/refinished with a similar sign, in size and height, to reflect the updated use.



Sign along the Portland Road Frontage viewed form the roadway



Sign to be replaced/refinished

Sign near the building entry viewed from the parking lot

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

Response: the proposed development does not include any manufactured dwelling units.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Response: The proposed development does not impact any sub-district other than the Institutional Overlay district. The proposed development is primary or accessory to George Fox University use and is permitted within the Institutional or Institutional Overlay zone.

8. Sub district Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

Response: The proposed development does not impact any sub-district other than the Institutional Overlay district. The proposed development is primary or accessory to George Fox University use and is permitted within the Institutional or Institutional Overlay zone.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Response: The proposed development does not add to or change in any way the existing access or circulation routes for vehicles or pedestrians. The sidewalks and parking lot access driveways on both frontages of this development are completely developed and ADA accessible. The existing parking lot has 2 ADA parking spaces with ADA compliant accessible routes from the parking spaces to the front entrance of the building.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. 2763 § 1 (Exh. A § 7), 9-16-13; Ord. 2747 § 1 (Exh. A § 5), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.194.]

Response: The proposed development includes building out the existing basement space (1000 sq. ftl) plus and additional 775 sq. ft. of unfinished basement area within the existing building. This will add about 1775 sq. ft. of occupied office space to the lower level of the existing building. This does not require a traffic study.

#### OTHER - SCOPE OF WORK

The only exterior work includes the replacement in-kind of an existing exterior door (replace a solid door with one with a window in it) and the addition of two large and five short transom windows on the lower level (ref. Elevation View Plan sheet A301), all of which will be invisible from the front of the building (Portland Road or South Elevation shown below), or the adjacent properties not owned by George Fox University including Attrell's back parking lot (the north-east elevation shown below) or the building housing Sub Terra Restaurant (also the front or South elevation).



**Existing South Elevation** 



**Existing North-East Elevation** 

# **EXHIBIT B**

AFTER RECORDING RETURN TO:

Michael G. Gunn P.C. Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YAMHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

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200324281

\$96.00

09/23/2003 09:34:21 AM

DMR-EDMR Cnt=1 Stn=2 ANITA \$75.00 \$10.00 \$11.00

#### EASEMENT

This Easement (herein known as ''EASEMENT'') is made and executed this  $\frac{16}{10}$  day of September , 2003, by and between Michael A. Douglas (herein known as ''Douglas'') and Providence Health System - Oregon (herein known as ''Providence'');

#### WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit ''A'' (herein known as ''Douglas existing pharmacy property'') and more particularly described on attached Exhibit ''B' (herein known as ''Douglas proposed pharmacy property'').
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, the building that is resident on the proposed pharmacy property is presently vacant, and Douglas desires to utilize the said building as a retail pharmacy as well as a storage facility.
- 4. WHEREAS, there is a dispute between both parties regarding easement rights that each party may have over the other parties' property, and both parties desire to fully resolve the matter via this EASEMENT.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions contained herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.
- 2. Providence hereby conveys unto Douglas an easement for egress purposes over a portion of Providence property with the said easement more particularly described on attached Exhibit "D" and set forth as "Parcel D- Ingress and Egress Easement" on the map attached hereto as Exhibit "E" with the purpose of the said easement to allow vehicular traffic which enters the proposed pharmacy property from Villa Rd to utilize drive thru windows on the west side of the said building



resident on the Douglas proposed pharmacy property and to also allow vehicular traffic which enters the proposed pharmacy property from Villa Rd and which utilizes parking facilities on the east end of the proposed pharmacy property, to then drive onto the said Providence parking lot so as to then exit the said vehicular traffic onto OR State Hwy 99W.

- A. Both Providence and Douglas specifically agree that unless specific written authorization is granted by the City of Newberg, there are to be no improvements (other than asphalt or concrete associated with the said pavement) constructed within this said easement area (i.e., a ''no build'' zone required for fire purposes since the said building is built to within one foot of the property line separating the Providence property from the proposed pharmacy property); provided, however, that both Providence and Douglas agree that Douglas has obtained permission from the City of Newberg to construct an awning on the said building resident on the Douglas proposed pharmacy property that overhangs approximately 3' into the said easement.
- B. Douglas agrees to post any signage that is reasonably necessary to inform customers associated with the proposed pharmacy property that vehicular traffic is to egress through the Providence parking lot and exit on to OR State Hwy 99W, rather than driving 'back through' the Providence parking lot and then exiting onto Villa Rd.
- 1). Providence reserves the right to approve all proposed signage of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are automatically approved.
- 2). The said Notice shall be addressed to Dana White whose address is as follows: Regional Real Estate, 4706 NE Glisan #101, Portland, OR 97213 with a copy also to John Bridges, Attorney at Law, 515 E. 1<sup>st</sup> St, Newberg, OR 97132. The RE line on the communication shall also set forth IN BOLD FACED AND WITH CAPITAL LETTERS that the Notice is subject to a ten (10) day time period for response by Providence.
- 3. Providence hereby conveys unto Douglas easements for landscaping purposes over a portion of the Providence property with the easements more particularly described on attached Exhibits "F" and "G" and set forth as "Parcel F and Parcel G Landscape Easement" on the map attached hereto as Exhibit "E".
- A. Providence reserves the right to approve all landscaping plans of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are

automatically approved with the said Notice addressed in the same manner as set forth above in Paragraph 2B2).

- 4. Douglas is responsible for all the maintenance, repairs, and improvements associated with the easements set forth on attached Exhibits "D", "F", and "G".
- 5. At all material times herein, Douglas agrees to maintain a standard business owners' liability insurance policy with limits not less than \$1,000,000 aggregate naming Providence as an additional named insured.
- 6. Providence agrees to allow Douglas a maximum of four (4) parking spots for employee purposes associated with the proposed pharmacy property with the location of the parking spots designated by Providence in the southwest corner of the Providence parking lot, and Douglas agrees to notify his employees not to park in any area immediately in front of the existing or future Providence medical building as that area is reserved for patients.
- 7. Providence warrants and represents to Douglas that there are no money encumbrances which encumber the said Providence property.
- 8. Douglas hereby conveys unto Providence an easement over a portion of the existing pharmacy property for garbage dumpster purposes with the said easement more particularly described on attached Exhibit "H" and set forth as "Parcel H Dumpster Easement" on the map attached hereto as Exhibit "E" with specific terms and conditions as follows:
- A. Douglas shall construct as directed by the City of Newberg and maintain at his expense the said area where the garbage dumpsters are located as set forth on Exhibit "H"; provided, however, that Providence is responsible for the cost of any maintenance and repairs that are required based on the action of Providence or any person or party acting by and through Providence.
- B. Providence will be allowed space for one (1) standard size one yard garbage dumpster and one standard size 100 gallon recycling bin.
- C. Providence agrees by the execution and recording of this EASEMENT, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit "I" (i.e., this is a "no build" area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters).
- 9. At all material times herein, Providence agrees to maintain a standard business owners' liability insurance policy associated with its use of the garbage dumpster easement as set forth above with limits not less than \$1,000,000 aggregate naming Douglas as an additional named insured.

- 10. Douglas warrants and represents to Providence that there are no money encumbrances which encumber the said existing pharmacy property.
- 11. Providence and Douglas agree that customers of the existing pharmacy property have rights to park in the Providence property parking lot under the terms and conditions of that certain agreement September 23, 1989 in Film 236 Page 1807 of the deed and mortgage records of Yamhill County, and that both Providence and Douglas agree to allow Douglas to transfer those customer parking rights to the proposed pharmacy property so that customers of the proposed pharmacy property have the right to park in the Providence parking lot; provided, however, that Douglas agrees to inform customers through reasonable signage that they are not to park in any area of the Providence parking lot that is immediately in front of the existing Providence medical building as that area is reserved for patients, and furthermore, that subsequent to the date of recording hereof, that customers of the existing pharmacy property shall no longer have any rights to park in the Providence property parking lot.
- 12. All of the said easements set forth herein are perpetual in nature and 'run with the land.''
- 13. In case of a breach of any term or condition by either party, the non-breaching party is afforded all available remedies both at law and in equity.
- 14. In case any suit or action is required to enforce any of the terms and conditions of this said EASEMENT, the non-prevailing party is required to pay the prevailing party's reasonable attorney fees and costs incurred in enforcing the term or condition, both at trial and on appeal.

15. In executing this EASEMENT, both parties agree that they have been represented, by their own legal counsel.

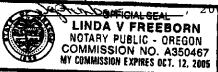
Michael A. Douglas

Providence Health System - Oregon

State of Oregon )ss County of Yamhill )

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this M day of



Notary Public for Oregon My commission expires

State of Oregon county of Multraman

Personally appeared before me the above-named Terry Smith who stated that he was the CEO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this \ day of

otember, 2003.

OFFICIAL SEAL MELISSA LIND IOTARY PUBLIC - OREGON

Notary public for Oregon

My commission expires Och

#### EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins Donation Land Claid in Section 20, Township 3 South, Range 2 West of the Willametta Meridian in Yamhill County, Oragon, 33 rods and 18 links North of the Southeast corner of said Claim; these North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 271.5 feet to diveyed to G.N. Hartly by deed recorded in Northeast corner of that tract thence South 10 55; East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREPROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation. Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An essement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yachill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

EXHIBIT "B"
PAGE 1 of 2

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Glaim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 76° 57' 57" West 133.323 meters) 133.850 meters; thence on a spiral curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

EXHIBIT "B"

PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhill County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

**EXCEPTING** therefrom Parcel 1.

#### **EXHIBIT C**

# Tract C Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON

2122

EXP 12.31.03

#### **EXHIBIT D**

#### PARCEL D

### Permanent Easement for Ingress and Egress

A parcel of land in located in the Northwest Quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron rod at the NE corner of Parcel 2 of Tax Lot No. 3220BA-400, Partition P-12-89, City of Newberg Partition File, recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422, Yamhill County Survey Records,

thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'20" W, 19.79 feet;

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters northwesterly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records;

Thence N 70°32'16" W 62.34 feet

Thence S 60°01'08"W 124.20 feet:

Thence S 00°01'30" W 56.34 feet to the north line of said Pacific Highway West;

Thence S60°25'34"W along said north line of Pacific Highway West 13.80 feet;

Thence N 00°01'30" E, 68.84 feet;

Thence N 60°01'08" E, 166.97 feet:

Thence N 10°54'30" E, 82.86 feet to the north line of said Parcel 2, Partition P-12-89;

Thence S 88°15'00" E, 8.47 feet to the point of beginning.

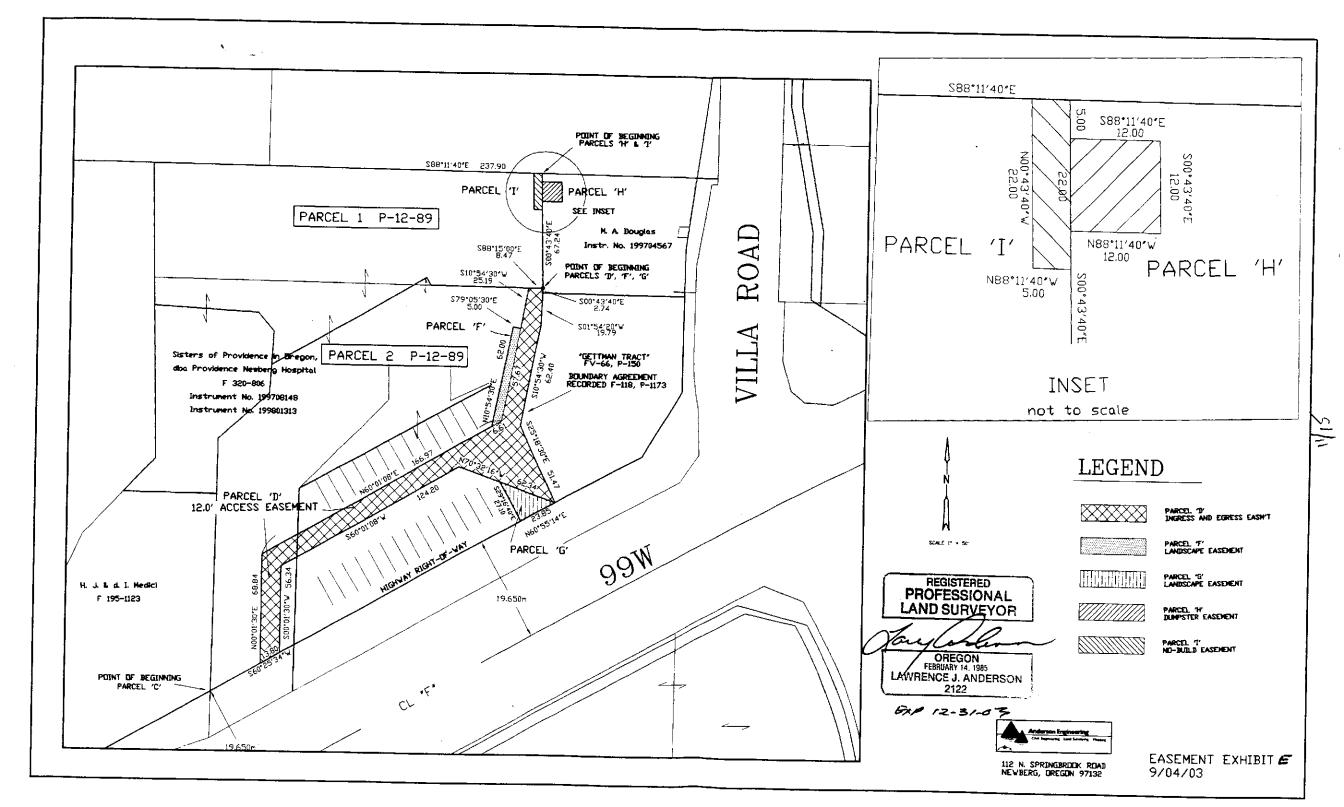
Containing 4,472 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON 2122

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#### **EXHIBIT F**

#### Parcel F

#### Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence, along the north of said Parcel 1, N 88°15'00" W, 8.47 feet to a point;

Thence S 10°54'30" E, 25.19 feet to the TRUE POINT OF BEGINNING:

Thence S 10°54'30" W, 57.67 to a point;

Thence S 60°01'08" W, 6.61 feet to a point;

Thence N 10°54'30" E, 62.00;

Thence S 79°05'30" E, 5.00 feet to the point of beginning.

Containing 299 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

12/15

#### **EXHIBIT G**

# Parcel G Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Commencing at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'30" W, 19.79 feet;

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters westerly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records, and the TRUE POINT OF BEGINNING of Parcel- G

Thence N 70°32'16" W 36.17 feet:

Thence S 29°16'40" E 27.10 feet to the north line of said Pacific Highway West (99W); Thence along said north line of Pacific Highway West N 60°55'14"W 23.85 feet to the TRUE POINT OF BEGINNING.

Containing 320 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON

2122

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#### **EXHIBIT H**

# Parcel H Dumpster Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence, along the east line of said Parcel 1, S 00°43'40"E 5.00 feet to the TRUE POINT OF BEGINNING of Parcel H:

Thence S 88°11'40" E, parallel with the north line of said Parcel 1, 12.00 feet Thence S 00°43'40"E, parallel with the east line of said Parcel 1,12.00 feet; Thence N 88°11'40" W, parallel with the north line of said Parcel 1, 12.00 feet to the east line of said Parcel 1;

Thence along the east line of said Parcel 1, N 00°43'40"W 12.00 to the TRUE POINT OF BEGINNING

Containing 143 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985

LAWRENCE J. ANDERSON 2122

EXP 12-41-03

#### **EXHIBIT I**

#### Parcel | No-build Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence along the east line of said Parcel 1, S 00°43′40″E 22.00 feet Thence N 88°11′40″ W, parallel with the north line of said Parcel 1, 5.00 feet Thence N 00°43′40″ W, parallel with the east line of said Parcel 1, 22.00 to the north line of said Parcel 1

Thence along the north line of said Parcel 1, S 88°11'40" E 5.00 feet to the point of beginning.

Containing 110.0 square feet more or less

PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

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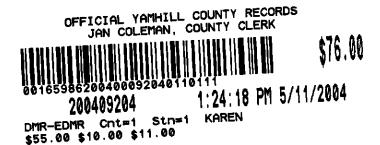
# **EXHIBIT C**

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change



#### EASEMENT

This Modification of Easement (herein known as ''MODIFICATION'') is made and executed this  $\mu$  day of  $\mu$ , 2004, by and between Michael A. Douglas (herein known as ''Douglas'') and Providence Health System - Oregon (herein known as ''Providence'');

#### WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit "A" (herein known as "Douglas existing pharmacy property") and more particularly described on attached Exhibit "B" (herein known as "Douglas proposed pharmacy property").
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, on or about September 16, 2003, Douglas and Providence executed an Easement Agreement which resolved various issues between the parties and which was recorded on September 23, 2004 in Instrument #200324281 of the Deed and Mortgage records of Yamhill County, OR.
- 4. WHEREAS, one of the provisions of the said Easement was that Douglas conveyed to Providence and easement over a certain portion of Douglas' property for garbage dumpster purposes as Douglas was required to construct an enclosure on Douglas' property which enclosed separate dumpsters and recycling bins utilized by Douglas and Providence, and Douglas was also required to allow Providence space within that enclosure for Providence's garbage dumpster as well as Providence's recycling bin.
- 5. WHEREAS, the size of the enclosure as contemplated by the parties as set forth in the said Easement Agreement was not of sufficient size, and Newberg Garbage Service Inc. (the garbage hauler) required that the size of the enclosure be increased.
- 6. WHEREAS, because of the requirement in the increase in the size of the enclosure as set forth above, the said enclosure would have to be located partially on Douglas' property and partially on Providence's property.

#### 1 MODIFICATION OF EASEMENT

- 7. WHEREAS, Providence has determined that it has sufficient space on its property to locate both its garbage dumpster and recycling bin and that it will no longer be necessary for Douglas to provide a location on his property for Providence's garbage dumpster and recycling bin.
- 8. WHEREAS, both parties desire to modify the terms and conditions of the Easement Agreement accordingly.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions set forth herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.
- 2. The Easement Agreement recorded on September 23, 2003 in Instrument #200324281 (herein known as "Original Easement Agreement") is modified as follows:
- A. Paragraph 8 is superceded and replaced in its entirety with the following language:
- ''8. The dumpster easement set forth on the Original Easement Agreement which was previously conveyed by Douglas to Providence and more particularly described on attached Exhibit 'H' and set forth as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' is hereby terminated effective upon the date of execution hereof as Providence will no longer utilize Douglas' property as a location for its dumpster and recycling bin.
- A. The size of the enclosure to be constructed by Douglas set forth on the Original Easement Agreement as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' may be decreased in size based upon the fact that Providence will not be utilizing the said enclosure on Douglas' property for its garbage dumpster and recycling bin.
- B. Douglas shall no longer be required to allow Providence space within the enclosed area set forth above for Providence's dumpster and recycling bin.
- C. Providence agrees by the execution and recording of this MODIFICATION, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit 'I' to the Original Easement Agreement (this area is the area set forth in Paragraph 8C of the Original Easement Agreement; i.e., this is a 'no build' area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters)."

- 3. Paragraph 9 of the Original Easement Agreement is deleted.
- 4. Paragraphs 10 15 of the Original Easement Agreement are renumbered as Paragraphs 9 14 based upon the deletion of Paragraph 9.

Other than specifically modified as set forth herein, the remaining terms and conditions of the Original Easement Agreement are not modified and remain in full force and effect.

Michael A. Douglas

Providence Health System - Oregon

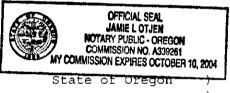
State of Oregon

)ss

County of Yamhill
)

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this 4 day of 2004.



Notary Public for oregon
My commission expires 10/10/2004

State of Oregon ) s

County of \_\_\_\_\_)

Personally appeared before me the above-named Perry Smith who stated that the was the CPO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this  $\frac{17}{2004}$  day of

Notary public for pregon(
My commission expires

OFFICIAL SEAL

GLENDA L FOSSUM-SMITH

NOTARY PUBLIC-OREGON

COMMISSION NO. 372798

MY COMMISSION EXPIRES SEP. 18, 2007

#### EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins bonation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; thence South 1° 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

#### EXCEPTING THEREFROM the West 238 feet.

ALSO SAVE AND EXCEPT therefrom the Tract of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yamhill County

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# EXHIBIT "B" PAGE 1 of 2

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# EXHIBIT "B"

#### PAGE 2 of 2

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The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

#### **EXHIBIT C**

#### Tract C Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985

LAWRENCE J. ANDERSON 2122

EXP 12.31.03

# **EXHIBIT D**

24 54 Les 20 73 / a

ESJ NR -7 PH 4- 27

F241P0786

#### MUTUAL PARKING AND ACCESS EASEMENT

WHEREAS, Patrick R. Maveety, M.D., Gregory E. Skipper, M.D., Yvonne M. Lyles, M.D. and Kathleen M. Weiss, M.D., hereinafter referred to as the First Party, are the owners of certain real property more particularly described as follows:

#### PARCEL 1:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. I of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No. P-12-89 and being more particularly described as follows:

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod: thence South 87\*11\*41 West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod: thence North 02\*09'20" West 93.37 feet to an iron rod; said iron rod being the true point of beginning for parcel 1; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00\*47'45" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40" East 67.24 feet to an iron rod; thence North 88°15' West 68.70 feet to an iron rod; thence North 29°01'05" West 5.50 feet to an iron rod; thence South 60°58'55" West 107.50 feet to an iron rod; thence North 01°16'05" East 23.20 feet to an iron rod; thence North 43°43'55° West 15.00 feet to an iron rod; thence North 88°43'55" West 64.00 feet to the true point of beginning.

PARCEL 2:

A portion of a tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. 2 of Tax Lot No. 3220BA-400. and Newberg Planning Department partition file No. p-12-89 and being more particularly described as follows:

BEGINNING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of said parcel 2; thence North along the West line, 148.04 feet to an iron rod; thence North

Page 1

54, 195, 57, 197, 55, 56

0°38'35" West 33.37 feet to an iron rod; thence North 46°16'05" East 42.00 feet to an iron rod; thence South 1°16'05" East 14.80 feet to an iron rod; thence North 60°58'55" East 107.50 feet to an iron rod; said point being the Northern most corner of this Parcel; thence South 29°01'05" East 5.50 feet to an iron rod; thence South 88°15'00" East 68.70 feet to an iron rod, said point being the Northeast corner of this Parcel; thence South 0°43'40" East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod; thence South 10°51'55" West 18.18 feet to an iron rod; thence South 59°52'35" West 163.62 feet to an iron rod; thence South 121.08 feet to an iron rod on the Northerly line of Highway 99W; thence South 61°44'50" West 56.84 feet along the Northerly line of Highway 99W to the TRUE POINT OF BEGINNING said Parcel No. 2.

TOGETHER WITH a non-exclusive easement for roadway purposes over and across the Northerly 20.00 feet to the following described property:

A tract of land in the D.D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

AB SX

BEGINNING at the Northwest corner of the intersection of Villa Road with the Northerly right of way line of Oregon State Highway 99W; and running thence Southwesterly along said right of way line, 100 feet, more or less, to the Southeast corner of that certain tract conveyed by Southeast corner of that certain tract conveyed by contract of sale Virgil L. Havener and Nadine Havener, contract of sale Virgil L. Havener and Nodine Havener, contract of sale Virgil L. Havener and Northe 63, Page 775, husband and wife, as recorded in Film Volume 63, Page 775, Deed and Mortgage Records of Yamhill County, Gregon; thence following along the Easterly line of said Havener thence following along the Easterly line of said Havener Tract, North 25°56' West 78 feet and North 2°15' West 50 feet to the Northeast corner of said Tract; thence North 2°15' West to a point on the South line of a Tract conveyed to Hattie E. Rusch and contract as recorded in Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed And Mortgage Records, Film Volume 36, Page 379, Deed And Mort

WHEREAS, Diana S. Mock, hereinafter Referred to as Second Party, is the owner of certain adjoining real property more particularly described as follows:

Page 2

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#### PARCEL 3:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. 3 of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No. P-12-89 and being more particularly described as follows:

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod, said iron rod being the TRUE POINT OF BEGINNING of Farcel 3; thence South 87°11°41° West 57.38 feet to an iron pipe; thence North 37°57°14° East 28.10 feet to an iron rod; thence North 02°09°20° West, 93.37 feet to an iron rod; thence South 08°43°55° East 64.00 feet to an iron rod; thence South 43°43°55° East 15.00 feet to an iron rod; thence South 01°16°05° West 38.00 feet to an iron rod; thence South 46°16°05° West 42.00 feet to an iron rod; thence South 00°38°35° West 33.37 feet to the TRUE POINT OF BEGINNING of said Parcel.

TOGETHER WITH a non-exclusive access easement for ingress and egress over and across all of Parcel No. 2 as described above.

WHEREAS, Harold J. Medici and Dorothy I. Medici, husband and wife, hereinafter referred to as Third Party, are the owners of certain adjoining real property more particularly described as follows:

#### PARCEL 4:

Part of the D.D. Deskins Donation Land Claim #54 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

BEGINNING at a point 6.45 chains North and South 89.52. West 4.90 chains from the Southeast corner of said Deskins Donation Land Claim, said place of beginning being a re-entrant corner of land conveyed to Cecil D. Anderson and wife by deed recorded February 13, 1958, in Book 186,

Page 3

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Page 573, Deed of Records; thence South 89°52' West along the South line of said Anderson tract, 0.87 of a chain to an iron pipe set on the Easterly line of that certain tract of land conveyed to Thomas A. Pfund and wife by deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed 575, De and Mortgage records; thence South 41°45' West 0.53-1/2 of a chain to an iron pipe; thence South 25°10' West .099 of a chain to an iron pipe; thence South 7°30' West to a point on the Northerly margin of the State Highway; thence Easterly along the Northerly Margin of said highway following the curvatures thereof to a point on the Westerly line of said Anderson tract; thence North to the place of beginning.

WHEREAS, Terry L. Stellflug and Susan D. Stellflug, Trustees of the Stellflug Family Trust, hereinafter called Fourth Party, are the owners of certain adjoining real property more particularly described as follows:

## PARCEL 5:

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, being a part of that certain tract of land conveyed to Stanley V. Lutgen and Marilyn E. Lutgen, by Deed recorded in Film Volume 111, Page 112, Deed and Mortgage Records, and being more particularly described as follows:

Beginning at an iron rod that is East 50 feet from an iron pipe at an angle corner in the Westerly line of Parcel 1 of Lutgen Tract, said iron pipe being North 165 feet from or Lutgen Tract, said iron pipe being North 165 feet from the most Southerly Southwest corner of said Parcel 1; the most Southerly Southwest corner of said Parcel 1; thence North 43°31'50" East 76.65 feet to an iron rod; thence North 02°13'30" West, 26.79 feet to an iron rod; thence North 87°46'40" East 38.17 feet to an iron rod; thence North 63°46" East, 27.25 feet to a railroad thence South 02°08'40" East, 27.25 feet to a railroad spike: thence North 63°17' Fact 56 96 feet to an iron rod; spike; thence North 63°17' East, 56.90 feet to an iron spike; thence Notth 33'30" West, 62.40 feet to an iron rod; thence South 10°53'30" East 77.94 feet to a point in rod; thence South 25°19'30" East 77.94 feet to a point in the Northerly line of Highway 99W that is/South 61\*30\*30\* West, 100.00 feet from an iron rod at the intersection of the West line of Villa Road with said Northerly line; thence Southwesterly along said Northerly line 189 feet, more or less, to a point that is South of the Point of beginning; thence North 121 feet, more or less, to the paint of beginning.

Page



Save and Except that certain parcel conveyed to First Party herein in Deed recorded October 9, 1989 in Pilm Volume 237, Page 0114, Deed and Mortgage Records of Yamhill County, Oregon.

WHEREAS, the parties hereto desire to provide for joint access and parking to each other, and to their heirs and assigns, over and upon their respective properties (excluding Parcel 1); and they further desire to provide access to their respective properties from Highway 99 West via the access approach more particularly described in Exhibit A attached hereto and by this reference incorporated herein, and

WHEREAS, Third Party is presently the holder of certain parking and easement rights over and upon Parcel 2 and Parcel 3 described above, which easement is described in a contract recorded in Film Volume 81, Page 880, Deed and Mortgage records of Yamhill County, Oregon and is hereinafter referred to as the Medici casement, and

WHEREAS, it is the desire of all parties to terminate the Medici easement and substitute in its place and stead the mutual easement rights created herein; now, therefore,

IN CONSIDERATION FOR THE MUTUAL COVENANTS AND CONDITIONS HEREIN CONTAINED, the parties agree as follows:

1. First Party does hereby give, grant and convey unto Third and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 2 described above in such driveways, roadways and thoroughfares as First Party may from time to time establish, construct and develop on the property, and to the access approach described in Exhibit A.

Page 5

3-7-90

- 2. First Party does hereby give, grant and convey unto Third and fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 2 above described, excluding those parking spaces on that side of Parcel 2 immediately adjacent to First and Second Parties' professional office buildings, now or hereinafter constructed.
- 3. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 4 described above in such driveways, roads and thoroughfares as Third Party may from time to time establish, construct and develop on the property.
- 4. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 4 above described, excluding those parking spaces immediately adjacent to Third Parties' commercial buildings located on the property.
- 5. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties a non-exclusive vehicular access easement over and upon Parcel 5 described above in such driveways roads and thoroughfares as Fourth Party may from time to time establish, construct and develop on the property.
- 6. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 5 above described, excluding those parking spaces immediately adjacent to Fourth Parties' professional office Page 6

- 7. The Medici easement as defined and contained in the contract recorded in Film Volume 81, Page 880, Deed and Mortgage Records of Yamhill County and later amended by easement agreement recorded in Film Volume 150, Page 1890, is hereby abolished.
- maintenance and repairs that are needed for their respective parcels, except that First and Second Party shall share in the ongoing maintenance expense for Parcel 2. Each party agrees and covenants to keep and maintain their parking area, driveways, roadways and thoroughfare in reasonable repair and in a condition that is compatible with each others property.
- 9. This agreement is binding upon the heirs, successors and assigns of all Parties and the access and parking easement rights herein contained shall be appurtenant to and run with the property of all Parties described above.
- of this agreement, they agree to submit the matter to binding arbitration under the then existing rules of the American Arbitration Association, unless the Parties at that time mutually agree to another method of dispute resolution. Agreement by the Parties to mediation or some other form of private dispute resolution does not waive the requirement of submission to binding arbitration rather than litigation unless the Parties expressly so agree in writing. In the event of binding arbitration, the arbitrators may order any Party to pay the reasonable attorney's fees of any other Party.

Any arbitration or other dispute resolution shall, in Page 7

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- II. This agreement has been prepared by Allyn E. Brown, of Brown, Tarlow & Berry, P.C., Attorneys at Law, Newberg, Oregon, representing First Party berein.
- 12. Where the context so requires in this agreement, the singular shall include the plural and the term "Party" shall also include that Parties' tenants, employees, licensees, invitees, customers and patients.

IN WITNESS WHEREOF, the Parties have executed this agreement on the 28 day of Pebruary, 1990, at Newberg, Oregon-

agreement on the page	
FIRST PARTY	9 = 1
Patrick R. Maveety, M.D.	Grenty E. SKOEPT, H.D.
Gronne M. Lyles AD	Korhless or Weiss
Yenne M. Lyles, M. 7	Kathleen M. Welss, M.D.
STATE OF OREGON	

County of Yamhill )

Personally appeared the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

PUDING AND SET and deed

Notary Public for Oregon
My commission expires: 8-17-

Diana S. Mock

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COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL PROPERTY OF THE PARTY OF

Page 8

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STATE OF OREGON )	8 <u>22</u> 8
County of Yamhill )	.554
acknowledged the foreg	appeared the above named Diana S. Mock and going instrument to be her voluntary act and
Skiller Co.	and the second
1,011.07	Notary Public for Pregon
CHEED PARTY	My commission expires: 8-17-93
Flerils Wedie	Marothel 21111dai
Hatold J. Medici STATE OF OREGON )	Dorothy I. Medici
County of Yamhill )	<b>s.</b>
Dorothy I. Medici, has	preared the above named Harold J. Medici and band and wife, and acknowledged the foregoing voluntary act and deed,
	Similar Vacar
A 0 . 4 A )	Notary Public for Oregon// My commission expires: 7,2-/5-9:
Sourth Party	
Terry 2 Stelling, Tr	ustee Susan D. Stellflug Trustee
STATE OF OREGON ) S. County of Yamhill )	<b>s</b> .
Personally a Susan D. Stellflug, Tr	preared the above named Terry L. Stellflug and estees of the Stellflug Family Trust, and sing instrument to be their voluntary act and

Notar Public its Oregon My commission desires:

3.1.40

HALH F.O.S 148.00 (143.11) F241P0795 APPRDAKU. LORTH 1930 IAR -7 FII 4: 27 NEW ATTRACTO

# **EXHIBIT E**

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YANHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

200324282

\$41.00

00142412200300242820040046

09/23/2003 09:35:22 AM

DMR-EDMR Cnt=1 Stn=2 ANITA \$20.00 \$10.00 \$11.00

## VACATION OF EASEMENT

This Vacation of Easement (herein known as "VACATION") is executed by Michael A. Douglas and modifies that certain Addendum to Easement Agreement dated August 12, 1989 and recorded on September 23, 1989 in Film Volume 236 Page 1807 of the deed and mortgage records of Yamhill County, OR with the modification as follows:

1. Paragraph 3 of the said Addendum to Easement Agreement is deleted such that after this said VACATION is recorded, the owner of real property more particularly described on attached Exhibit "A" will no longer have any parking rights for customers of the business resident on attached Exhibit "A" to park on the Providence parking lot, as those parking rights have been transferred to real property more particularly described on attached Exhibit "B" via an Easement of even date that is also being recorded. After the recording of the said Easement, customers of the business resident on attached Exhibit "B" shall have the right to park in Providence's parking lot.

Dated this 22 day of September

, 2003.

ichael A. Douglas

State of Oregon

)ss

.)

County of Yamhill

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this day of

2003.

OFFICIAL SEAL
LINDA V FREEBORN
NOTARY PUBLIC - OREGON
COMMISSION NO. A350467
MY COMMISSION EXPIRES DET. 12, 2005

Notary Public for Oregon
My commission expires:

#### EXHIBIT "A"

ARGINAING at a point on the East boundary line of the Deniel D. Deskins Boardien Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yashill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an Iron pipe; thence West 271.5 feet to d. point marked with an Iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; Thence South 10 55' East 70 feet to a point marked with an Iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREFROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196. Page 1934, Micrefilm Records of Yashill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhili County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhili County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donatlon Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

### EXHIBIT "B"

#### PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhili County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

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## Addendum to Easement Agreement

It is agreed between the undersigned that the following conditions also apply to the easement agreement dated August 5th, 1989 between the parties.

- 1. PIG should be jointly responsible with other users of said maintenance area for upkeep and repair of said easement area.
- 2. PIG agrees that there will be no construction of buildings or other structures within 10 feet of its easternmost boundary and the western boundary of property owned by Mike Douglas and Lois A. Douglas.
- 3. It is agreed that PIG will not object to occasional use of its parking lot by parties coming to Mike's Pharmacy.
- 4. It is agreed that the easement agreement including the conditions contained in this addendum will be formalized in an agreement containing the legal descriptions of real estate parcels owned or being purchased by the parties.
- 5. It is further agreed that this easement is personal to the members of PIG and may not be transferred prior to construction of a medical clinic on the real property of PIG.
- 6. In the event that PIG does not pursue construction of a medical clinic on said real property of PIG then this agreement and addendum shall be null and void.
- 7. At the time of construction of said clinic, PIG will be responsible for blacktopping said easement area to a depth that will be for traffic.

This easement agreement and this addendum shall be binding on the heirs, assigns, and successors in interest of the parties.

Dated this \_\_\_\_\_ day of August, 1989.

Pineal Investment Group Second Party

Greg Stapper M.D.

Pat Maveety, M.D.

Yvorne Jyles, M. D.

Kathy Weiss, M.D.

Mikes's Medical Pharmacy
Mike's

hul bille

make Douglas

Lois A. Douglas

#### Enterest Aur

#### August 9, 1989

This agreement, made and entered into this <u>IQ</u> day of J<sub>Q,Q,Q,S</sub> , 1989 by and between Mike Doughs dba Mike's Pharmacy, hereinafter referred to as Mike's, and Greg Skipper, M.D., Pat Maveety, M.D., Yvonne Lyles, M.D., Kathy Weiss, M.D., dba Pincal Investment Group, hereinafter referred to as PIG, and,

WHEREAS, Mike's is the owner of certain real premises located at 201 Villa Road to wit: beginning at a point on the East boundary line of the Daniel D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Vambill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed resended in Book 24, Page 639, Deed Records; thence South 1 degree 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

EXCEPTING THEREFROM the West 236 feet.

WHEREAS, PIG is or will be the owner of adjoining real premises to the West of Mike's's real premises

WHEREAS, it is the desire of the parties to amend endway easement privileges of PIG as the real premises owned by Mike's.

THEREFORE, in consideration of the mutual convenants and conditions as contained herein, it mutually understood and agreed as follows:

- 1. That Mike's does hereby give and grant unto PIG a non-exclusive easement for roadway purposes over and across the southerty 5.00 feet of the real premises as switted by Mike's. Such area is illustrated in Exhibit
- 2. It is understood and agreed that this easement Agreement shall be binding upon the beirs, executors, and assigns of all the parties and shall run with the land.
- 3. In Witness Whereof, the said parties have executed this agreement the and year above written.

Mike's Medical Pharmacy

Mike's

Pincal Investment Group

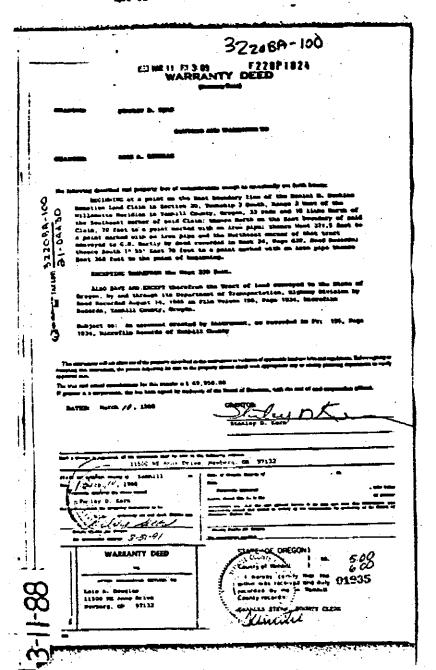
Par Mavelin, M.D.

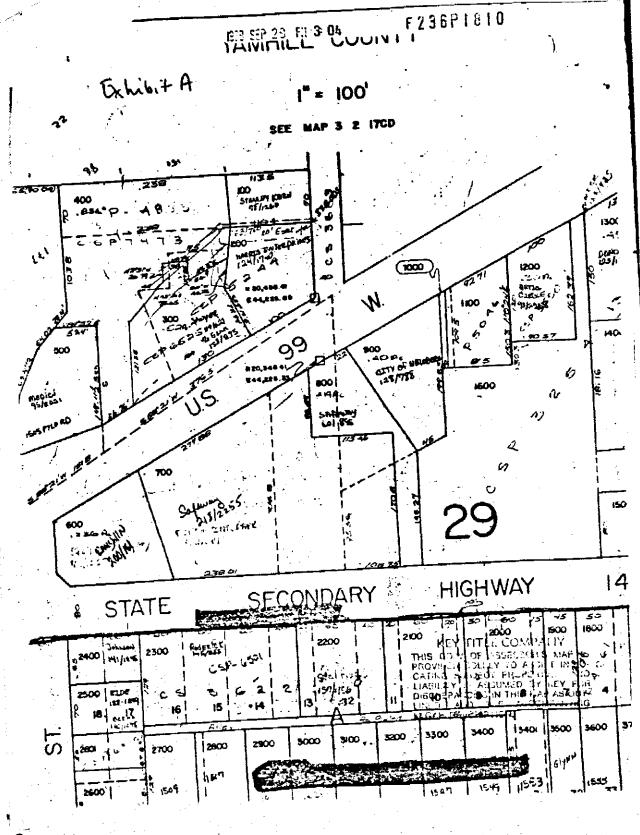
STATE, OF OREGON)

hereby certify that the recorded by me in Yomhill County records

09013

COUNTY CLERK

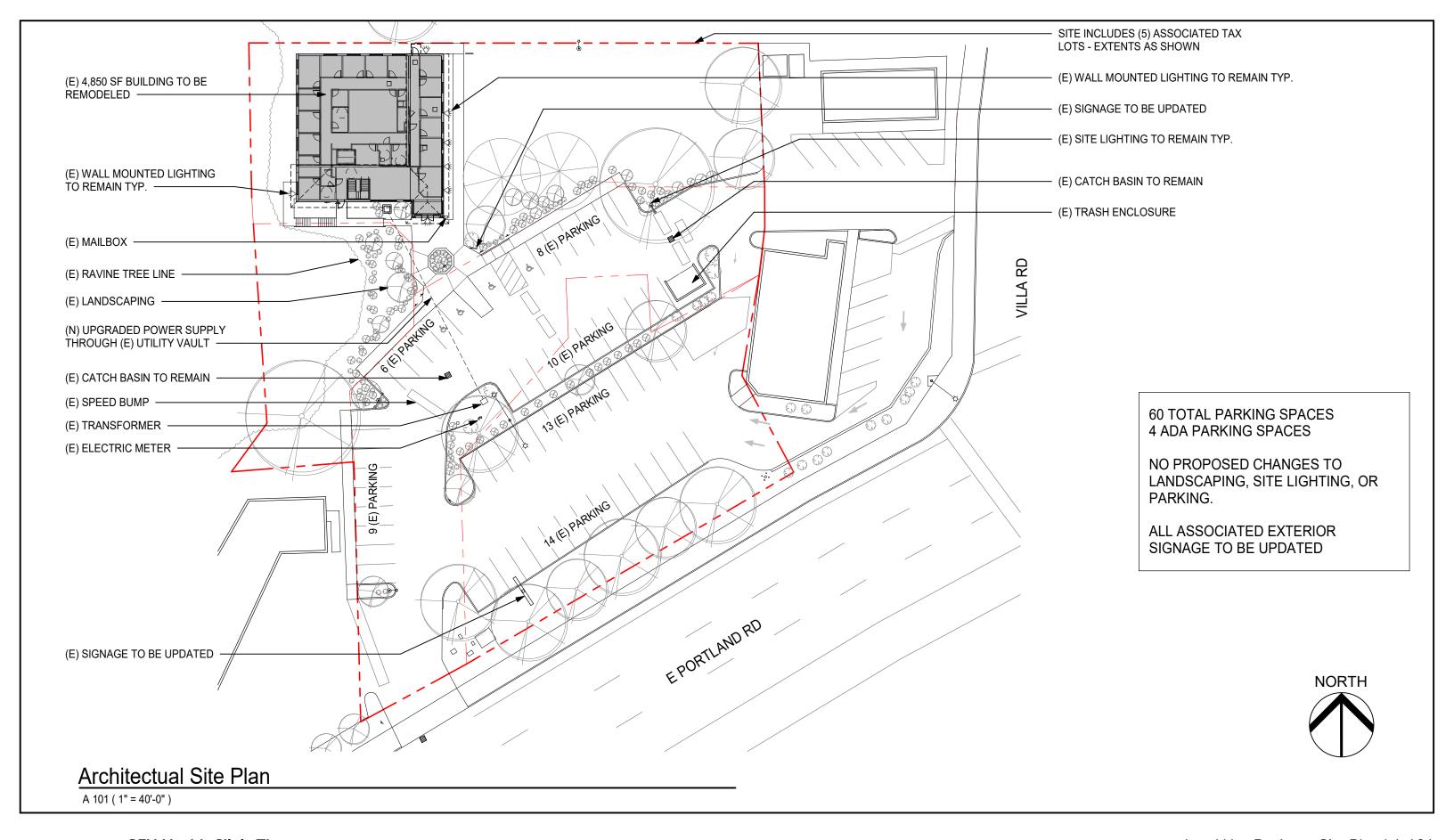




STATE OF OREGON

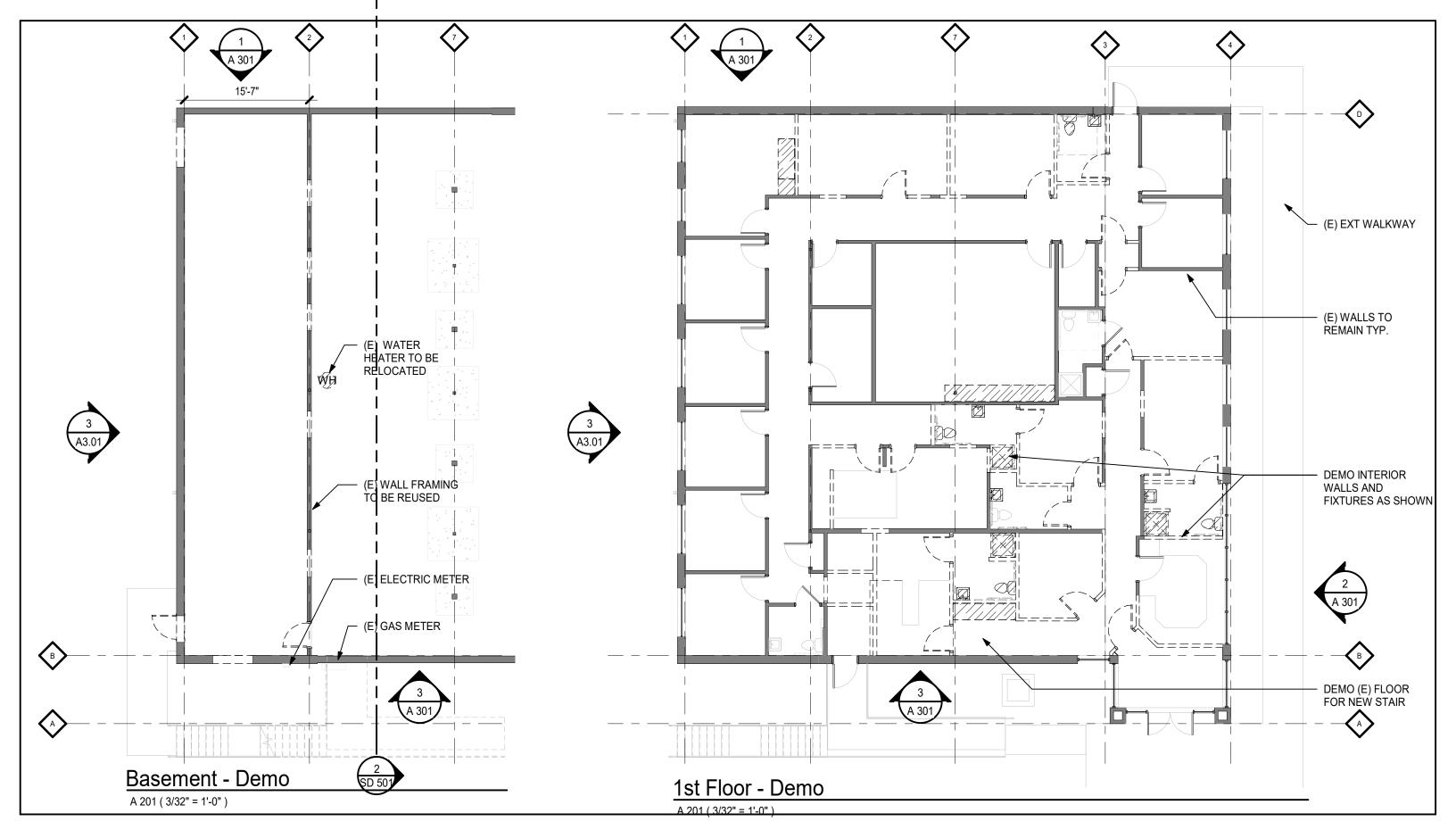
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Land Use Review - Site Plan | A 101



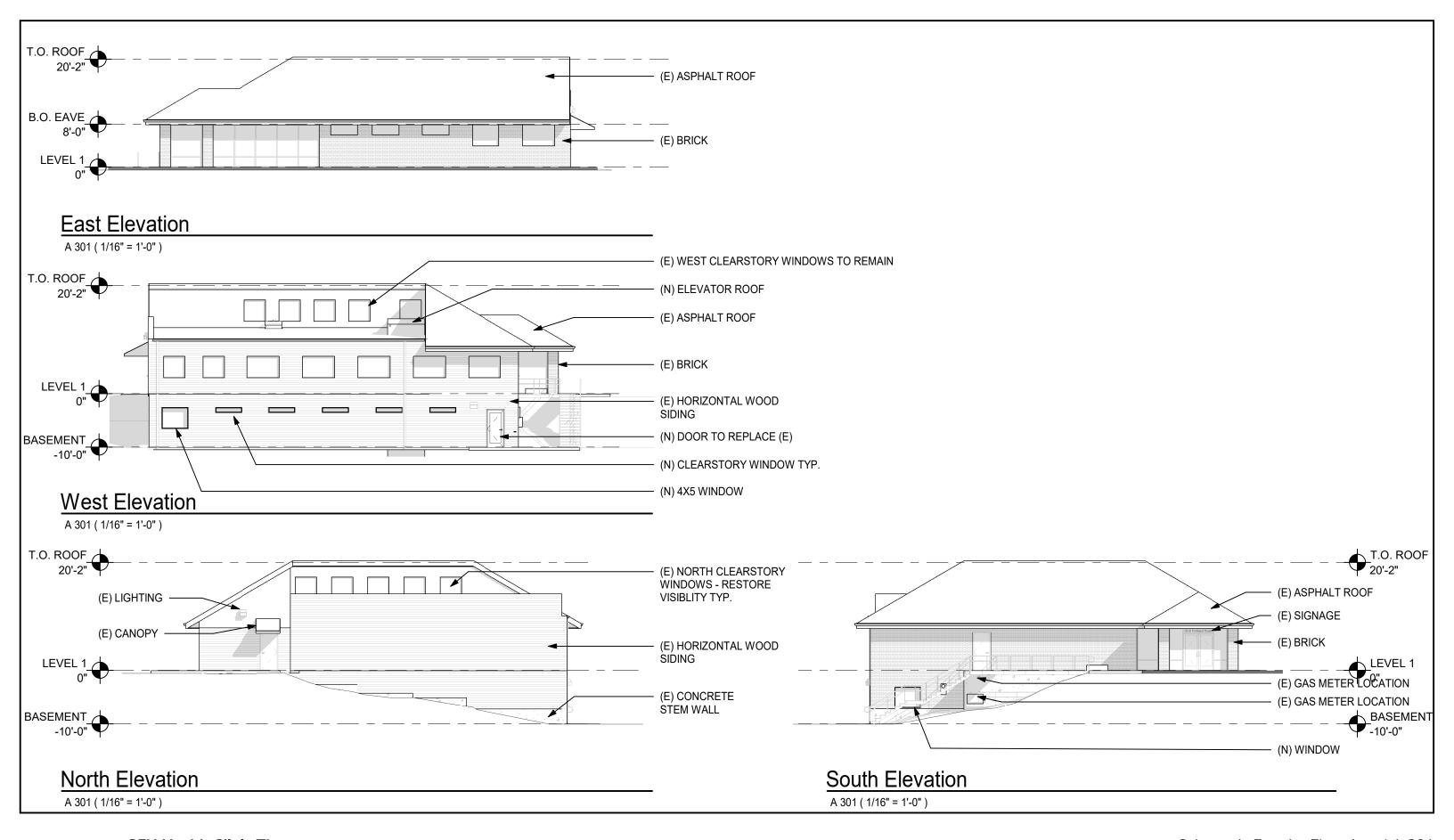


Demo Floor Plan | A 201





Schematic Floor Plans | A 202





Schematic Exterior Elevations | A 301

# **EXHIBIT B**

AFTER RECORDING RETURN TO:

Michael G. Gunn P.C. Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YAMHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

00142411200200242810150152

200324281

\$96.00

09/23/2003 09:34:21 AM

DMR-EDMR Cnt=1 Stn=2 ANITA \$75.00 \$10.00 \$11.00

#### EASEMENT

This Easement (herein known as ''EASEMENT'') is made and executed this  $\frac{16}{10}$  day of September , 2003, by and between Michael A. Douglas (herein known as ''Douglas'') and Providence Health System - Oregon (herein known as ''Providence'');

#### WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit ''A'' (herein known as ''Douglas existing pharmacy property'') and more particularly described on attached Exhibit ''B' (herein known as ''Douglas proposed pharmacy property'').
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, the building that is resident on the proposed pharmacy property is presently vacant, and Douglas desires to utilize the said building as a retail pharmacy as well as a storage facility.
- 4. WHEREAS, there is a dispute between both parties regarding easement rights that each party may have over the other parties' property, and both parties desire to fully resolve the matter via this EASEMENT.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions contained herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.
- 2. Providence hereby conveys unto Douglas an easement for egress purposes over a portion of Providence property with the said easement more particularly described on attached Exhibit "D" and set forth as "Parcel D- Ingress and Egress Easement" on the map attached hereto as Exhibit "E" with the purpose of the said easement to allow vehicular traffic which enters the proposed pharmacy property from Villa Rd to utilize drive thru windows on the west side of the said building



resident on the Douglas proposed pharmacy property and to also allow vehicular traffic which enters the proposed pharmacy property from Villa Rd and which utilizes parking facilities on the east end of the proposed pharmacy property, to then drive onto the said Providence parking lot so as to then exit the said vehicular traffic onto OR State Hwy 99W.

- A. Both Providence and Douglas specifically agree that unless specific written authorization is granted by the City of Newberg, there are to be no improvements (other than asphalt or concrete associated with the said pavement) constructed within this said easement area (i.e., a ''no build'' zone required for fire purposes since the said building is built to within one foot of the property line separating the Providence property from the proposed pharmacy property); provided, however, that both Providence and Douglas agree that Douglas has obtained permission from the City of Newberg to construct an awning on the said building resident on the Douglas proposed pharmacy property that overhangs approximately 3' into the said easement.
- B. Douglas agrees to post any signage that is reasonably necessary to inform customers associated with the proposed pharmacy property that vehicular traffic is to egress through the Providence parking lot and exit on to OR State Hwy 99W, rather than driving 'back through' the Providence parking lot and then exiting onto Villa Rd.
- 1). Providence reserves the right to approve all proposed signage of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are automatically approved.
- 2). The said Notice shall be addressed to Dana White whose address is as follows: Regional Real Estate, 4706 NE Glisan #101, Portland, OR 97213 with a copy also to John Bridges, Attorney at Law, 515 E. 1<sup>st</sup> St, Newberg, OR 97132. The RE line on the communication shall also set forth IN BOLD FACED AND WITH CAPITAL LETTERS that the Notice is subject to a ten (10) day time period for response by Providence.
- 3. Providence hereby conveys unto Douglas easements for landscaping purposes over a portion of the Providence property with the easements more particularly described on attached Exhibits "F" and "G" and set forth as "Parcel F and Parcel G Landscape Easement" on the map attached hereto as Exhibit "E".
- A. Providence reserves the right to approve all landscaping plans of Douglas associated with these said easements, with approval by Providence not to be unreasonably withheld, and Providence shall have ten (10) days from the date of receipt of the proposed plans to review those plans. If there has been no communication from Providence at the expiration of the said ten (10) day time period, the proposed plans are

automatically approved with the said Notice addressed in the same manner as set forth above in Paragraph 2B2).

- 4. Douglas is responsible for all the maintenance, repairs, and improvements associated with the easements set forth on attached Exhibits "D", "F", and "G".
- 5. At all material times herein, Douglas agrees to maintain a standard business owners' liability insurance policy with limits not less than \$1,000,000 aggregate naming Providence as an additional named insured.
- 6. Providence agrees to allow Douglas a maximum of four (4) parking spots for employee purposes associated with the proposed pharmacy property with the location of the parking spots designated by Providence in the southwest corner of the Providence parking lot, and Douglas agrees to notify his employees not to park in any area immediately in front of the existing or future Providence medical building as that area is reserved for patients.
- 7. Providence warrants and represents to Douglas that there are no money encumbrances which encumber the said Providence property.
- 8. Douglas hereby conveys unto Providence an easement over a portion of the existing pharmacy property for garbage dumpster purposes with the said easement more particularly described on attached Exhibit "H" and set forth as "Parcel H Dumpster Easement" on the map attached hereto as Exhibit "E" with specific terms and conditions as follows:
- A. Douglas shall construct as directed by the City of Newberg and maintain at his expense the said area where the garbage dumpsters are located as set forth on Exhibit "H"; provided, however, that Providence is responsible for the cost of any maintenance and repairs that are required based on the action of Providence or any person or party acting by and through Providence.
- B. Providence will be allowed space for one (1) standard size one yard garbage dumpster and one standard size 100 gallon recycling bin.
- C. Providence agrees by the execution and recording of this EASEMENT, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit "I" (i.e., this is a "no build" area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters).
- 9. At all material times herein, Providence agrees to maintain a standard business owners' liability insurance policy associated with its use of the garbage dumpster easement as set forth above with limits not less than \$1,000,000 aggregate naming Douglas as an additional named insured.

- 10. Douglas warrants and represents to Providence that there are no money encumbrances which encumber the said existing pharmacy property.
- 11. Providence and Douglas agree that customers of the existing pharmacy property have rights to park in the Providence property parking lot under the terms and conditions of that certain agreement September 23, 1989 in Film 236 Page 1807 of the deed and mortgage records of Yamhill County, and that both Providence and Douglas agree to allow Douglas to transfer those customer parking rights to the proposed pharmacy property so that customers of the proposed pharmacy property have the right to park in the Providence parking lot; provided, however, that Douglas agrees to inform customers through reasonable signage that they are not to park in any area of the Providence parking lot that is immediately in front of the existing Providence medical building as that area is reserved for patients, and furthermore, that subsequent to the date of recording hereof, that customers of the existing pharmacy property shall no longer have any rights to park in the Providence property parking lot.
- 12. All of the said easements set forth herein are perpetual in nature and 'run with the land.''
- 13. In case of a breach of any term or condition by either party, the non-breaching party is afforded all available remedies both at law and in equity.
- 14. In case any suit or action is required to enforce any of the terms and conditions of this said EASEMENT, the non-prevailing party is required to pay the prevailing party's reasonable attorney fees and costs incurred in enforcing the term or condition, both at trial and on appeal.

15. In executing this EASEMENT, both parties agree that they have been represented, by their own legal counsel.

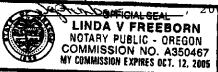
Michael A. Douglas

Providence Health System - Oregon

State of Oregon )ss County of Yamhill )

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this M day of



Notary Public for Oregon My commission expires

State of Oregon county of Multraman

Personally appeared before me the above-named Terry Smith who stated that he was the CEO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this \ day of

otember, 2003.

OFFICIAL SEAL MELISSA LIND IOTARY PUBLIC - OREGON

Notary public for Oregon

My commission expires Och

#### EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins Donation Land Claid in Section 20, Township 3 South, Range 2 West of the Willametta Meridian in Yamhill County, Oragon, 33 rods and 18 links North of the Southeast corner of said Claim; these North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 271.5 feet to diveyed to G.N. Hartly by deed recorded in Northeast corner of that tract thence South 10 55; East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREPROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation. Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An essement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yachill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

EXHIBIT "B"
PAGE 1 of 2

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Glaim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 76° 57' 57" West 133.323 meters) 133.850 meters; thence on a spiral curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

EXHIBIT "B"

PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhill County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

**EXCEPTING** therefrom Parcel 1.

#### **EXHIBIT C**

# Tract C Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON

2122

EXP 12.31.03

#### **EXHIBIT D**

#### PARCEL D

## Permanent Easement for Ingress and Egress

A parcel of land in located in the Northwest Quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron rod at the NE corner of Parcel 2 of Tax Lot No. 3220BA-400, Partition P-12-89, City of Newberg Partition File, recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422, Yamhill County Survey Records,

thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'20" W, 19.79 feet;

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters northwesterly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records;

Thence N 70°32'16" W 62.34 feet

Thence S 60°01'08"W 124.20 feet:

Thence S 00°01'30" W 56.34 feet to the north line of said Pacific Highway West;

Thence S60°25'34"W along said north line of Pacific Highway West 13.80 feet;

Thence N 00°01'30" E, 68.84 feet;

Thence N 60°01'08" E, 166.97 feet:

Thence N 10°54'30" E, 82.86 feet to the north line of said Parcel 2, Partition P-12-89;

Thence S 88°15'00" E, 8.47 feet to the point of beginning.

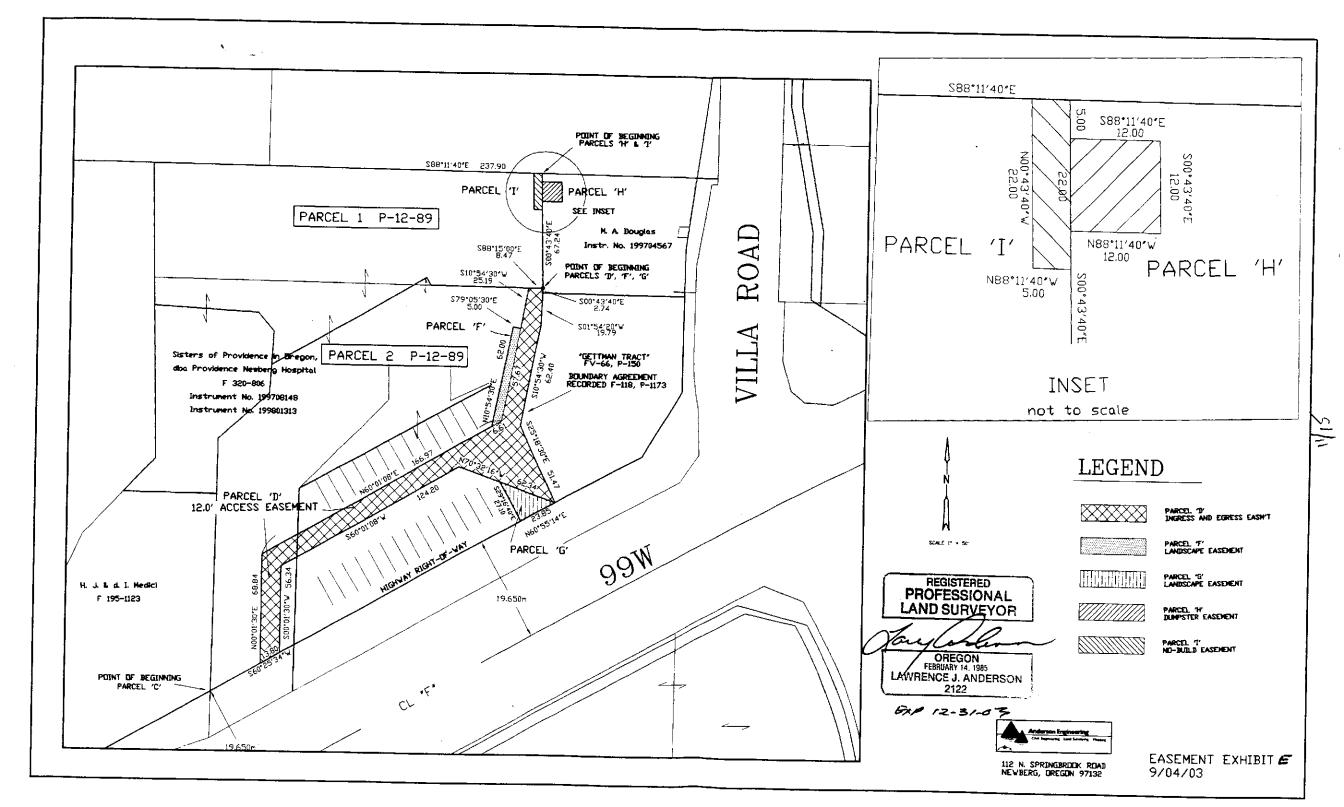
Containing 4,472 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985 LAWRENCE J. ANDERSON 2122

5xP 12-31-03

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#### **EXHIBIT F**

## Parcel F

### Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence, along the north of said Parcel 1, N 88°15'00" W, 8.47 feet to a point;

Thence S 10°54'30" E, 25.19 feet to the TRUE POINT OF BEGINNING:

Thence S 10°54'30" W, 57.67 to a point;

Thence S 60°01'08" W, 6.61 feet to a point;

Thence N 10°54'30" E, 62.00;

Thence S 79°05'30" E, 5.00 feet to the point of beginning.

Containing 299 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

12/15

#### **EXHIBIT G**

# Parcel G Permanent Landscape Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Commencing at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records County Survey

Thence S 00°43'40" E, 2.74 feet along the east line of said Parcel 2 to an iron rod marking the northwest corner of the Gettman Tract, as recorded in Film Volume 66, Page 150, Deed Records of Yamhill County;

Thence continuing along the west line of said Gettman Tract the following courses:

S 1°54'30" W, 19.79 feet;

S 10°54'30"W, 62.40 feet;

S 25°18'30" E, 51.47 feet more or less to the north line of Pacific Highway West (99W) said north line being 19.650 meters westerly of the Engineer's Centerline "F" of the relocated Pacific Highway as described in Instrument No. 200120558 Yamhill County Deed Records, and the TRUE POINT OF BEGINNING of Parcel- G

Thence N 70°32'16" W 36.17 feet:

Thence S 29°16'40" E 27.10 feet to the north line of said Pacific Highway West (99W); Thence along said north line of Pacific Highway West N 60°55'14"W 23.85 feet to the TRUE POINT OF BEGINNING.

Containing 320 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

13/15

#### **EXHIBIT H**

# Parcel H Dumpster Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File No. P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence, along the east line of said Parcel 1, S 00°43'40"E 5.00 feet to the TRUE POINT OF BEGINNING of Parcel H:

Thence S 88°11'40" E, parallel with the north line of said Parcel 1, 12.00 feet Thence S 00°43'40"E, parallel with the east line of said Parcel 1,12.00 feet; Thence N 88°11'40" W, parallel with the north line of said Parcel 1, 12.00 feet to the east line of said Parcel 1;

Thence along the east line of said Parcel 1, N 00°43'40"W 12.00 to the TRUE POINT OF BEGINNING

Containing 143 sq. ft. more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985

LAWRENCE J. ANDERSON 2122

EXP 12-41-03

#### **EXHIBIT I**

## Parcel | No-build Easement

A parcel of land in located in the northwest quarter of Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89 as recorded in survey by Russell Lawrence dated December 29, 1989 as CSP-9422 Yamhill County Survey Records Thence along the east line of said Parcel 1, S 00°43′40″E 22.00 feet Thence N 88°11′40″ W, parallel with the north line of said Parcel 1, 5.00 feet Thence N 00°43′40″ W, parallel with the east line of said Parcel 1, 22.00 to the north line of said Parcel 1

Thence along the north line of said Parcel 1, S 88°11'40" E 5.00 feet to the point of beginning.

Containing 110.0 square feet more or less

PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 14, 1985
LAWRENCE J. ANDERSON
2122

EXP 12-31-03

15/15

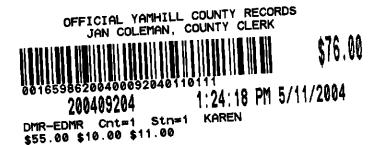
# **EXHIBIT C**

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change



#### EASEMENT

This Modification of Easement (herein known as "MODIFICATION") is made and executed this \( \frac{1}{2} \) day of \( \frac{April}{2} \), 2004, by and between Michael A. Douglas (herein known as "Douglas") and Providence Health System - Oregon (herein known as "Providence");

#### WITNESSETH:

- 1. WHEREAS, Douglas is the owner of real property more particularly described on attached Exhibit "A" (herein known as "Douglas existing pharmacy property") and more particularly described on attached Exhibit "B" (herein known as "Douglas proposed pharmacy property").
- 2. WHEREAS, Providence is the owner of real property more particularly described on attached Exhibit "C" (herein known as "Providence property").
- 3. WHEREAS, on or about September 16, 2003, Douglas and Providence executed an Easement Agreement which resolved various issues between the parties and which was recorded on September 23, 2004 in Instrument #200324281 of the Deed and Mortgage records of Yamhill County, OR.
- 4. WHEREAS, one of the provisions of the said Easement was that Douglas conveyed to Providence and easement over a certain portion of Douglas' property for garbage dumpster purposes as Douglas was required to construct an enclosure on Douglas' property which enclosed separate dumpsters and recycling bins utilized by Douglas and Providence, and Douglas was also required to allow Providence space within that enclosure for Providence's garbage dumpster as well as Providence's recycling bin.
- 5. WHEREAS, the size of the enclosure as contemplated by the parties as set forth in the said Easement Agreement was not of sufficient size, and Newberg Garbage Service Inc. (the garbage hauler) required that the size of the enclosure be increased.
- 6. WHEREAS, because of the requirement in the increase in the size of the enclosure as set forth above, the said enclosure would have to be located partially on Douglas' property and partially on Providence's property.

#### 1 MODIFICATION OF EASEMENT

- 7. WHEREAS, Providence has determined that it has sufficient space on its property to locate both its garbage dumpster and recycling bin and that it will no longer be necessary for Douglas to provide a location on his property for Providence's garbage dumpster and recycling bin.
- 8. WHEREAS, both parties desire to modify the terms and conditions of the Easement Agreement accordingly.

NOW, WHEREFORE, in consideration of the mutual covenants and restrictions set forth herein, both Douglas and Providence bargain and agree as follows:

- 1. The RECITALS set forth above are true and accurate and are incorporated herein.
- 2. The Easement Agreement recorded on September 23, 2003 in Instrument #200324281 (herein known as "Original Easement Agreement") is modified as follows:
- A. Paragraph 8 is superceded and replaced in its entirety with the following language:
- ''8. The dumpster easement set forth on the Original Easement Agreement which was previously conveyed by Douglas to Providence and more particularly described on attached Exhibit 'H' and set forth as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' is hereby terminated effective upon the date of execution hereof as Providence will no longer utilize Douglas' property as a location for its dumpster and recycling bin.
- A. The size of the enclosure to be constructed by Douglas set forth on the Original Easement Agreement as 'Parcel H Dumpster Easement' on the map attached as Exhibit 'E' may be decreased in size based upon the fact that Providence will not be utilizing the said enclosure on Douglas' property for its garbage dumpster and recycling bin.
- B. Douglas shall no longer be required to allow Providence space within the enclosed area set forth above for Providence's dumpster and recycling bin.
- C. Providence agrees by the execution and recording of this MODIFICATION, that unless authorized to do so by the City of Newberg, there are to be no improvements constructed (other than asphalt or concrete paving) in the area more particularly described on attached Exhibit 'I' to the Original Easement Agreement (this area is the area set forth in Paragraph 8C of the Original Easement Agreement; i.e., this is a 'no build' area required for fire purposes because of the set back requirement associated with the location of garbage dumpsters and the fences surrounding those dumpsters)."

- 3. Paragraph 9 of the Original Easement Agreement is deleted.
- 4. Paragraphs 10 15 of the Original Easement Agreement are renumbered as Paragraphs 9 14 based upon the deletion of Paragraph 9.

Other than specifically modified as set forth herein, the remaining terms and conditions of the Original Easement Agreement are not modified and remain in full force and effect.

Michael A. Douglas

Providence Health System - Oregon

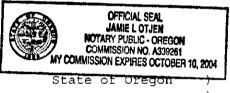
State of Oregon

)ss

County of Yamhill
)

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this 4 day of 2004.



Notary Public for oregon
My commission expires 10/10/2004

State of Oregon ) s

County of \_\_\_\_\_)

Personally appeared before me the above-named Perry Smith who stated that the was the CPO of Providence Health System - Oregon and who further stated that he was executing the foregoing document with the authority of the Board of Trustees.

Subscribed and sworn to before me this  $\frac{17}{2004}$  day of

Notary public for pregon(
My commission expires

OFFICIAL SEAL

GLENDA L FOSSUM-SMITH

NOTARY PUBLIC-OREGON

COMMISSION NO. 372798

MY COMMISSION EXPIRES SEP. 18, 2007

#### EXHIBIT "A"

BEGINNING at a point on the East boundary line of the Daniel D. Deskins bonation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; thence South 1° 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

#### EXCEPTING THEREFROM the West 238 feet.

ALSO SAVE AND EXCEPT therefrom the Tract of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196, Page 1934, Microfilm Records of Yamhill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CVOO-357 and recorded on February 20, 2003 in Instrument #200304092.

# EXHIBIT "B" PAGE 1 of 2

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 76° 57' 57" West 133.323 meters) 133.850 meters; thence on a spiral curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

# EXHIBIT "B"

#### PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhill County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

#### **EXHIBIT C**

## **Tract C** Sisters of Providence in Oregon

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, City of Newberg, Yamhill County, Oregon, and more particularly described as follows:

Beginning at a point at the intersection of the northerly line of Pacific Highway West (Highway 99W) with the Southerly portion of the West line of Parcel 2 of Tax Lot No. 3220BA-400, Newberg Planning Department Partition File P-12-89; said north right-of-way line being parallel with and 19.650 meters distant from the centerline of the relocated Pacific Highway West, Engineer's Centerline "F" as described in Instrument No. 200120558, Yamhill County Deed Records;

Thence continuing North, along said west line of Parcel 2, P-12-89, 119.04 feet more or less to an iron rod; thence South 87°11'41" West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod; thence North 02°09'20" West 93.37 feet to an iron, rod at the westernmost southwest corner of Parcel 1 of said Partition P-12-89; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00°43'40" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40"East 67.24 feet to an iron rod at the northeast corner of Parcel 2 of said Partition P-12-89; thence South 0°43'40"East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod at an angle point in the common boundary between the "A&W Tract" and the "Gettman Tract", agreement recorded Film 118 Page 1173 Yamhill County Deed Records; thence along said agreement boundary South 10°54'30" West 62.40 feet to an iron rod, and South 25°18'30" East 51.47 feet more or less to the northerly line of said relocated Pacific Highway West at a point 19.650 meters northwesterly as measured perpendicular with Engineer's Centerline "F"; thence southwesterly along the north line of Pacific Highway West 239.74 feet more or less to the point of beginning.

> REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON FEBRUARY 14, 1985

LAWRENCE J. ANDERSON

2122

# **EXHIBIT D**

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ESJ NR -7 PH 4- 27

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#### MUTUAL PARKING AND ACCESS EASEMENT

WHEREAS, Patrick R. Maveety, M.D., Gregory E. Skipper, M.D., Yvonne M. Lyles, M.D. and Kathleen M. Weiss, M.D., hereinafter referred to as the First Party, are the owners of certain real property more particularly described as follows:

#### PARCEL 1:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. I of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No. P-12-89 and being more particularly described as follows:

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod: thence South 87\*11\*41 West 57.38 feet to an iron pipe; thence North 37°57'14" East 28.10 feet to an iron rod: thence North 02°09'20" West 93.37 feet to an iron rod; said iron rod being the true point of beginning for parcel 1; thence North 02°09'20" West 12.23 feet to an iron pipe; thence North 00\*47'45" East 72.30 feet to an iron rod; thence South 88°11'40" East 237.90 feet to an iron rod; thence South 00°43'40" East 67.24 feet to an iron rod; thence North 88°15' West 68.70 feet to an iron rod; thence North 29°01'05" West 5.50 feet to an iron rod; thence South 60°58'55" West 107.50 feet to an iron rod; thence North 01°16'05" East 23.20 feet to an iron rod; thence North 43°43'55° West 15.00 feet to an iron rod; thence North 88°43'55" West 64.00 feet to the true point of beginning.

PARCEL 2:

A portion of a tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. 2 of Tax Lot No. 3220BA-400. and Newberg Planning Department partition file No. p-12-89 and being more particularly described as follows:

BEGINNING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of said parcel 2; thence North along the West line, 148.04 feet to an iron rod; thence North

Page 1

54, 195, 57, 197, 55, 56

0°38'35" West 33.37 feet to an iron rod; thence North 46°16'05" East 42.00 feet to an iron rod; thence South 1°16'05" East 14.80 feet to an iron rod; thence North 60°58'55" East 107.50 feet to an iron rod; said point being the Northern most corner of this Parcel; thence South 29°01'05" East 5.50 feet to an iron rod; thence South 88°15'00" East 68.70 feet to an iron rod, said point being the Northeast corner of this Parcel; thence South 0°43'40" East 2.74 feet to an iron rod; thence South 1°54'20" West 19.79 feet to an iron rod; thence South 10°51'55" West 18.18 feet to an iron rod; thence South 59°52'35" West 163.62 feet to an iron rod; thence South 121.08 feet to an iron rod on the Northerly line of Highway 99W; thence South 61°44'50" West 56.84 feet along the Northerly line of Highway 99W to the TRUE POINT OF BEGINNING said Parcel No. 2.

TOGETHER WITH a non-exclusive easement for roadway purposes over and across the Northerly 20.00 feet to the following described property:

A tract of land in the D.D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

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BEGINNING at the Northwest corner of the intersection of Villa Road with the Northerly right of way line of Oregon State Highway 99W; and running thence Southwesterly along said right of way line, 100 feet, more or less, to the Southeast corner of that certain tract conveyed by Southeast corner of that certain tract conveyed by contract of sale Virgil L. Havener and Nadine Havener, contract of sale Virgil L. Havener and Nodine Havener, contract of sale Virgil L. Havener and Nodine Havener, Deed and Mortgage Records of Yamhill County, Gregon; Deed and Mortgage Records of Yamhill County, Gregon; thence following along the Easterly line of said Havener tract, North 25°56' West 78 feet and North 2°15' West 50 feet to the Northeast corner of said Tract; thence North 2°15' West to a point on the South line of a Tract conveyed to Hattie E. Rusch and contract as recorded in Film Volume 36, Page 379, Deed and Mortgage Records, Film Volume 36, Page 379, Deed and Mortgage Records, thence East along the South line of said Rucsh Tract to the West line of Villa Road; thence South along said West line of Villa Road to the place of beginning.

WHEREAS, Diana S. Mock, hereinafter Referred to as Second Party, is the owner of certain adjoining real property more particularly described as follows:

Page 2

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#### PARCEL 3:

A portion of a Tract of land in Section 20, Township 3 South, Range 2 West, of the Willamette Meridian, in Yamhill County, Oregon. Parcel No. 3 of Tax Lot No. 3220BA-400, Newberg Planning Department partition file No. P-12-89 and being more particularly described as follows:

COMMENCING at an iron pipe at the intersection of the Northerly line of Highway 99W with the Southerly portion of the West line of Parcel 2; thence North along the West line, 148.04 feet to an iron rod, said iron rod being the TRUE POINT OF BEGINNING of Farcel 3; thence South 87°11°41° West 57.38 feet to an iron pipe; thence North 37°57°14° East 28.10 feet to an iron rod; thence North 02°09°20° West, 93.37 feet to an iron rod; thence South 08°43°55° East 64.00 feet to an iron rod; thence South 43°43°55° East 15.00 feet to an iron rod; thence South 01°16°05° West 38.00 feet to an iron rod; thence South 46°16°05° West 42.00 feet to an iron rod; thence South 00°38°35° West 33.37 feet to the TRUE POINT OF BEGINNING of said Parcel.

TOGETHER WITH a non-exclusive access easement for ingress and egress over and across all of Parcel No. 2 as described above.

WHEREAS, Harold J. Medici and Dorothy I. Medici, husband and wife, hereinafter referred to as Third Party, are the owners of certain adjoining real property more particularly described as follows:

#### PARCEL 4:

Part of the D.D. Deskins Donation Land Claim 154 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

BEGINNING at a point 6.45 chains North and South 89.52. West 4.90 chains from the Southeast corner of said Deskins Donation Land Claim, said place of beginning being a re-entrant corner of land conveyed to Cecil D. Anderson and wife by deed recorded February 13, 1958, in Book 186,

Page 3

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Page 573, Deed of Records; thence South 89°52' West along the South line of said Anderson tract, 0.87 of a chain to an iron pipe set on the Easterly line of that certain tract of land conveyed to Thomas A. Pfund and wife by deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed recorded March 13, 1962 in Film Volume 21, Page 575, Deed 575, De and Mortgage records; thence South 41°45' West 0.53-1/2 of a chain to an iron pipe; thence South 25°10' West .099 of a chain to an iron pipe; thence South 7°30' West to a point on the Northerly margin of the State Highway; thence Easterly along the Northerly Margin of said highway following the curvatures thereof to a point on the Westerly line of said Anderson tract; thence North to the place of beginning.

WHEREAS, Terry L. Stellflug and Susan D. Stellflug, Trustees of the Stellflug Family Trust, hereinafter called Fourth Party, are the owners of certain adjoining real property more particularly described as follows:

## PARCEL 5:

A tract of land in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, being a part of that certain tract of land conveyed to Stanley V. Lutgen and Marilyn E. Lutgen, by Deed recorded in Film Volume 111, Page 112, Deed and Mortgage Records, and being more particularly described as follows:

Beginning at an iron rod that is East 50 feet from an iron pipe at an angle corner in the Westerly line of Parcel 1 of Lutgen Tract, said iron pipe being North 165 feet from or Lutgen Tract, said iron pipe being North 165 feet from the most Southerly Southwest corner of said Parcel 1; the most Southerly Southwest corner of said Parcel 1; thence North 43°31'50" East 76.65 feet to an iron rod; thence North 02°13'30" West, 26.79 feet to an iron rod; thence North 87°46'40" East 38.17 feet to an iron rod; thence North 63°46" East, 27.25 feet to a railroad thence South 02°08'40" East, 27.25 feet to a railroad spike: thence North 63°17' Fact 56 96 feet to an iron rod; spike; thence North 63°17' East, 56.90 feet to an iron spike; thence Notth 33'30" West, 62.40 feet to an iron rod; thence South 10°53'30" East 77.94 feet to a point in rod; thence South 25°19'30" East 77.94 feet to a point in the Northerly line of Highway 99W that is/South 61\*30\*30\* West, 100.00 feet from an iron rod at the intersection of the West line of Villa Road with said Northerly line; thence Southwesterly along said Northerly line 189 feet, more or less, to a point that is South of the Point of beginning; thence North 121 feet, more or less, to the paint of beginning.

Page



Save and Except that certain parcel conveyed to First Party herein in Deed recorded October 9, 1989 in Pilm Volume 237, Page 0114, Deed and Mortgage Records of Yamhill County, Oregon.

WHEREAS, the parties hereto desire to provide for joint access and parking to each other, and to their heirs and assigns, over and upon their respective properties (excluding Parcel 1); and they further desire to provide access to their respective properties from Highway 99 West via the access approach more particularly described in Exhibit A attached hereto and by this reference incorporated herein, and

WHEREAS, Third Party is presently the holder of certain parking and easement rights over and upon Parcel 2 and Parcel 3 described above, which easement is described in a contract recorded in Film Volume 81, Page 880, Deed and Mortgage records of Yamhill County, Oregon and is hereinafter referred to as the Medici casement, and

WHEREAS, it is the desire of all parties to terminate the Medici easement and substitute in its place and stead the mutual easement rights created herein; now, therefore,

IN CONSIDERATION FOR THE MUTUAL COVENANTS AND CONDITIONS HEREIN CONTAINED, the parties agree as follows:

1. First Party does hereby give, grant and convey unto Third and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 2 described above in such driveways, roadways and thoroughfares as First Party may from time to time establish, construct and develop on the property, and to the access approach described in Exhibit A.

Page 5

3-7-90

- 2. First Party does hereby give, grant and convey unto Third and fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 2 above described, excluding those parking spaces on that side of Parcel 2 immediately adjacent to First and Second Parties' professional office buildings, now or hereinafter constructed.
- 3. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties a non-exclusive vehicular access easement over and upon Parcel 4 described above in such driveways, roads and thoroughfares as Third Party may from time to time establish, construct and develop on the property.
- 4. Third Party does hereby give, grant and convey unto First, Second and Fourth Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 4 above described, excluding those parking spaces immediately adjacent to Third Parties' commercial buildings located on the property.
- 5. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties a non-exclusive vehicular access easement over and upon Parcel 5 described above in such driveways roads and thoroughfares as Fourth Party may from time to time establish, construct and develop on the property.
- 6. Fourth Party does hereby give, grant and convey unto First, Second and Third Parties the non-exclusive right to park in any of the designated parking spaces as may be established and designated in Parcel 5 above described, excluding those parking spaces immediately adjacent to Fourth Parties' professional office Page 6

- 7. The Medici easement as defined and contained in the contract recorded in Film Volume 81, Page 880, Deed and Mortgage Records of Yamhill County and later amended by easement agreement recorded in Film Volume 150, Page 1890, is hereby abolished.
- maintenance and repairs that are needed for their respective parcels, except that First and Second Party shall share in the ongoing maintenance expense for Parcel 2. Each party agrees and covenants to keep and maintain their parking area, driveways, roadways and thoroughfare in reasonable repair and in a condition that is compatible with each others property.
- 9. This agreement is binding upon the heirs, successors and assigns of all Parties and the access and parking easement rights herein contained shall be appurtenant to and run with the property of all Parties described above.
- of this agreement, they agree to submit the matter to binding arbitration under the then existing rules of the American Arbitration Association, unless the Parties at that time mutually agree to another method of dispute resolution. Agreement by the Parties to mediation or some other form of private dispute resolution does not waive the requirement of submission to binding arbitration rather than litigation unless the Parties expressly so agree in writing. In the event of binding arbitration, the arbitrators may order any Party to pay the reasonable attorney's fees of any other Party.

Any arbitration or other dispute resolution shall, in Page 7

3.7.40

- II. This agreement has been prepared by Allyn E. Brown, of Brown, Tarlow & Berry, P.C., Attorneys at Law, Newberg, Oregon, representing First Party berein.
- 12. Where the context so requires in this agreement, the singular shall include the plural and the term "Party" shall also include that Parties' tenants, employees, licensees, invitees, customers and patients.

IN WITNESS WHEREOF, the Parties have executed this agreement on the 28 day of Pebruary, 1990, at Newberg, Oregon-

agreement on the page	
FIRST PARTY	9 = 1
Patrick R. Maveety, M.D.	Grenty E. SKOEPT, H.D.
Gronne M. Lyles AD	Korhless or Weiss
Yenne M. Lyles, M.	Kathleen M. Welss, M.D.
STATE OF OREGON	

County of Yamhill )

Personally appeared the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

Personally appeared the foregoing instrument to be presented the above named Patrick R. Maveety.

PUDING WINDS and deed

Notary Public for Oregon
My commission expires: 8-17-

Diana S. Mock

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COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL COUNTY OF NAMELAL PROPERTY OF THE PARTY OF

Page 8

Lit RAGRAY

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STATE OF UREGON	<b>*&amp;</b> _
County of Yambill )	
Personally app	peared the above named Diana S. Mock and
acknowledged the forego:	ing instrument to be her voluntary act and
ALLES OF CA	
3 0000	Karling But
	Notary Public top pregon
PUBLIC S	My commission expires: 8-17-93
THERD PARTY	Λ
Jan Market	2// 0 1/1/22
Hatold J. Medici	Mosothel & Medice
	Dolothy L. Medici
STATE OF OREGON )	
County of Yamhill )	
Personally app	eared the above named Harold J. Medici and
Dorothy I. Medici, husba	ind and wife, and acknowledged the forecoins
instrument to be their v	offuntary act and deed
	miller Hour
(40.44) 2)	Notary Public for Oregon// My commission expires: 72-15-9
And the bally	
A STATE OF THE STA	
Soften I Stelly in	Re Sign D. Stilling to othe
Terry Stelling, Trus	tee Susan D. Stellflug Trustee
STATE OF OREGON )	
SS.	
County of Yambill }	
Personally app	eared the above named Terry L. Stellflug and tees of the Stellflug Family Trust, and

Notary Public for Oregon My commission expires:

HALH F.O.S 148.00 (143.11) F241P0795 APPRDAKU. LORTH 1930 IAR -7 FII 4: 27 NEW ATTRACTO

# **EXHIBIT E**

AFTER RECORDING RETURN TO:

Michael G. Gunn Attorney at Law P.O. Box 1046 Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

OFFICIAL YANHILL COUNTY RECORDS CHARLES STERN, COUNTY CLERK

200324282

\$41.00

00142412200300242820040046

09/23/2003 09:35:22 AM

DMR-EDMR Cnt=1 Stn=2 ANITA \$20.00 \$10.00 \$11.00

### VACATION OF EASEMENT

This Vacation of Easement (herein known as "VACATION") is executed by Michael A. Douglas and modifies that certain Addendum to Easement Agreement dated August 12, 1989 and recorded on September 23, 1989 in Film Volume 236 Page 1807 of the deed and mortgage records of Yamhill County, OR with the modification as follows:

1. Paragraph 3 of the said Addendum to Easement Agreement is deleted such that after this said VACATION is recorded, the owner of real property more particularly described on attached Exhibit "A" will no longer have any parking rights for customers of the business resident on attached Exhibit "A" to park on the Providence parking lot, as those parking rights have been transferred to real property more particularly described on attached Exhibit "B" via an Easement of even date that is also being recorded. After the recording of the said Easement, customers of the business resident on attached Exhibit "B" shall have the right to park in Providence's parking lot.

Dated this 22 day of September

, 2003.

ichael A. Douglas

State of Oregon

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County of Yamhill

Personally appeared before me the above-named Michael A. Douglas who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this day of

2003.

OFFICIAL SEAL
LINDA V FREEBORN
NOTARY PUBLIC - OREGON
COMMISSION NO. A350467
MY COMMISSION EXPIRES DET. 12, 2005

Notary Public for Oregon
My commission expires:

#### EXHIBIT "A"

ARGINAING at a point on the East boundary line of the Deniel D. Deskins Boardien Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yashill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an Iron pipe; thence West 271.5 feet to d. point marked with an Iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed recorded in Book 24, Page 639, Deed Records; Thence South 10 55' East 70 feet to a point marked with an Iron pipe thence East 368 feet to the point of beginning.

# EXCEPTING THEREFROM the West 238 feet,

ALSO SAVE AND EXCEPT therefrom the Track of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed Recorded August 14, 1985 in Film Volume 196, Page 1934, Microfilm Records, Yamhill County, Oregon.

Subject to: An easement created by instrument, as recorded in FV: 196. Page 1934, Micrefilm Records of Yashill County

AND FURTHER EXCEPTING THEREFROM that real property conveyed to the Oregon Department of Transportation by Stipulated Final Judgment in Yamhill County Circuit Court Case #CV00-357 and recorded on February 20, 2003 in Instrument #200304092.

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, and being that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County, Oregon.

EXCEPTING therefrom Parcel 1, described as follows: A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, of the Willamette Meridian, Yamhili County, Oregon and being a portion of the property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhili County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 11.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 12.319 meters Westerly of said center line at Engineers Station "V" 0+293.018; thence Southwesterly in a straight line to a point opposite and 19.650 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineers Station "F" 25+163.272; thence Southwesterly parallel with said last mentioned "F" center line to a point opposite Engineers Station "F" 25+258.783.

The "V" center line of relocated Villa Road referred to herein is described as follows: Beginning at Engineer's "V" center line Station "V" 0+200, said station being 250.838 meters North and 140.151 meters West of the Northeast corner of the Joseph B. Rodgers Donation Land Claim No. 55, Township 3 South, Range 2 West, Willamette Meridian Yamhill County, Oregon; thence South 2° 09' 02" West 88.433 meters; thence on a 31.185 meter radius curve left (the long chord of which bears South 13° 02' 08.5" East 16.338 meters) 16.531 meters; thence South 28° 13' 19" East 33.713 meters; thence on a 87.319 meter radius curve right (the long chord of which bears South 13° 07' 50.5" East 45.468 meters) 45.998 meters; thence South 1° 57' 38" West 56.257 meters to Engineer's "V" center line Station "V" 0+440.932.

The "F" center line of the relocated Pacific Highway West referred to herein is described as follows:

BEGINNING at Engineers "F" center line Station "F 24+960, said station being 207.741 meters North and 28.887 meters East of the Northeast corner of the Joseph B. Rodgers Donatlon Land Claim No. 55, Township 3 South, Range 2 West, Williamette Meridian, Yamhill County, Oregon; thence South 66° 02' 40" West 118.888 meters; thence on a spiral curve left (the long chord of which bears South 65° 30' 42" West 64.998 meters) 65 meters; thence on a 1165 meter radius curve left (the long chord of which bears South 63° 58' 10" West 19.384 meters) 19.384 meters; thence on a spiral curve left (the long chord of which bears South 62° 25' 38" West 64.998 meters) 65 meters; thence South 61° 53' 40" West 8.704 meters; thence on a spiral curve right (the long chord of which bears South 63° 58' 47" West 94.950 meters) 95 meters; thence on a 435 meter radius curve right (the long chord of which bears South 89° 57' 07" West 94.950 meters) 95 meters; thence North 87° 57' 46" West 911.086 meters to Engineer's "F" center line Station "F" 26+471.912.

#### EXHIBIT "B"

#### PAGE 2 of 2

Bearings are based on County Survey No. CS 10493, dated October 1995, Yamhill County, Oregon.

EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Film Volume 197, Page 845, Deed Records of Yamhili County.

RESERVING UNTO Grantor a permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property more particularly described as follows:

A parcel of land lying in the Daniel D. Deskins Donation Land Claim No. 54, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that property described in that deed to Steven L. Harris and Michael B. Harris, Trustees; Steven L. Harris, Michael B. Harris, William R. Harris and David L. Harris, recorded August 21, 1995 as Instrument No. 199511049, Deed and Mortgage Records of Yamhill County; the said parcel being that portion of said property lying Easterly and Southeasterly of the following described line:

BEGINNING at a point opposite and 13.850 meters Westerly of the "V" center line of relocated Villa Road at Engineer's Station "V" 0+268.339; thence Southerly in a straight line to a point opposite and 14 meters Westerly of said center line at Engineer's Station "V" 0+279; thence Southerly in a straight line to a point opposite and 17 meters Westerly of said center line at Engineer's Station "V" 0+292; thence Southwesterly in a straight line to a point opposite and 22 meters Northwesterly of the "F" center line of the relocated Pacific Highway West at Engineer's Station "F" 25+168; thence Southwesterly in a straight line to a point opposite and 23 meters Northwesterly of said last mentioned "F" center line at Engineer's Station "F" 25+200.

The "V" center line of relocated Villa Road referred to herein is described in Parcel 1.

The "F" center line of the relocated Pacific Highway West referred to herein in described in Parcel 1.

EXCEPTING therefrom Parcel 1.

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## Addendum to Easement Agreement

It is agreed between the undersigned that the following conditions also apply to the easement agreement dated August 5th, 1989 between the parties.

- 1. PIG should be jointly responsible with other users of said maintenance area for upkeep and repair of said easement area.
- 2. PIG agrees that there will be no construction of buildings or other structures within 10 feet of its easternmost boundary and the western boundary of property owned by Mike Douglas and Lois A. Douglas.
- 3. It is agreed that PIG will not object to occasional use of its parking lot by parties coming to Mike's Pharmacy.
- 4. It is agreed that the easement agreement including the conditions contained in this addendum will be formalized in an agreement containing the legal descriptions of real estate parcels owned or being purchased by the parties.
- 5. It is further agreed that this easement is personal to the members of PIG and may not be transferred prior to construction of a medical clinic on the real property of PIG.
- 6. In the event that PIG does not pursue construction of a medical clinic on said real property of PIG then this agreement and addendum shall be null and void.
- 7. At the time of construction of said clinic, PIG will be responsible for blacktopping said easement area to a depth that will be for traffic.

This easement agreement and this addendum shall be binding on the heirs, assigns, and successors in interest of the parties.

Dated this \_\_\_\_\_ day of August, 1989.

Pineal Investment Group Second Party

Greg Stapper M.D.

Pat Maveety, M.D.

Yvorne Jyles, M. D.

Kathy Weiss, M.D.

Mikes's Medical Pharmacy
Mike's

hul bille

make Douglas

Lois A. Douglas

#### Enterest Aur

#### August 9, 1989

This agreement, made and entered into this \_\_\_\_\_day of fig. 1989 by and between Mike Douglas dba Mike's Pharmacy, hereinafter referred to as Mike's, and Greg Skipper, M.D., Pat Maveety, M.D., Yvonne Lyles, M.D., Kathy Weiss, M.D., dba Pincal Investment Group, hereinafter referred to as PIG, and,

WHEREAS, Mike's is the owner of certain real premises located at 201 Villa Road to wit: beginning at a point on the East boundary line of the Daniel D. Deskins Donation Land Claim in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Vambill County, Oregon, 33 rods and 18 links North of the Southeast corner of said Claim; thence North on the East boundary of said Claim, 70 feet to a point marked with an iron pipe; thence West 371.5 feet to a point marked with an iron pipe and the Northeast corner of that tract conveyed to G.N. Hartly by deed resended in Book 24, Page 639, Deed Records; thence South 1 degree 55' East 70 feet to a point marked with an iron pipe thence East 368 feet to the point of beginning.

EXCEPTING THEREFROM the West 236 feet.

WHEREAS, PIG is or will be the owner of adjoining real premises to the West of Mike's's real premises

WHEREAS, it is the desire of the parties to amend endway easement privileges of PIG as the real premises owned by Mike's.

THEREFORE, in consideration of the mutual convenants and conditions as contained herein, it mutually understood and agreed as follows:

- 1. That Mike's does hereby give and grant unto PIG a non-exclusive easement for roadway purposes over and across the southerty 5.00 feet of the real premises as switted by Mike's. Such area is illustrated in Exhibit
- 2. It is understood and agreed that this easement Agreement shall be binding upon the beirs, executors, and assigns of all the parties and shall run with the land.
- 3. In Witness Whereof, the said parties have executed this agreement the and year above written.

Mike's Medical Pharmacy

Mike's

Pincal Investment Group

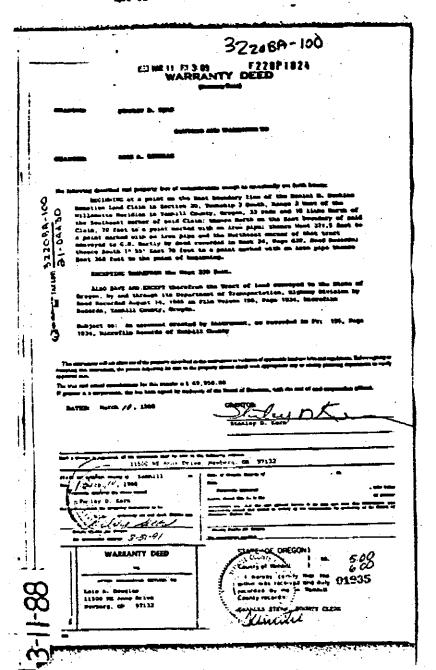
Par Mavelin, M.D.

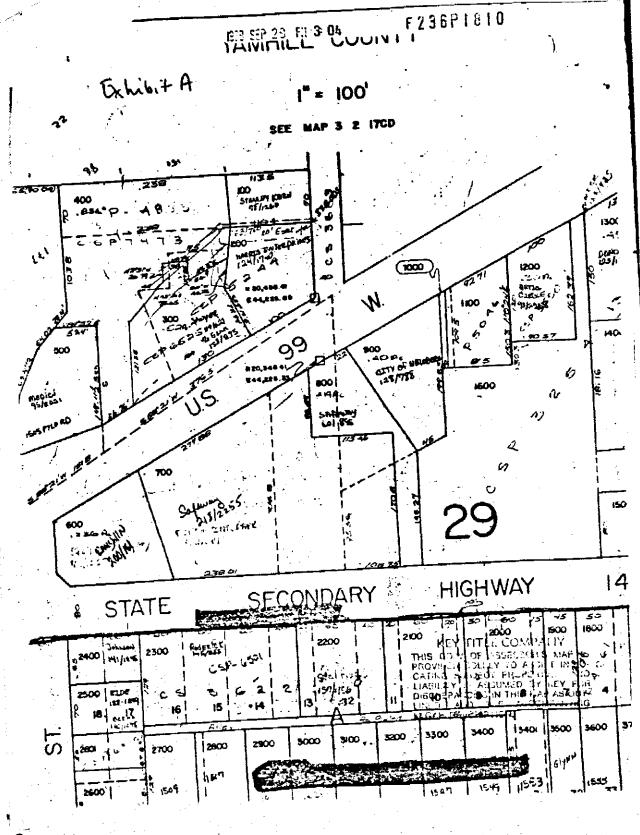
STATE, OF OREGON)

hereby certify that the recorded by me in Yomhill County records

09013

COUNTY CLERK

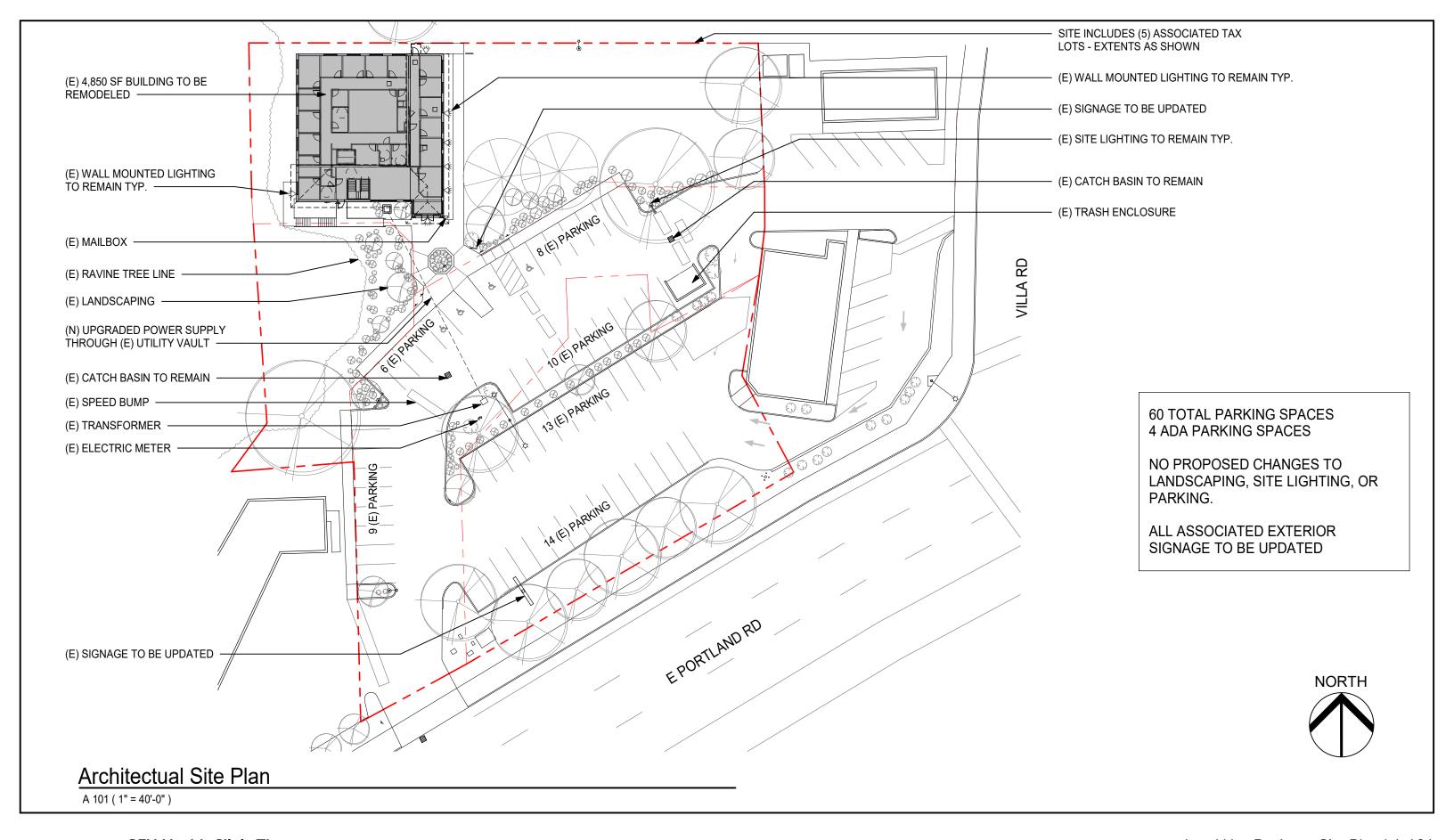




STATE OF OREGON

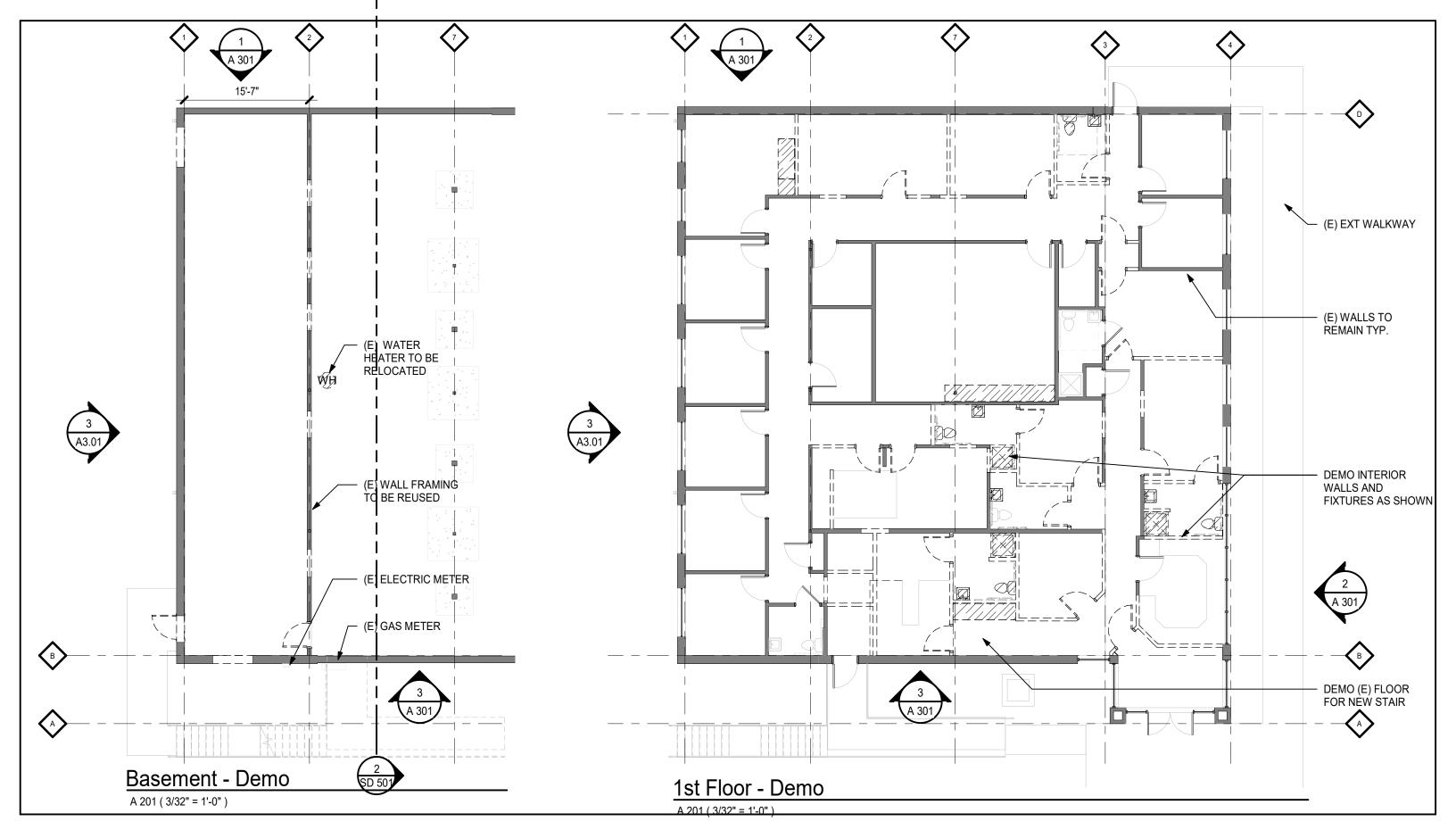
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Land Use Review - Site Plan | A 101



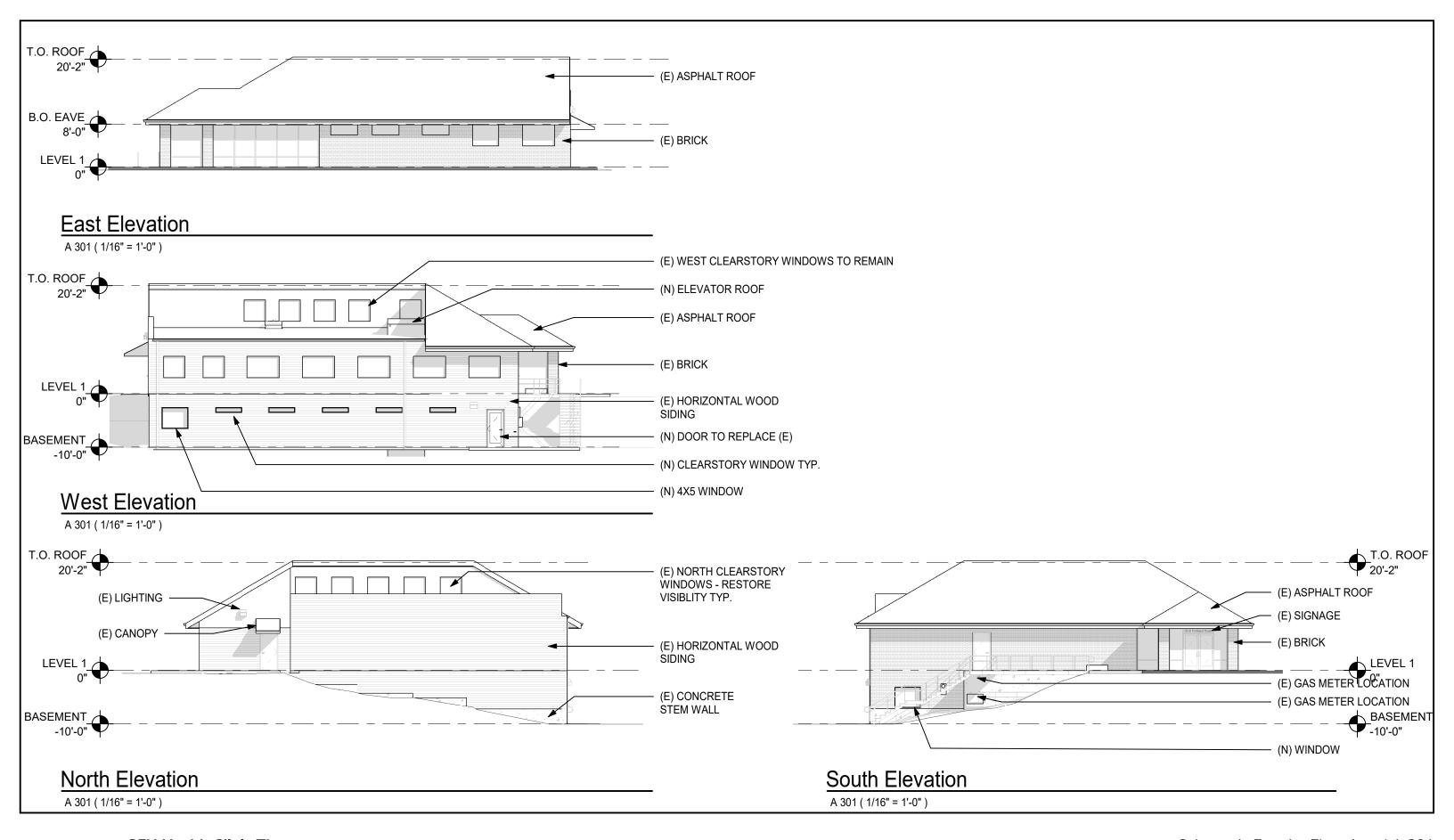


Demo Floor Plan | A 201





Schematic Floor Plans | A 202





Schematic Exterior Elevations | A 301



# **First American Title Insurance Company**

## National Commercial Services 200 SW Market Street, Suite 250 Portland, Oregon 97201

Escrow Officer: Rachael Rodgers

Phone: **(503)795-7608** Fax: **(866)406-9291** 

E-mail rrodgers@firstam.com File No: NCS-943183-OR1

Title Officer: Phone:

Fax:

E-mail File No: NCS-943183-OR1

#### PRELIMINARY TITLE REPORT

ALTA Owners Standard Coverage	Liability	\$ Premium	\$
ALTA Owners Extended Coverage	Liability	\$ Premium	\$
ALTA Lenders Standard Coverage	Liability	\$ Premium	\$
ALTA Lenders Extended Coverage	Liability	\$ Premium	\$
ALTA Leasehold Standard Coverage	Liability	\$ Premium	\$
ALTA Leasehold Extended Coverage	Liability	\$ Premium	\$
Endorsements 9.10, 22 & 8.1	Liability	\$ Premium	\$
Govt Service Charge		Cost	\$ 100.00
Other			\$ 

We are prepared to issue Title Insurance Policy or Policies 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 August 16, 2019 at 8:00 a.m., title to the fee simple estate is vested in:

Providence Health System, as to Parcel 1;
Sisters of Providence in Oregon, Inc., an Oregon Corporation DBA Providence Newberg
Hospital, as to Parcels 2, 3 and 4; and
Sisters of Providence Health System, Inc., dba Providence Newberg Hospital, as to Parcel 5

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

Preliminary Report Order Number: NCS-943183-OR1

Page Number: 2

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.

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. Taxes for the fiscal year 2019-2020 a lien due, but not yet payable.
- 8. 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.
- 9. Subject property is under Property of art museums, volunteer fire departments or literary, benevolent, charitable and scientific institutions and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Tax Parcel Number and Account No.: R3220BA-400, 56824; R3220BA-301, 478174; and R3220BA-402, 482572. (Affects Parcels 2, 3 and 4)
- The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways. (Affects Parcels 1 and 2)

Preliminary Report Order Number: NCS-943183-OR1

Page Number: 3

11. Easement, including terms and conditions contained therein:

Granted to: City of Newberg, a Municipal Corporation in Yamhill County, Oregon

For: Water pipe line Recorded: June 14, 1935

Recording Information: Book 110, Page 348, Deed Records

- 12. Encroachments, licenses and provisions as set forth in Decree of Suit in Yamhill County State Circuit Court Case No. 28415, Anderson vs. Storm.
- 13. Easement, as disclosed by Contract of Sale and assignment thereof, including terms and provisions

thereof.

Recorded: October 27, 1967 in Film Volume 63, Page 774, Deed and Mortgage

Records

14. An easement reserved in a Contract, including the terms and provisions thereof;

Recorded: October 20, 1970

Recording Information: Film <u>Volume 81, Page 888</u>, Deed and Mortgage Records
From: Cecil D. Anderson and Vonnie L. Anderson, husband and wife
Wayne Hanville and Gladys Jeanne Hanville, husband and wife

For: Parking and access purposes

Affects: Parcel 2

Amendment thereto recorded under Easement Agreement recorded May 19, 1980 in Film Volume 150, Page 1819, Deed and Mortgage Records.

15. Agreement and the terms and conditions thereof:

Between: Cecil D. Anderson and Vonnie L. Anderson, husband and wife; Chauncey

C. Gettman and Rachel E. Gettman, husband and wife; Roe A. Storm

and Norma J. Storm, husband and wife

And: Harris Enterprises, Inc., an Oregon Corporation; and Stanley V. Lutgen

and Marilyn E. Lutgen, husband and wife

Recording Information: March 09, 1977 in Film Volume 118, Page 1171, Deed and Mortgage

Records

16. Easement Agreement and amendment in Addendum to Easement Agreement and the terms and

conditions thereof:

Between: PIG (Pineal Investment Group)
And: Mike's Medical Pharmacy

Recording Information: September 29, 1989 in Film Volume 236, Page 1807, Deed and

Mortgage Records

Modification and/or amendment by instrument:

Recording Information: September 23, 2003 as Instrument No. 200324282, Deed and Mortgage

Records

17. Mutual Parking and Access Easement, including terms and provisions thereof.

Recorded: March 07, 1990 in Film Volume 241, Page 786, Deed and Mortgage

Records

Preliminary Report Order Number: NCS-943183-OR1

Page Number: 4

18. An easement reserved in a deed, including the terms and provisions thereof;

Recorded: July 11, 2000

Recording Information: Instrument No. 200009449, Deed and Mortgage Records

From: Providence Health System-Oregon, an Oregon non-profit corporation,

which took title as Sisters of Providence in Oregon, Inc., an Oregon corporation dba Providence Newberg Hospital, aka Providence Health

Systems

To: State of Oregon, by and through its Department of Transportation

For: Access rights
Affects: Parcels 1 and 2

19. Easement, including terms and conditions contained therein:

Granted to: State of Oregon, by and through its Department of Transportation

For: Highway Sign Recorded: September 08, 2000

Recording Information: Instrument No. 200013009, Deed and Mortgage Records

(Affects Parcels 1 and 2)

20. Easement, including terms and conditions contained therein:

Granted to: Northwest Natural Gas Company, and its successors and assigns

For: Gas Pipeline Easement

Recorded: April 10, 2001

Recording Information: Instrument No. 200105221, Deed and Mortgage Records

(Affects Parcels 2 and 4)

21. Easement, including terms and conditions contained therein:

Between: Michael A. Douglas

And: Providence Health System - Oregon

Recorded: September 23, 2003

Recording Information: Instrument No. 200324281, Deed and Mortgage Records

Modification and/or amendment by instrument:

Recording Information: May 11, 2004 as Instrument No. 200409204, Deed and Mortgage

Records

22. Unrecorded leases or periodic tenancies, if any.

-END OF EXCEPTIONS-

Page Number: 5

## **INFORMATIONAL NOTES**

NOTE: Supplemental to bring current. 2nd Supplemental to bring current

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 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: \$4,147.78 Map No.: R3220BA-00300

Property ID: 56815 Tax Code No.: 29.0

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

Tax Amount: \$304.67

Map No.: R3220BA-00400

Property ID: 56824 Tax Code No.: 29.0

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

Tax Amount: \$47.70

Map No.: R3220BA-00301

Property ID: 478174 Tax Code No.: 29.0

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

Tax Amount: \$2,352.95 Map No.: \$3220BA-00402

Property ID: 482572 Tax Code No.: 29.0

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

Tax Amount: \$170.51

Map No.: R3220BA-00401

Property ID: 478977 Tax Code No.: 29.0

Situs Address as disclosed on Yamhill County Tax Roll:

1515 E Portland Road, Newberg, OR 97132

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

Order Number: NCS-943183-OR1 Page Number: 6



## First American Title Insurance Company of Oregon

## SCHEDULE OF EXCLUSIONS FROM COVERAGE

### 1. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 EXCLUSIONS FROM COVERAGE

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).

## 2. American Land Title Association OWNER POLICY - 2006 EXCLUSIONS FROM COVERAGE

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.

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## Exhibit "A"

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

## PARCEL 1:

A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO STANLEY V. LUTGEN AND MARILYN E. LUTGEN, BY DEED RECORDED IN FILM VOLUME 111, PAGE 112, DEED AND MORTGAGE RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD THAT IS EAST 50 FEET FROM AN IRON PIPE AT AN ANGLE CORNER IN THE WESTERLY LINE OF PARCEL 1 OF LUTGEN TRACT, SAID IRON PIPE BEING NORTH 165 FEET FROM THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH 43°31'50" EAST 76.65 FEET TO AN IRON ROD; THENCE NORTH 02°13'30" WEST, 26.79 FEET TO AN IRON ROD; THENCE NORTH 87°46'40" EAST 38.17 FEET TO AN IRON ROD; THENCE SOUTH 02°08'40" EAST, 27.25 FEET TO A RAILROAD SPIKE; THENCE NORTH 63°17' EAST, 56.90 FEET TO AN IRON ROD; THENCE SOUTH 10°53'30" WEST, 62.40 FEET TO AN IRON ROD; THENCE SOUTH 25°19'30" EAST 77.94 FEET TO A POINT IN THE NORTHERLY LINE OF HIGHWAY 99W THAT IS SOUTH 61°30'30" WEST, 100.00 FEET FROM AN IRON ROD AT THE INTERSECTION OF THE WEST LINE OF VILLA ROAD WITH SAID NORTHERLY LINE; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE 189 FEET, MORE OR LESS, TO A POINT THAT IS SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 121 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT CERTAIN PORTION CONVEYED IN WARRANTY DEED RECORDED OCTOBER 9, 1989 IN FILM VOLUME 237, PAGE 114, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, RECORDED JULY 11, 2000 AS INSTRUMENT NO. 200009449.

TAX PARCEL NUMBER: R3220BA-300

## PARCEL 2:

A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE SOUTHERLY PORTION OF THE WEST LINE OF PARCEL 1 OF THAT CERTAIN TRACT OF LAND CONVEYED TO STANLEY V. LUTGEN AND MARILYN E. LUTGEN, BY DEED RECORDED IN FILM VOLUME 111, PAGE 112, DEED AND MORTGAGE RECORDS; THENCE NORTH ALONG THE WEST LINE, 148.11 FEET TO AN IRON PIPE; THENCE SOUTH 89°52' WEST ALONG SAID WESTERLY LINE, 57.4 FEET TO AN IRON PIPE; THENCE NORTH 41°45' EAST ALONG SAID WESTERLY LINE, 28.4 FEET TO AN IRON PIPE; THENCE NORTH 01°55' WEST ALONG SAID WESTERLY LINE, 103.8 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF SAID PARCEL 1 OF LUTGEN TRACT AND THE SOUTHWEST CORNER OF PARCEL 3 OF SAID LUTGEN TRACT; THENCE NORTH 01°55' WEST ALONG THE WEST LINE OF SAID PARCEL 3, A DISTANCE OF 70 FEET TO THE NORTHWEST CORNER THEREOF; THENCE EAST 238.0 FEET TO AN IRON ROD AT THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01°55' EAST 70.00 FEET TO AN IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL 3 AND THE NORTH LINE OF THAT CERTAIN TRACT CONVEYED TO CHAUNCEY GETTMAN AND RACHAEL E. GETTMAN, BY DEED RECORDED

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IN FILM VOLUME 83, PAGE 780, DEED AND MORTGAGE RECORDS; THENCE SOUTH 01°13' WEST 20.00 FEET; THENCE SOUTH 10°53'30" WEST 18.18 FEET TO AN IRON ROD THAT IS SOUTH 61°30'30" WEST 100.00 FEET, NORTH 25°19'30" WEST 77.94 FEET AND NORTH 10°53'30" EAST 44.22 FEET FROM AN IRON ROD AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE WEST LINE OF VILLA ROAD; THENCE SOUTH 63°17' WEST 56.90 FEET TO A RAILROAD SPIKE; THENCE NORTH 02°08'40" WEST 27.25 FEET TO AN IRON ROD; THENCE SOUTH 87°46'40" WEST 38.17 FEET TO AN IRON ROD; THENCE SOUTH 02°13'30" EAST 26.79 FEET TO AN IRON ROD; THENCE SOUTH 43°31'50" WEST 76.65 FEET TO AN IRON ROD THAT IS 50 FEET EAST OF THE SOUTHERLY PORTION OF THE WEST LINE OF SAID PARCEL 1; THENCE SOUTH 121.25 FEET TO THE NORTHERLY LINE OF SAID HIGHWAY 99W; THENCE SOUTH 61°45'80" WEST ALONG THE SAID NORTHERLY LINE 56.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO DIANA S. MOCK, BY DEED RECORDED JANUARY 3, 1990 IN FILM VOLUME 239, PAGE 1309, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO PATRICK R. MAVEETY, M.D., ET AL, BY DEED RECORDED MAY 23, 1990 IN FILM <u>VOLUME 243, PAGE 1711</u>, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, RECORDED JULY 11, 2000 AS INSTRUMENT NO. 200009449.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD WAY PURPOSES OVER AND ACROSS THE NORTHERLY 20.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN THE D. D. DESKINS DONATION LAND CLAIM IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE INTERSECTION OF VILLA ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF OREGON STATE HIGHWAY 99W; AND RUNNING THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, 100 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT CONVEYED BY CONTRACT OF SALE TO VIRGIL L. HAVENER AND NADINE HAVENER, HUSBAND AND WIFE, AS RECORDED IN FILM VOLUME 63, PAGE 775, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON; THENCE FOLLOWING ALONG THE EASTERLY LINE OF SAID HAVENER TRACT, NORTH 25°56' WEST 78 FEET AND NORTH 2°15' WEST 50 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTH 2°15' WEST TO A POINT ON THE SOUTH LINE OF A TRACT CONVEYED TO HATTIE E. RUSCH AND CONTRACT AS RECORDED IN FILM VOLUME 36, PAGE 379, DEED AND MORTGAGE RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID RUSCH TRACT TO THE WEST LINE OF VILLA ROAD; THENCE SOUTH ALONG SAID WEST LINE OF VILLA ROAD TO THE PLACE OF BEGINNING.

TAX PARCEL NUMBER: R3220BA-400

## PARCEL 3:

BEGINNING AT AN IRON ROD THAT IS SOUTH 61°30'30" WEST 100.00 FEET NORTH 25°19'30" WEST 77.94 FEET AND NORTH 10°53'30" EAST 44.22 FEET FROM AN IRON ROD AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE WEST LINE OF VILLA ROAD; THENCE SOUTH 63°17' WEST 56.90 FEET TO A RAILROAD SPIKE; THENCE NORTH 02°08'40" WEST 27.25 FEET TO AN IRON ROD; THENCE SOUTH 87°46'40" WEST 38.17 FEET TO AN IRON ROD; THENCE SOUTH 02°13'30" EAST 26.79 FEET TO AN IRON ROD; THENCE SOUTH 43°31'50" WEST 76.65 FEET TO AN IRON ROD THAT IS 50 FEET EAST OF THE SOUTHERLY PORTION OF THE WEST LINE OF PARCEL 1 OF THE LUTGEN TRACT, BY DEED RECORDED IN FILM VOLUME 111, PAGE 112, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON; THENCE NORTHEAST IN A DIRECT LINE TO THE POINT OF

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BEGINNING.

TAX PARCEL NUMBER: R3220BA-301

PARCEL 4:

A PORTION OF A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON. PARCEL NO. 1 OF TAX LOT NO. 3220BA-400, NEWBERG PLANNING DEPARTMENT PARTITION FILE NO. P-12-89 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE SOUTHERLY PORTION OF THE WEST LINE OF PARCEL 2; THENCE NORTH ALONG THE WEST LINE, 148.04 FEET TO AN IRON ROD; THENCE SOUTH 87 DEG. 11 MIN. 41 SEC. WEST 57.38 FEET TO AN IRON PIPE; THENCE NORTH 37 DEG. 57 MIN. 14 SEC. EAST 28.10 FEET TO AN IRON ROD; THENCE NORTH 02 DEG. 09 MIN. 20 SEC. WEST 93.37 FEET TO AN IRON ROD, SAID IRON ROD BEING THE TRUE POINT OF BEGINNING FOR PARCEL 1; THENCE NORTH 02 DEG. 09 MIN. 20 SEC. WEST 12.23 FEET TO AN IRON PIPE; THENCE NORTH 00 DEG. 47 MIN. 45 SEC. EAST 72.30 FEET TO AN IRON ROD; THENCE SOUTH 88 DEG. 11 MIN. 40 SEC. EAST 237.90 FEET TO AN IRON ROD; THENCE SOUTH 00 DEG. 43 MIN. 40 SEC. EAST 67.24 FEET TO AN IRON ROD; THENCE NORTH 88 DEG. 15 MIN. WEST 68.70 FEET TO AN IRON ROD; THENCE NORTH 29 DEG. 01 MIN. 05 SEC. WEST 5.50 FEET TO AN IRON ROD; THENCE SOUTH 60 DEG. 58 MIN. 55 SEC. WEST 107.50 FEET TO AN IRON ROD; THENCE NORTH 41 DEG. 16 MIN. 05 SEC. EAST 23.20 FEET TO AN IRON ROD; THENCE NORTH 43 DEG. 43 MIN. 55 SEC. WEST 15.00 FEET TO AN IRON ROD; THENCE NORTH 88 DEG. 43 MIN. 55 SEC. WEST 64.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE ACCESS EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS ALL OF PARCEL NO. 2 DESCRIBED AS FOLLOWS:

A PORTION OF A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON. PARCEL NO. 2 OF TAX LOT NO. 3220BA-400, AND NEWBERG PLANNING DEPARTMENT PARTITION FILE NO. P-12-89 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE SOUTHERLY PORTION OF THE WEST LINE OF SAID PARCEL 2; THENCE NORTH ALONG THE WEST LINE, 148.04 FEET TO AN IRON ROD; THENCE NORTH 0 DEG. 38 MIN. 35 SEC. WEST 33.37 FEET TO AN IRON ROD; THENCE NORTH 46 DEG. 16 MIN. 05 SEC. EAST 42.00 FEET TO AN IRON ROD; THENCE NORTH 1 DEG. 16 MIN. 05 SEC. EAST 14.80 FEET TO AN IRON ROD; THENCE NORTH 60 DEG. 58 MIN. 55 SEC. EAST 107.50 FEET TO AN IRON ROD, SAID POINT BEING THE NORTHERN MOST CORNER OF THIS PARCEL; THENCE SOUTH 29 DEG. 01 MIN. 05 SEC. EAST 5.50 FEET TO AN IRON ROD; THENCE SOUTH 88 DEG. 15 MIN. 00 SEC. EAST, 68.70 FEET TO AN IRON ROD, (SAID POINT BEING THE NORTHEAST CORNER OF THIS PARCEL); THENCE SOUTH 0 DEG. 43 MIN. 40 SEC. EAST 2.74 FEET TO AN IRON ROD; THENCE SOUTH 1 DEG. 54 MIN. 20 SEC. WEST 19.79 FEET TO AN IRON ROD; THENCE SOUTH 10 DEG. 51 MIN. 55 SEC. WEST 18.18 FEET TO AN IRON ROD; THENCE SOUTH 59 DEG. 52 MIN. 35 SEC. WEST 163.62 FEET TO AN IRON ROD; THENCE SOUTH 121.08 FEET TO AN IRON ROD ON THE NORTHERLY LINE OF HIGHWAY 99W; THENCE SOUTH 61 DEG. 44 MIN. 50 SEC. WEST 56.84 FEET ALONG THE NORTHERLY LINE OF HIGHWAY 99W TO THE TRUE POINT OF BEGINNING SAID PARCEL NO. 2.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE NORTHERLY 20.00 FEET TO THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND IN THE D.D. DESKINS DONATION LAND CLAIM IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NORTHWEST CORNER OF THE INTERSECTION OF VILLA ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF OREGON STATE HIGHWAY 99W; AND RUNNING THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, 100 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT CONVEYED BY CONTRACT OF SALE VIRGIL L. HAVENER AND NADINE HAVENER, HUSBAND AND WIFE, AS RECORDED IN FILM VOLUME 63, PAGE 775, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON; THENCE FOLLOWING ALONG THE EASTERLY LINE OF SAID HAVENER TRACT, NORTH 25 DEG. 56 MIN. WEST 78 FEET AND NORTH 2 DEG. 15 MIN. WEST 50 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTH 2 DEG. 15 MIN. WEST TO A POINT ON THE SOUTH LINE OF A TRACT CONVEYED TO HATTIE E. RUSCH AND CONTRACT AS RECORDED IN FILM VOLUME 36, PAGE 379, DEED AND MORTGAGE RECORDS, THENCE EAST ALONG THE SOUTH LINE OF SAID RUSCH TRACT TO THE WEST LINE OF VILLA ROAD; THENCE SOUTH ALONG SAID WEST LINE OF VILLA ROAD TO THE PLACE OF BEGINNING.

TAX PARCEL NUMBER: R3220BA-402

### PARCEL 5:

A PORTION OF A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, PARCEL NO. 3 OF TAX LOT 3220BA-400, NEWBERG PLANNING DEPARTMENT PARTITION FILE NO. P-12-89, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE SOUTHERLY PORTION OF THE WEST LINE OF PARCEL 2; THENCE NORTH ALONG THE WEST LINE 148.04 FEET TO AN IRON ROD, SAID IRON ROD BEING THE TRUE POINT OF BEGINNING OF PARCEL 3; THENCE SOUTH 87°11'41" WEST 57.38 FEET TO AN IRON PIPE; THENCE NORTH 37°57'14" EAST 28.10 FEET TO AN IRON ROD; THENCE NORTH 02°09'20" WEST 93.37 FEET TO AN IRON ROD; THENCE SOUTH 88°43'55" EAST 64.00 FEET TO AN IRON ROD; THENCE SOUTH 43°43'55" EAST 15.00 FEET TO AN IRON ROD; THENCE SOUTH 01°16'05" WEST 38.00 FEET TO AN IRON ROD; THENCE SOUTH 46°16'05" WEST 42.00 FEET TO AN IRON ROD; THENCE SOUTH 00°38'35" WEST 33.37 FEET TO THE TRUE POINT OF BEGINNING OF SAID PARCEL.

TOGETHER WITH A NON-EXCLUSIVE ACCESS EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS ALL OF PARCEL NO. 2 DESCRIBED AS FOLLOWS: A PORTION OF A TRACT OF LAND IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, PARCEL NO. 2 OF TAX LOT 3220BA-400, NEWBERG PLANNING DEPARTMENT PARTITION FILE NO. P-12-89, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE INTERSECTION OF THE NORTHERLY LINE OF HIGHWAY 99W WITH THE SOUTHERLY PORTION OF THE WEST LINE OF SAID PARCEL 2; THENCE NORTH ALONG THE WEST LINE 148.04 FEET TO AN IRON ROD; THENCE NORTH 0°38'35" WEST 33.37 FEET TO AN IRON ROD; THENCE NORTH 46°16'05" EAST 42.00 FEET TO AN IRON ROD; THENCE NORTH 1°16'05" EAST 14.80 FEET TO AN IRON ROD; THENCE NORTH 60°58'55" EAST 107.50 FEET TO AN IRON ROD, SAID POINT BEING THE NORTHERN MOST CORNER OF THIS PARCEL; THENCE SOUTH 29°01'05" EAST 5.50 FEET TO AN IRON ROD; THENCE SOUTH 88°15'00" EAST 68.70 FEET TO AN IRON ROD, SAID POINT BEING THE NORTHEAST CORNER OF THIS PARCEL; THENCE SOUTH 0°43'40" EAST 2.74 FEET TO AN IRON ROD; THENCE SOUTH 1°54'20" WEST 19.79 FEET TO AN IRON ROD; THENCE SOUTH 10°51'55" WEST 18.18 FEET TO AN IRON ROD; THENCE SOUTH 59°52'35" WEST 163.62 FEET TO AN IRON ROD; THENCE SOUTH 121.08 FEET TO AN IRON ROD ON THE NORTHERLY LINE OF HIGHWAY 99W; THENCE SOUTH 61°44'50" WEST 56.84 FEET ALONG THE NORTHERLY LINE OF HIGHWAY 99W TO THE TRUE POINT OF BEGINNING OF SAID PARCEL 2.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE NORTHERLY 20.00 FEET TO THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN THE D. D. DESKINS DONATION LAND CLAIM IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE

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WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE INTERSECTION OF VILLA ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF OREGON STATE HIGHWAY 99W, AND RUNNING THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, 100 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT CONVEYED BY CONTRACT OF SALE FROM ANDERSON TO VIRGIL HAVENER, ET UX, RECORDED OCTOBER 27, 1967 IN FILM VOLUME 63, PAGE 775, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON; THENCE FOLLOWING ALONG THE EASTERLY LINE OF SAID HAVENER TRACT, NORTH 25°56' WEST 78 FEET AND NORTH 2°15' WEST 50 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTH 2°15' WEST TO A POINT ON THE SOUTH LINE OF A TRACT CONVEYED TO HATTIE E. RUSCH AND CONTRACT AS RECORDED IN FILM VOLUME 36, PAGE 379, DEED AND MORTGAGE RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID RUSCH TRACT TO THE WEST LINE OF VILLA ROAD; THENCE SOUTH ALONG SAID WEST LINE OF VILLA ROAD TO THE PLACE OF BEGINNING.

TAX PARCEL NUMBER: R3220BA-401



## Community Development Department

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

## WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to construct *Existing Building Renovations including buildout of and existing basement area*. You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

The development would include renovating part of the exiting build, including build out of the existing basement are, and adding windows to the basement level of the west elevation.

APPLICANT:

George Fox University - Dan Schutter

TELEPHONE:

503-554-2014

PROPERTY OWNER:

George Fox University

LOCATION:

1515 N. Portland Rd. (Hwy 99W)

TAX LOT NUMBER:

3219BA - 00402



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No.DR223-XXXX City of Newberg Community Development Department PO Box 970 Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on <u>enter date two weeks from date you</u> <u>mailed notice</u>. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for design review approval are found in Newberg Development Code 15.220.050(B).

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: Date notice is mailed

# Land Use Notice

File # DR223-00xx

including buildout of and existing basement PROPOSAL: Existing Building Renovations area.

# FOR FURTHER INFORMATION, CONTACT:

TEK IINFORMALION, CON City of Newberg Planning & Building Department 414 E. First Street Phone 503-537-1240

PL	ANNING.	DIVISION	FILE	#:	

## CITY OF NEWBERG AFFIDAVIT OF NOTICING

REFERENCE ATTACHED LIST(S)/NOTICE(S)

,	, do hereby certify that the attached Notice of Land Use Action was:
a)	mailed to the following list of property owners, by United States mail, postage prepaid on;  (date)
b)	posted on the site according to standards established in Newberg Development Code §15.100.26 on  (date)
applica	vledge that failure to mail the notice in a timely manner constitutes an agreement by the it to defer the 120-day process limit and acknowledge that failure to mail will result in the ic postponement of a decision on the application 15.100.210.(D)(2)
	(date)
	Signature Date
	Print name

R3217CD 04000 Newberg State Bank PO Box 94839 Cleveland, OH 44101

R3217CD 04100 Wilfred Liew 17662 SW Galewood Dr Sherwood, OR 97140

R3220BA 02100 David & Carol Morse 5808 SW Multnomah Blvd Portland, OR 97219

R3220BA 02900 Sandra Jordan 1519 E 2nd St Newberg, OR 97132

R3220BA 00600 Circle K Stores Inc 255 E Rincon St STE 100 Corona, CA 92879

R3220BA 02304 Tai Harden & Andre Moore 1502 E 1st St Newberg, OR 97132

R3217CD 06002 George Fox University 414 Meridian St Newberg, OR 97132

R3220BA 00500 Harold & Dorothy Medici 28005 NE Bell Rd Newberg, OR 97132

R3217CD 06100 George Fox University 414 N Meridian St Newberg, OR 97132

R3217CD 06500 Kyle Kern 1941 N Westlake Loop Newberg, OR 97132 R3220BB 03800 City of Newberg PO Box 970 Newberg, OR 97132

R3220BB 04200 John & Melissa Kubitz 1318 E 1st St Newberg, OR 97132

R3220BA 01000 City of Newberg 535 NE 5th St Mcminnville, OR 97128

R3217CD 06000 George Fox University 414 N Meridian St Newberg, OR 97132

R3217CD 05900 George Fox University 414 Meridian St Newberg, OR 97132

R3220BA 01600 Portland Road Properties LLC 433 N Camden Dr Ste 1000 Beverly Hills, CA 90210

R3220BB 05300 Andrew & Stephanie Dufour 109 S Church St Newberg, OR 97132

R3220BB 00600 George Fox University 200 N Carlton Way Newberg, OR 97132

R3220BB 00800 George Fox University 414 M Meridian St Wewberg, OR 97132

R3220BA 02310 Stephanie & Anthony Carpenter 1514 E 1st St Newberg, OR 97132 R3217CD 04002 Clinic LLC Villa 308 N Villa Rd Newberg, OR 97132

R3220BA 02303 Heincrich & Melanie Sohler 102 S Church St Newberg, OR 97132

R3220BA 02601 Jose & Anay Rivera 110 S Church St Newberg, OR 97132

R3220BA 00100 M & L Douglas LLC 11500 NE Anna Dr Newberg, OR 97132

R3220BA 03000 Renee & Craig May 70885 Indian Ford Rd Sisters, OR 97759

R3220BA 00301 George Fox University 414 M Meridian St Wewberg, OR 97132

R3217CD 03800 Daniel & Rhonda Hawkins 623 Rossanley Dr Medford, OR 97501

R3217CD 06200 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BA 01300 Akshar Enterprise LLC 1864 E Portland Rd Newberg, OR 97132

R3220BA 02309 Tassy Davis Po Box 160 Forest Grove, OR 97116 R3220BA 02305 Sharon Walker 5007 E Longest Dr Newberg, OR 97132

R3220BA 02700 Joshua Allan & Samantha Milner 1509 E 2nd St Newberg, OR 97132

R3217CD 03300 Paul & Rebecca Fodge 1321 E Palomino Ct Newberg, OR 97132

R3220BA 02311 Cindy Stetson & Jace Rode 1516 E 1st St Newberg, OR 97132

R3220BA 00800 Pacific Resources Associates L 15350 SW Sequoia Pkwy STE 300 Portland, OR 97224

R3217CD 03700 Newberg State Bank 1815 E Portland Rd Newberg, OR 97132

R3220BA 02307 Deborah Quinoa 1508 E 1st St Newberg, OR 97132

R3217CD 03500 Providence Health System Inc 800 5th Ave # 1200 Seattle, WA 98104

R3220BB 04100 Douglas Baisley 1400 E 1st St Newberg, OR 97132

R3220BA 02306 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140 R3220BB 00700 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BA 02800 Wesley & Stephanie Hall 1517 E 2nd St Newberg, OR 97132

R3217CD 03600 Sisters Of Providence 800 5th Ave # 1200 Seattle, WA 98104

R3220BA 00300 George Fox University 414 MMeridian St Newberg, OR 97132

R3217CD 03900 Daniel & Rhonda Hawkins 623 Rossanley Dr Medford, OR 97501

R3220BB 00500 George Fox University 414 M Meridian St Wewberg, OR 97132

R3220BA 02301 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140

R3220BA 00200 M & L Douglas LLC 11500 NE Anna Dr Newberg, OR 97132

R3217CD 03400 Sisters Of Providence 800 5th Ave # 1200 Seattle, WA 98104

R3220BA 02312 Den Of Newberg LLC 5105 SW 45th Ave STE 201 Portland, OR 97221 R3217CD 04001 Newberg State Bank 1515 E Portland Rd Newberg, OR 97132

R3220BB 00300 George Fox University 414 N Meridian St Newberg, OR 97132

R3220BA 02200 Richard Taylor 3920 SW Condor Ave Portland, OR 97239

R3217CD 06700 Oregon Care Group LLC 302 9th St Wenatchee, WA 98801

R3217CD 06300 George Fox University 414 N Meridian St Newberg, OR 97132

R3220BB 03900 David Randall 1412 E 1st St Newberg, OR 97132

R3220BA 01200 Enes Alacano PO Box 1159 Deerfield, IL 60015

R3220BA 00900 City of Newberg 535 NE 5th St Mcminnville, OR 97128

R3220BB 04000 Abraham & Devin Salazar 400 Lavender St Silverton, OR 97381

R3220BA 02308 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140 R3220BA 01100 Stuart & Violet Richey PO Box 1159 Deerfield, IL 60015

R3220BA 00400 George Fox University 414 M Meridian St Newberg, OR 97132

R3220BA 00402 George Fox University 414 M Meridian St Wewberg, OR 97132

R3220BB 00100 George Fox University 414 Meridian St Newberg, OR 97132

R3220BB 00101 George Fox University 414 Meridian St Newberg, OR 97132 R3220BA 02600 Crystal Lott-Perkins 114 S Church St Newberg, OR 97132

R3220BA 02000 Mcbride Insurance Agency Inc 1548 E 1st St Newberg, OR 97132

R3217CD 06001 George Fox University 414 Meridian St Newberg, OR 97132

R3220BA 00401 George Fox University 414 N Meridian St Newberg, OR 97132

R3217CD 03204 Newberg Professional Center As Po Box 63 Newberg, OR 97132 R3220BA 00700 Pacific Resources Associates L 15350 SW Sequoia Pkwy STE 300 Portland, OR 97224

R3220BA 02302 Julie & Steven Fugate Po Box 412 Sherwood, OR 97140

R3217CC 00100 George Fox University 414 M Meridian St Newberg, OR 97132

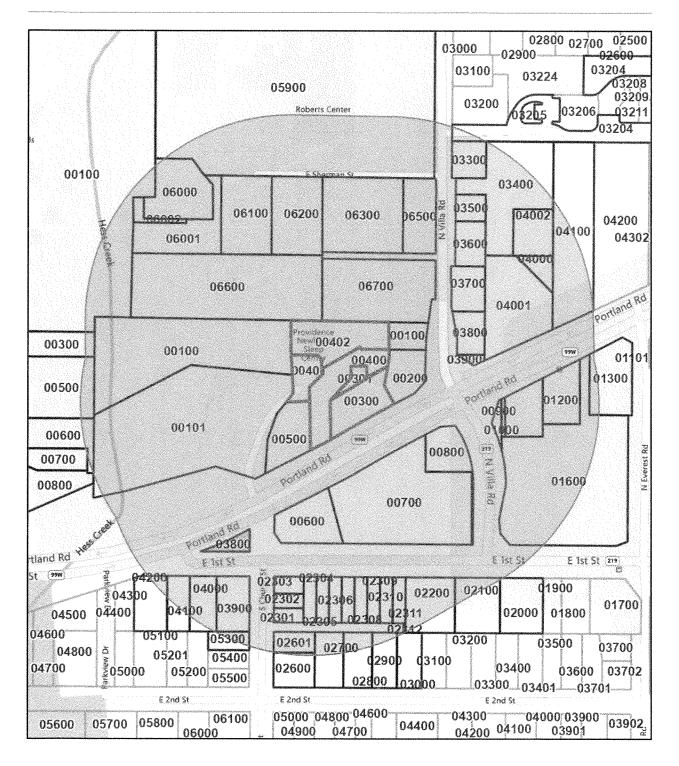
R3217CD 06600 George Fox University 414 Meridian St Newberg, OR 97132



## 500 ft Buffer

1513 E Portland Rd, Newberg, OR 97132

Report Generated: 3/1/2023



# **Attachment 2: Agency Comments**





The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: May 16, 2023  Please refer questions and comments to: Doug Rux			
NOTE: Full size plan	ns are available at the Community Development Department Office.		
APPLICANT:	George Fox University		
REQUEST:	Tenant Improvement & parking Variance		
SITE ADDRESS:	1515 E Portland Rd		
LOCATION:	N/A		
TAX LOT:	R3220BA 00402		
FILE NO:	DR223-0001 & VAR23-0002		
ZONE:	I (Institutional Zoning)		
HEARING DATE:	N/A		
Project Information is Attached:			
Reviewed, no conflict.			
Reviewed; re	commend denial for the following reasons:		
Require additional information to review. (Please list information required)			
Meeting requested.			
Comments. (Attach additional pages as needed)			
BROOKS BAROMIND 5-9-23			
Reviewed By:	Date:		
Organization:			



The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: May 16, 2023 Please refer questions and comments to: Doug Rux

NOTE: Full size plans are available at the Community Development Department Office.				
APPLICANT:	George Fox University			
REQUEST:	Tenant Improvement & parking Variance			
SITE ADDRESS:	1515 E Portland Rd			
LOCATION:	N/A	RECEIVED		
TAX LOT:	R3220BA 00402	VECELAED		
FILE NO:	DR223-0001 & VAR23-0002	5/2/2023		
ZONE:	l (Institutional Zoning)	batesf		
<b>HEARING DATE:</b>	N/A			
Project Information	Project Information is Attached:			
Reviewed, no	conflict.			
Reviewed; re	commend denial for the following reasons:			
Require additional information to review. (Please list information required)				
Meeting requested.				
Comments. (Attach additional pages as needed)				
WE WELL	Digitally signed by Will Dix G-MS, OU-Worthey, O-City of Newberg, CN-Will, Ewell incombeginesepregong.gov Resister I am the subnor of this document I have 2023.55 of 17.16.07.0707 Foot PhantomPDF Version: 10.1.9	5/1/23		
Reviewed By:		Date:		
Will Worthey CM				
Organization:				



The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: May 16, 2023

Please refer questions and comments to: Doug Rux

Please refer questions and comments to: <u>Doug Rux</u>			
NOTE: Full size plans are available at the Community Development Department Office.			
APPLICANT:	George Fox University		
REQUEST:	Tenant Improvement & parking Variance		
SITE ADDRESS:	1515 E Portland Rd		
LOCATION:	N/A		
TAX LOT:	R3220BA 00402		
FILE NO:	DR223-0001 & VAR23-0002		
ZONE:	I (Institutional Zoning)		
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Require additional information to review. (Please list information required)			
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Venance Organization:			



The enclosed material has been referred to you for your information and comment. Any comments you

wish to make should be returned to the Community Development Department prior to: May 16, 2023  Please refer questions and comments to: Doug Rux				
NOTE: Full size pla	ns are available at the Community Development	Department Office.		
APPLICANT:	George Fox University			
REQUEST:	Tenant Improvement & parking Variance			
SITE ADDRESS:	1515 E Portland Rd			
LOCATION: TAX LOT:	N/A R3220BA 00402	RECEIVED		
FILE NO:	DR223-0001 & VAR23-0002	5/2/2023		
ZONE:	I (Institutional Zoning)	batesf		
Project Information	N/A n is Attached:			
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Meeting requested.				
Comments. (Attach additional pages as needed)				
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Reviewed By:		Date:		
City of New Organization:	City of Newberg  Organization:			



The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: May 16, 2023 Please refer questions and comments to: Doug Rux

Please refer questions and comments to: <u>Doug Rux</u>			
NOTE: Full size pla	ns are available at the Community Development	Department Office.	
APPLICANT:	George Fox University		
REQUEST:	Tenant Improvement & parking Variance	M RECEIVED	
SITE ADDRESS:	1515 E Portland Rd	5/11/23	
LOCATION:	N/A		
TAX LOT:	R3220BA 00402		
FILE NO:	DR223-0001 & VAR23-0002		
ZONE:	I (Institutional Zoning)		
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Require additional information to review. (Please list information required)			
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Reviewed By:		Date:	
Maintenand	ce Superintendent		
Organization:			



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Please refer questions and comments to: <u>Doug Rux</u>			
NOTE: Full size plans are available at the Community Development Department Office.			
APPLICANT:	George Fox University		
REQUEST:	Tenant Improvement & parking Variance		
SITE ADDRESS:	ADDRESS: 1515 E Portland Rd		
LOCATION:	14/74		
DR223-0001 & VAR23-0002		RECEIVED	
ZONE:	I (Institutional Zoning)	5/2/2023	
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Reviewed, no conflict.			
Reviewed; recommend denial for the following reasons:			
Require additional information to review. (Please list information required)			
Meeting requested.			
Comments. (Attach additional pages as needed)			
Carl Ramseyer	u	5/2/23	
Reviewed By:		Date:	
Organization:			



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Please refer questions	and comments to: <u>Doug Rux</u>	
NOTE: Full size pla	ns are available at the Community Development	Department Office.
APPLICANT:	George Fox University	
REQUEST:	Tenant Improvement & parking Variance	
SITE ADDRESS:	1515 E Portland Rd	RECEIVED
LOCATION:	N/A	IVECTIVED
TAX LOT:	R3220BA 00402	5/2/2023
FILE NO:	DR223-0001 & VAR23-0002	batesf
ZONE:	I (Institutional Zoning)	
HEARING DATE:	N/A	
Project Information	n is Attached:	
Reviewed, no	o conflict.	
Reviewed; re	commend denial for the following reasons:	
Require addi	tional information to review. (Please list informa	ation required)
Meeting requ	ested.	
Comments.	(Attach additional pages as needed)	
0-1	Self	
della		5/2/23
Reviewed By:		Date:

Scott Albert - Ziply Fiber Network Engineer

Organization: 503-526-3544 scott.albert@ziply.com