

AGENDA
DAYTON PLANNING COMMISSION

DATE: THURSDAY, JANUARY 14, 2021
PLACE: VIRTUALLY VIA ZOOM
TIME: 6:30 PM

ITEM	DESCRIPTION	PAGE #
A.	CALL TO ORDER	
B.	APPROVAL OF ORDER OF AGENDA	
C.	APPEARANCE OF INTERESTED CITIZENS	

This time is reserved for questions or comments from persons in the audience on any topic.

D.	APPROVAL OF MINUTES	
	December 12, 2020	1 - 4
E.	PUBLIC HEARING	
	Staff Report MINPAR 2020-01, MAJVAR 2020-06, MIN VAR 2020-07	5 - 13
	Exhibit A - Applications	
	MINPAR 2020-01	14 – 30
	MAJVAR 2020-06	31 – 49
	MINVAR 2020-07	50 - 68
	Exhibit B – Engineer’s Comments	69 - 77
F.	OTHER BUSINESS	
G.	ADJOURN	

Posted: 01/07/2021

By: Cyndi Park, Planning Coordinator

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton at least 32 working hours (4 days) prior to the meeting date in order that appropriate communication assistance can be arranged. The Dayton City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

Next Scheduled Meeting Date

Thursday, February 11, 2021

City of Dayton, PO Box 339, 416 Ferry Street, Dayton OR 97114

Phone: 503-864-2221 Fax: 503-864-2956

Email: cityofdayton@ci.dayton.or.us Website: www.ci.dayton.or.us

**MINUTES
DAYTON PLANNING COMMISSION
MEETING December 10, 2020**

PRESENT: Jim Maguire
Ann-Marie Anderson Tim Parsons
Larry Smurthwaite Gary Wirfs

ABSENT:

STAFF: Jim Jacks, Senior Planner
Kiel Jenkins, Associate Planner
Cyndi Park, Librarian/Planning Coordinator

CALL TO ORDER

Chairperson Jim Maguire called the meeting to order at 6:32 p.m.

APPROVAL OF ORDER OF AGENDA

There were no changes to the order of the agenda.

APPEARANCE OF INTERESTED CITIZENS

None present for general comments.

APPROVAL OF MINUTES

Chairperson Maguire asked for a motion to approve the minutes of the November 12, 2020 meeting as written. Commissioner Anderson moved that the minutes be approved, Commissioner Parsons seconded the motion, motion passed unanimously.

PUBLIC HEARING

Chairperson Maguire asked for clarification of the language of Criterion A as it related to Dayton’s Municipal Code. Planner Jenkins explained that under the code, a use that wasn’t specifically listed as one that is permitted outright in the code opened the public hearing at 6:33 p.m. Chairperson Maguire read the Public Hearing script into the record and the meeting was turned over to Associate City Planner Kiel Jenkins. Mr. Jenkins provided a summary of the sections of the code that applied to Sportech’s application for a Similar Use Permit (application SIMUSE 2020-01). Mr. Jenkins began the reading of the Staff report into the record, and he read each of the two conditions of approval from Dayton’s Municipal Code. He explained how the Sportech application either met or did not meet each of those conditions.

Arley & Troy Hughes, the applicants, began their comments to the Commission. Mrs. Hughes explained that their purchase of the subject property was contingent upon their being able to secure the Similar Use Permit, and ultimately the Conditional Use Permit that would allow them to build. She asked their planner to present details about the site and their plans.

Brad Kilby, Planner, Harper Houf Peterson Righellis (HHPR), 205 SE Spokane St, Portland, OR 97202, began his

presentation with an overview of the surrounding area and some street views. He explained that there would be a storefront, storage, and offices. They would also be considering including rentable office space for other professional offices. He went through the Conditions of Approval from Dayton's code and offered his interpretation of the intent of the code. Mr. Kilby also pointed out that the code never specifically mentions excavation contractor to either approve or deny their existence within the Commercial zone. The applicants intend to improve the site and screen the parking using landscaping. They request the Planning Commission reject the Staff findings and treat Sportech as being like a "Special trade contractor" which more closely aligns with their business rather than classifying them as an excavation contractor.

Chair Maguire asked if any Commissioners had questions for Mr. Kilby, and Commissioner Anderson asked about their interpretation for the existence of the Commercial Zone under Dayton code. Commissioner Anderson read the section of the code into the record and noted that it intended the Commercial zone to be used for commercial activities for the people of Dayton and the surrounding area. Mr. Kilby explained that many businesses in Dayton currently served the surrounding area and Dayton at the same time, and that Sportech would do the same.

Mrs. Hughes offered additional clarification about their company. Their focus is on residential turf installation, with some work on schools, churches, and parks. Their vehicles are newer trucks and not large earth moving machines. The excavation services that they provide are incidental to their installation of turf, not a stand-alone enterprise.

Commissioner Smurthwaite offered that he interpreted the code the same way that Sportech does. He feels that their business is consistent with the businesses that are specifically allowed within the code.

Commissioner Parsons felt that Sportech had explained about their excavation activities, and he believed they would be an appropriate fit for the Commercial zone.

Chairperson Maguire asked for clarification of their application materials. The application detailed that the primary purpose would be storage of rolls of turf and equipment. Mrs. Hughes clarified that the facility would have multiple uses. They intend to have a storefront with an attached warehouse that would store 50x100 foot rolls of turf. Mr. Kilby clarified that they are hopeful to have the opportunity to have other office space available for rent as a source of passive income for the applicants, which would increase the commercial use on the site.

Chairperson Maguire called for public testimony either in favor or neutral to the application.

Mike Morris, Realtor and Owner of Morris Carpet Cleaning, 1405 NE Lafayette, McMinnville, OR 97128. Mr. Morris is representing the Hughes' in this transaction. He explained that this property has been on the market since September 30, 2003. He feels that this property is a challenged property due to some limitations of the property. He asked that his clients be given the opportunity to develop a pleasing gateway to the city of Dayton that would satisfy the Commission and the City.

Chairperson Maguire called for public testimony opposed to the application. There were no members of the public opposed to the application in attendance.

Troy Hughes took the opportunity to speak. He explained that they wanted to be good members of the Dayton community, they would be there to help in whatever way they were able.

Arley Hughes asked that the Commission please consider the challenges of the property. It is their intent to

make a facility that makes the gateway to Dayton look amazing to people entering town.

Associate Planner Jenkins clarified that many of these comments should be addressed during the Conditional Use Permit process if the Similar Use Permit is approved. He also cautioned the Commission to be careful to include findings in their decision that explain why it is a similar use if they approve the application.

Senior Planner Jacks asked for a clarification of the number of slides presented.

Commissioner Anderson asked for clarification of a statement on the Staff report in relation to how the applicant presented their intentions for the site in the application.

Chairperson Maguire asked the applicants if there would be a storefront. Mrs. Hughes explained that there would at least be a storefront for Sportech, perhaps more when they begin the design process. Chairperson Maguire shared that he thought that the interpretation of the application might have been different if they had filled out their application differently – mentioning the storefront as the primary intent for the site, with the warehouse storage behind as incidental to the commercial nature business.

Chairperson Maguire asked about the noise level expected at the facility. Mrs. Hughes explained that they would be much less noisy than Baker Rock. They currently run the business out of their house and have not had any noise complaints from the neighbor. The noise would be using a small piece of equipment to load rolls of product onto a trailer and then strapping them down. The crews are off-site for the most part. They load in the morning and return in the evening.

Commissioner Anderson asked Mr. Jenks about the current permitted use in relation to the flooring contractors that are allowed under the code. Mr. Jenkins said he interpreted that part of the code as the flooring options offered at Home Depot or hardware store. Mrs. Hughes explained that they are classified as a soft floor installer.

Chairperson Maguire closed the public hearing at 7:37 p.m. Discussion amongst the Commission began.

Commissioner Smurthwaite believed that the activities Sportech would be handling on site would be no different than the activities that businesses specifically allowed under Dayton's code would be conducting if they were to build their own sites, so he sees no difference between the applicant and allowed uses.

Commissioner Anderson disagreed. She believes that the applicant will be more of a storage facility than a commercial business. She feels that if more industrial use land is needed that is something City Council should address, and that commercial property should be held for commercial business – no matter how long it has been vacant.

Commissioner Wirfs agreed with Commissioner Smurthwaite. He doesn't see the applicant as an excavation company, but rather views them as a business like those that are allowed under the code.

Commissioner Parsons believes that they would be able to secure a Conditional Use Permit, so he is supportive of the application.

Discussion continued, focusing mainly on how the application was filled out. Mr. Jacks offered clarification on some technical points regarding the Conditional Use Permit application process.

Commissioner Smurthwaite moved to dismiss the findings of the staff report and approve the Similar Use

Permit application. Chairperson Maguire offered the language of Sample Motion A from the Staff report, “I move the Planning Commission adopt the staff report and direct staff to prepare a Planning Commission Order for the Chairperson to sign approving the Similar Use Permit application. Commissioner Parsons seconded the motion. Commissioners Parsons, Smurthwaite, and Wirfs voted in favor of the application, Chairperson Maguire and Commissioner Anderson voted against the application. Similar Use Permit application approved, 3 votes to 2.

OTHER BUSINESS

The Commission acknowledged the service of Commissioner Wirfs who was not seeking an additional term on the Commission and Senior Planner Jacks who has been assigned to assist other cities. Mr. Jacks implored the applicants to take advantage of the Pre-Application meeting afforded to them by the city as they move forward in the process to secure their Conditional Use Permit.

ADJORN

There being no further business, the meeting adjourned at 7:58 pm.

Respectfully submitted:

APPROVED BY PLANNING COMMISSION on:

By: Cyndi Park Librarian/Planning Coordinator

 As Written As Amended

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

TO: DAYTON PLANNING COMMISSION
FROM: KIEL JENKINS, CITY PLANNER
SUBJ: MINOR PARTITION 2020-01, MINOR VARIANCE 2020-07, MAJOR VARIANCE 2020-06
DATE: JANUARY 6, 2021

I. GENERAL FINDINGS

The property contained in the application currently is occupied by two single family residences, two sheds, and a garage. The applicant is seeking to obtain approval of a partition to divide the existing parcel into two parcels, a minor variance to reduce the setback on the proposed parcel 2 from 15 to 14.7 feet, and a major variance to allow the applicant to enter into a non-remonstrance agreement to defer frontage improvements required by LUDC Section 7.2.307.05.B. A minor partition and minor variance are both Type I actions, while a major variance is a Type II action. Per LUDC Section 7.3.201.01, "Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type." Therefore, all applications included shall be heard as a Type 2 action.

REPORT DATE: JANUARY 6, 2021

FILE NUMBER: MINPAR 2020-01, MINVAR 2020-07, MAJVAR 2020-06

APPLICANT: Stephen Madkour

OWNER: Stephen and Jenny Madkour

REQUEST: Three applications will be heard concurrently:

1. A minor partition to create two lots from the existing lot. The proposed lot 1 will be 11,429 square feet and the proposed lot 2 will be 8,421.42 square feet.
2. A minor variance application to reduce the rear setback from the required 15 feet to 14.7 feet.
3. A major variance request to allow the applicant to enter into a non-remonstrance agreement to defer frontage improvements.

II. APPLICABLE APPROVAL CRITERIA

Applicable approval criteria for these applications can be found in LUDC Sections 7.3.105.05, 7.3.103.05, and 7.3.108.05

A. *Approval of a partition shall comply with the following (LUDC 7.3.105.05)*

- a. *Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.*

Findings: The applicable standards for the R-2 zone are as follows:

7.2.103.02- Permitted Uses: The following uses, when developed under the applicable development standards in the Code, are permitted in the R-2 zone:

- A. *One detached single family dwelling on a separate lot or parcel.*

Findings: Two detached dwellings are currently located on the single lot. The proposed partition would give each dwelling its own lot. This standard is met.

7.2.103.05- Dimensional Standards:

Minimum lot dimension and height requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	6000 sq. ft. (1)	7000 sq. ft.	9000 sq. ft. (2)	(3)
Maximum Height	35 feet	35 feet	35 feet	35 feet

Findings: There are currently two single family dwellings on the site. Under the proposed partition, the two parcels will be 11,429 and 8,421.42 square feet respectively (If the access portion of Parcel 1 is excluded, the parcel is still 9023.178 square feet in size, meeting the minimum lot size). These lot sizes are greater than the minimum single family lot size shown above and therefore meet the standard.

Minimum yard setback requirements:

SETBACKS	Single Family	Duplex	Multi-Family	Non-Residential
Front	15 feet	15 feet	15 feet	20 feet
Side	5 feet (1)	5 feet	(3)	10 feet
Rear	(2)	(2)	(3)	20 feet
Street-side	15 feet	15 feet	15 feet	20 feet
Garage (4)	20 feet	20 feet	20 feet	20 feet

The rear setback requirement is 15 feet for a one story home, as is applicable to this application.

Findings: The newly created setbacks under the proposed partition are as follows for each respective lot:

Parcel 1

Side (House to new property line)	20.3
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Parcel 2

Rear (House to new property line)	14.7
Side (House to new property line)	15.5
Side (Garage to new property line)	5

The side setback for both parcels meet the setback requirements. The rear setback of Lot 2 will meet the rear setback standard should MINVAR 2020-07 be approved as submitted.

All criteria as listed in Section 7.3.105.05 are met, pending approval of MINVAR 2020-07.

b. Adequate public facilities shall be available to all parcels.

Findings: Comments were submitted jointly by the City Engineer and City Public Works Department and are also included as Exhibit B to the staff report. Conditions of approval as proposed by the City Engineer are included in the staff recommendation. Staff finds that adequate public facilities are available to all parcels. Criterion b is met.

c. Each parcel shall meet the land division standards in Section 7.2.307.

Applicable land division standards per Section 7.2.307 are shown below.

7.2.307.03: Standards for lots or parcels

A. Minimum lot area- Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

Findings: Per the findings included in criterion a, the minimum lot area for the proposed parcels conform to the requirements of the zoning district in which the parcels are located. The standard is met.

B. Access- All lots and parcels created after the effective date of this Code shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone

Findings: Per section 7.2.102.05, the minimum average width of a parcel within the R-2 zone is 50 feet. Both of the proposed parcels exceed 50 feet of frontage along Ash and 5th streets. The standard is met.

D. Through lots- Through Lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific site disadvantages. If approved, access may be limited to one street.

Findings: While through lots are discouraged, the existing garage is shown as an accessory structure to the existing home on Parcel 1 and is therefore should be located on the same parcel. Access to Parcel 1 is limited to the proposed access drive off of 5th St. as shown on the plot plan (Exhibit A- Applicant's materials).

7.2.307.05: Improvement Requirements

B. Street Frontage Improvements. The following improvements shall be required:

2. If the street frontage of the subject property exceeds 250 feet, or extends and existing dedicated right-of-way, the applicant shall improve the following:

a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a non-remonstrance agreement consistent with item B.1., above.

b. Sidewalks, meeting City standards, along public street frontage.

c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off the new street.

Findings: Street frontage for the property exceeds 250 feet and the applicant is therefore required to make the above improvements. To remove this requirement, the applicant has submitted a concurrent major variance application (MAJVAR 2020-06). Per the City Engineer's comments (Exhibit B- City Engineer's Comments), Public Works does not object to the request but recommends sidewalk improvements be required to the extent necessary to bring the existing sidewalks up to City standards. Specifically, the City Engineer and Public Works recommend that the sidewalks on Ash St. be included in improvement requirements, but suggest that the 5th Street sidewalks be allowed to be considered as part of the Major Variance request to defer frontage

improvements. The City Engineer and Public Works have recommended conditions for additional utility improvements which are included in the staff recommendation. The standards in this section are met providing the applicant both meets the recommended conditions and MAJVAR 2020-06 is approved by the Planning Commission.

- B. Approval of a minor variance shall comply with the following (LUDC 7.3.103.05)*
- a. The intent and purpose behind the specific provision being varied is either clearly inapplicable under the circumstances; OR, the particular proposed development otherwise clearly satisfies the intent and purpose of the provision being varied.*

Findings: The LUDC code provision to be varied is Section 7.2.103.05- Dimensional Standards which states that the minimum rear setback in the R-2 zone is 15 feet. The intent of a rear setback is to maintain a distance between adjacent parcels. The setback to be reduced is between the proposed Parcel 1 and 2 included in the application PAR 2020-01. Because the reduction between parcels is minimal and maintains the minimum 5 foot setback between the existing garage and the new property line, the new setback clearly meets the intent of the rear setback requirement and therefore criterion a.

- b. The proposed development will not unreasonably impact adjacent existing or planned uses and development*

Findings: The proposed variance on parcel 2 would not unreasonably impact adjacent uses and development on parcel 1. The reduction in the rear setback for the existing home on parcel 2 allows for a necessary 5 foot side setback between the existing garage on parcel 1 and the proposed property line. Criterion b is met.

- c. The minor variance does not expand or reduce a quantifiable standard by more than 10 percent and is the minimum necessary to achieve the purpose of the minor variance.*

Findings: The requested setback is a 0.3 feet reduction from the 15 feet standard per Section 7.2.103.05 of the LUDC. 0.3 feet is a 2 percent reduction, less than the 10 percent allowed by criterion c. Therefore, criterion c is met.

- d. There has not been a previous land use action prohibiting an application for a minor variance*

Findings: Staff has found that there have been no prior land use actions prohibiting an application for a minor variance.

- C. The Planning Commission may grant a major variance from a requirement or standard of this Code after a public hearing conducted in accordance with the Type II*

review procedures provided that the applicant provides evidence that all the following circumstances substantially exist: (LUDC 7.3.108.05)

- a. There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of the Code, and is the minimum relief to relieve the hardship. Adverse economic impact shall not be considered an unreasonable hardship or practical difficulty.*

Findings: There are currently two existing single family residences on the subject property. Staff finds that it is unreasonable and unnecessary to require the applicant to complete the full scope of improvements required by code for a small-scale partition with existing residences already located on the subject site. Per the City Engineer's recommendation, staff has included a condition of approval requiring the sidewalk along the Ash Street frontage to be improved to meet public works design standards. Criterion a is met.

- b. There are exceptional or extraordinary circumstances or conditions applying to Dayton Land Use and Development Code – Revised 07/02/18 7.3.1-18 the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, non-conforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions*

Findings: The request to defer street improvements is not a result of a non-conforming use. There are two residences on the same parcel, a circumstance that is not common, does not apply generally to other properties in the R-2 zone, and is not permitted per Section 7.2.103.02.A of the LUDC. This is also not a partition under an approved master plan, or a partition that will include future subdivision and large-scale infrastructure requirements. Staff finds that the small scope of the partition combined with the fact that there are existing residences already on the subject property constitute "exceptional or extraordinary" circumstances that meet the intent of criterion b.

- c. That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*

Findings: Granting this variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises. There are existing pedestrian walkways along the frontage of the property and a roadway in good condition for automobile use. Criterion c is met.

- d. That such variance is necessary for the preservation and enjoyment of the substantial property rights of petitioner.*

Findings: Denial of the major variance request would deny the property owner the ability to partition their land as otherwise allowed under the applicable provisions of the LUDC. Criterion d is met.

- e. That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant*

Findings: Granting the major variance will not adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant. Existing pedestrian and vehicle access already exists, and staff has recommended adding sidewalk improvements along the Ash St. frontage as a condition of approval. Criterion e is met.

- f. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.*

Findings: There is no quantifiable standard upon which this variance is based and the site is already developed to the capacity of the site. Staff finds that deferring frontage improvements for an already developed property with existing pedestrian and vehicle access qualifies as the minimum necessary; therefore criterion f is met.

- g. The variance request is not the result of a deliberate action or knowing violation on the part of the applicant.*

Findings: The request to enter into a non-remonstrance agreement is not a result of deliberate action or knowing violation on part of the applicant. Criterion g is met.

III. RECOMMENDATION

Based upon the above findings, staff recommends the Planning Commission adopt the staff report with its findings and direct staff to prepare a Planning Commission Order approving Minor Partition 2020-01, Minor Variance 2020-07, and Major Variance 2020-06 with the following conditions of approval for the Commission Chair to sign.

IV. CONDITIONS OF APPROVAL

- Approval for each of the applications (MINPAR 2020-01, MINVAR 2020-07, MAJVAR 2020-06) is contingent upon approval of the other two applications.
- All conditions recommended in "Exhibit B- Engineer's Comments" are included in this decision. Conditions are bulleted in the attached Exhibit B.

V. PLANNING COMMISSION ACTION – Sample Motions

- A. I move the Planning Commission adopt the staff report and direct staff to prepare a Planning Commission Order for the Chairperson to sign Minor Partition 2020-01, Minor Variance 2020-07, and Major Variance 2020-06 with conditions, OR
- B. I move the Planning Commission adopt the staff report as changed by the Planning Commission to support a denial (state the changes) and direct staff to prepare a Planning Commission Order for the Chairperson to sign denying (one or all of) Minor Partition 2020-01, Minor Variance 2020-07, and Major Variance 2020-06, OR
- C. I move the Planning Commission continue the hearing to a date and time certain to allow the parties to provide more information regarding...and state the information to be provided.



PARTITION APPLICATION (minor)

116 Ferry St - PO Box 339 Dayton OR 97114 Ph # (503) 864-2221 Fax # (503) 864-2956 cityofdayton@ci.dayton.or.us www.ci.dayton.or.us

For City of Dayton use:

Form with fields: Date Application Received: 12/4/20, Received By: CPARK, File Number: Min Par 2020-01, Public Hearing Date, Fee: \$1250.00, Deposit, Receipt#, Application Completed Date: 12/4/20, Application Approval Date

Application Information

Form with fields: Applicant: Stephen Madkour, Mailing Address: 13999 S Clackamas River Drive, City: Oregon City, ST: OR, Zip: 97045, Phone Number: 503-970-3998, Email Address: stephenmadkour@gmail.com, Owner(s): Stephen and Jenny Madkour, Engineer/Surveyor: Daniel Danicic, PE Yamhill Land Development Services LLC, Address: PO Box 1042, City: Newberg, ST: OR, Zip: 97132, Other Design Professional: Leland MacDonald, PLS Leland MacDonald and Assoc LLC, Address: 3765 NE Riverside Dr, City: McMinnville, ST: OR, Zip: 97128

Partition Information

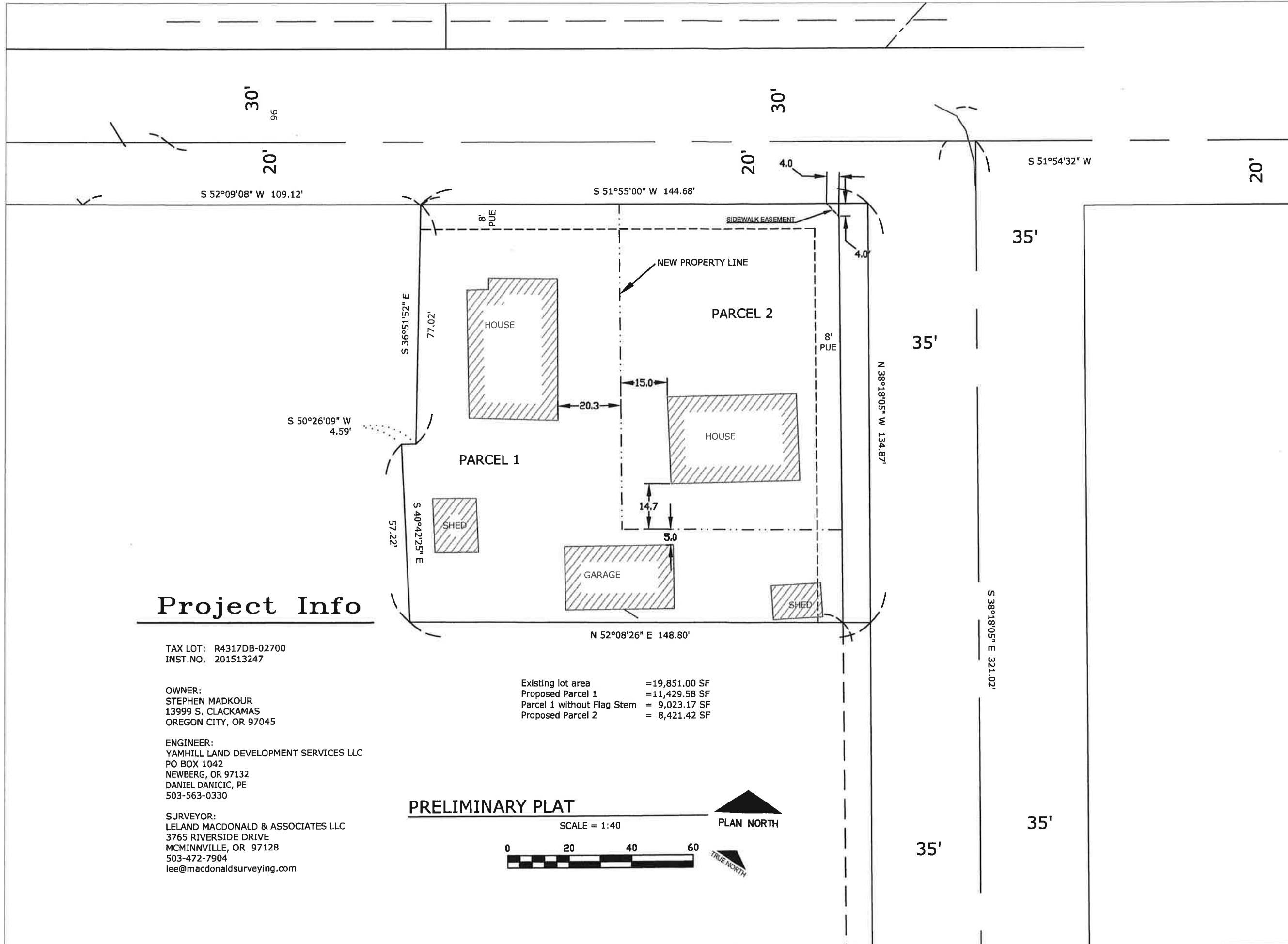
Form with fields: Site Address or Location: 520 Ash St, Nearest Cross Street: 5th and Ash, Will a Private Street be Created? Yes No, Map & Tax Lot Number: R4317DB-02700, Square Footage or Acreage: 0.46 AC, Zoning: R2, Current Uses/Structures: Single family lot development with two homes, Surrounding Uses: North: R1, South: R2, East: R2, West: R2, Number of Lots to be Created: 2, Parcel 1: 11,429.58 sf, Parcel 2: 8,421.42 sf, Parcel 3

All Property Owners must sign this application or submit a letter of consent. By signing below I/we consent to the partition of our property as shown on the attached partition plat. I/we understand and agree to abide by all the terms and conditions as set forth in the Dayton Municipal Code, and agree to reimburse the City of Dayton for any costs incurred on my/our behalf for city staff, planning, engineering and legal services, etc. over and above the base fee/deposit, as it may relate to my request.

Form with fields: Applicant Signature, Property Owner Signature, Date: 12/18/20

For Office Use

Form with fields: Approved by: City Manager, City Planner, Public Works Director, City Engineer, Fire Marshall/Chief, Additional Services Amount Billed, Paid, Planner, Engineer, Staff Time, Other



Project Info

TAX LOT: R4317DB-02700
INST.NO. 201513247

OWNER:
STEPHEN MADKOUR
13999 S. CLACKAMAS
OREGON CITY, OR 97045

ENGINEER:
YAMHILL LAND DEVELOPMENT SERVICES LLC
PO BOX 1042
NEWBERG, OR 97132
DANIEL DANICIC, PE
503-563-0330

SURVEYOR:
LELAND MACDONALD & ASSOCIATES LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OR 97128
503-472-7904
lee@macdonaldsurveying.com

Existing lot area	=19,851.00 SF
Proposed Parcel 1	=11,429.58 SF
Parcel 1 without Flag Stem	= 9,023.17 SF
Proposed Parcel 2	= 8,421.42 SF

PRELIMINARY PLAT

SCALE = 1:40



12/2/20
PARTITION APPLICATION
520 ASH ST
DAYTON, OR 97114



EXPIRES 12/31/21









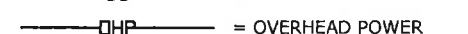


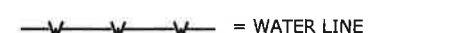


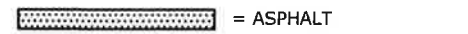
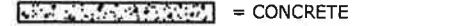
SHEET

1

OF

2

Legend

-  = WATER VALVE
-  = WATER METER
-  = FIRE HYDRANT
-  = POWER POLE
-  = GUY ANCHOR
-  = LIGHT POLE
-  = STORM DRAIN INLET
-  = SANITARY SEWER MANHOLE
-  = SANITARY SEWER LINE
-  = OVERHEAD POWER
-  = STORM DRAIN LINE
-  = WATER LINE
-  = WOOD FENCE
-  = CHAIN LINK FENCE
-  = ASPHALT
-  = CONCRETE

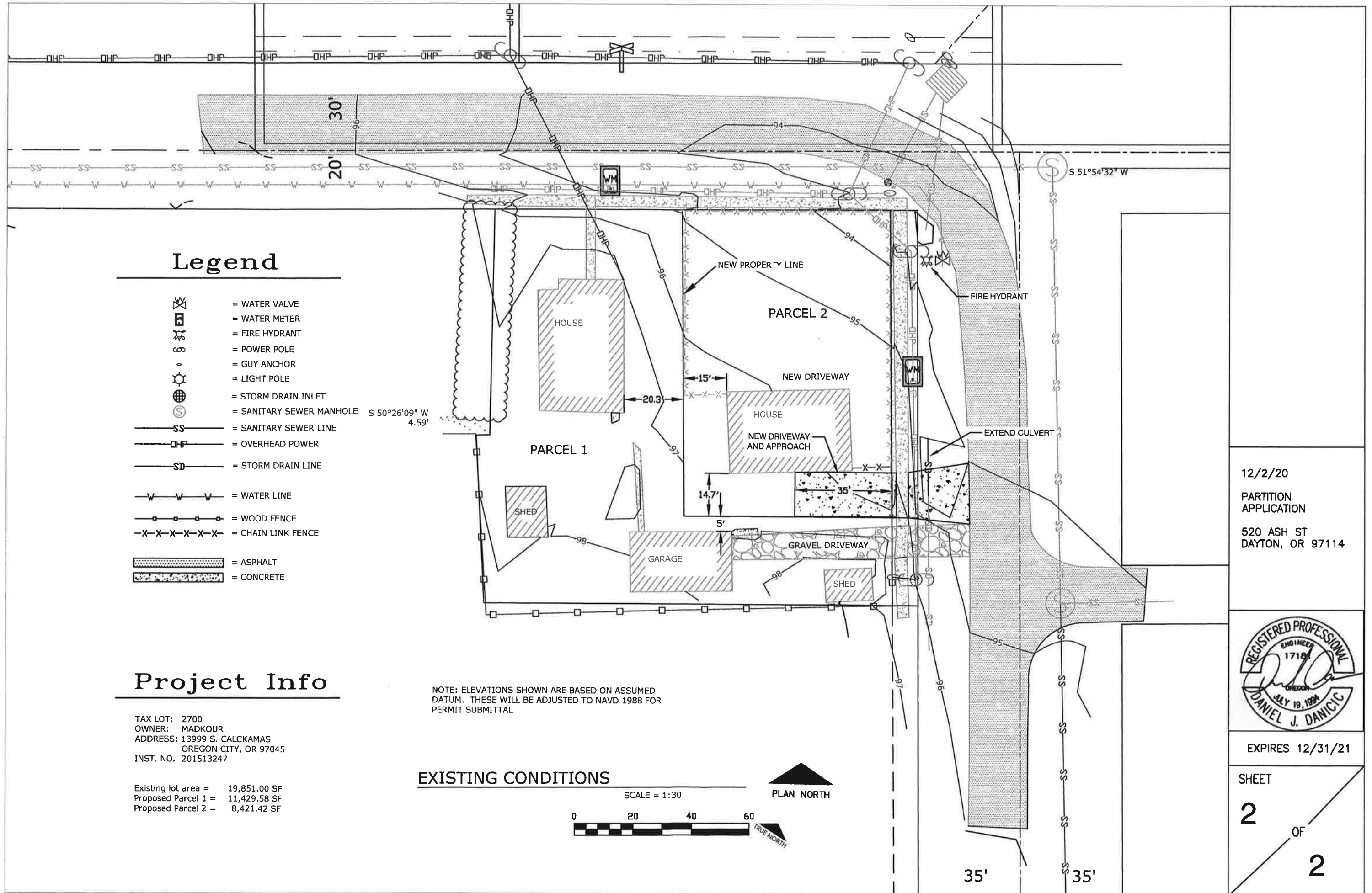
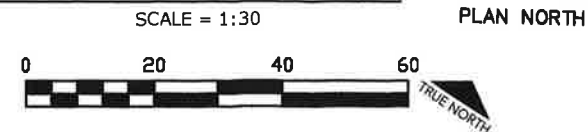
Project Info

TAX LOT: 2700
 OWNER: MADKOUR
 ADDRESS: 13999 S. CALCKAMAS
 OREGON CITY, OR 97045
 INST. NO. 201513247

Existing lot area = 19,851.00 SF
 Proposed Parcel 1 = 11,429.58 SF
 Proposed Parcel 2 = 8,421.42 SF

NOTE: ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. THESE WILL BE ADJUSTED TO NAVD 1988 FOR PERMIT SUBMITTAL

EXISTING CONDITIONS

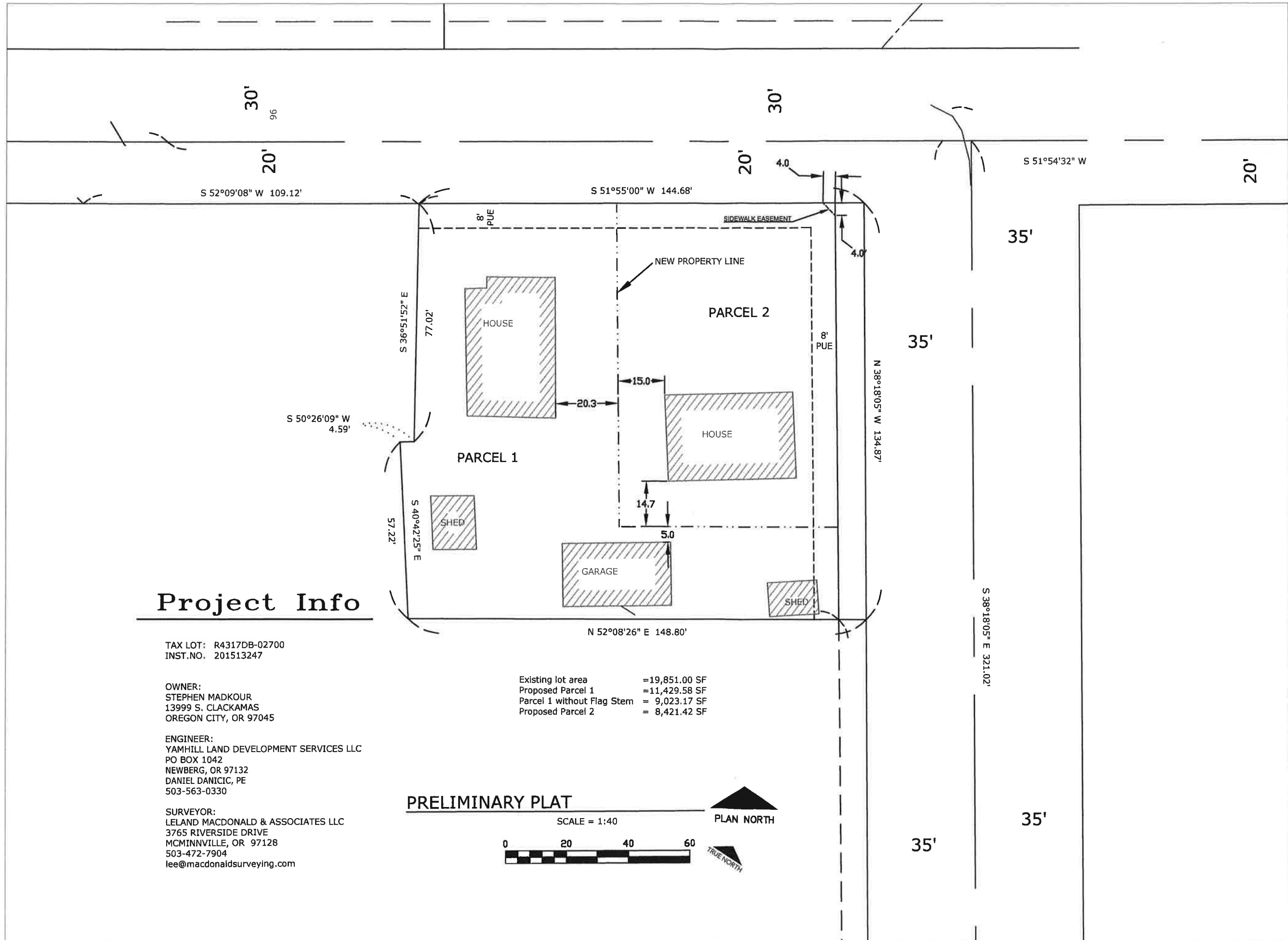


12/2/20
 PARTITION APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
 2 OF 2



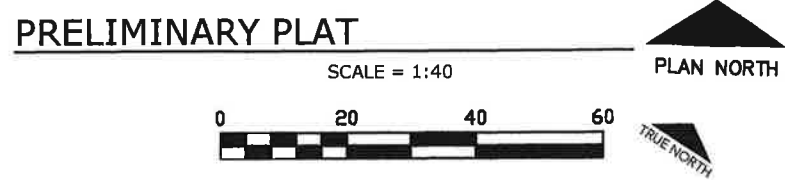
Project Info

TAX LOT: R4317DB-02700
 INST.NO. 201513247

OWNER:
 STEPHEN MADKOUR
 13999 S. CLACKAMAS
 OREGON CITY, OR 97045

ENGINEER:
 YAMHILL LAND DEVELOPMENT SERVICES LLC
 PO BOX 1042
 NEWBERG, OR 97132
 DANIEL DANICIC, PE
 503-563-0330

SURVEYOR:
 LELAND MACDONALD & ASSOCIATES LLC
 3765 RIVERSIDE DRIVE
 MCMINNVILLE, OR 97128
 503-472-7904
 lee@macdonaldsurveying.com



















12/2/20
 PARTITION APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
 1 OF 2

Legend

-  = WATER VALVE
-  = WATER METER
-  = FIRE HYDRANT
-  = POWER POLE
-  = GUY ANCHOR
-  = LIGHT POLE
-  = STORM DRAIN INLET
-  = SANITARY SEWER MANHOLE
-  = SANITARY SEWER LINE
-  = OVERHEAD POWER
-  = STORM DRAIN LINE
-  = WATER LINE
-  = WOOD FENCE
-  = CHAIN LINK FENCE
-  = ASPHALT
-  = CONCRETE

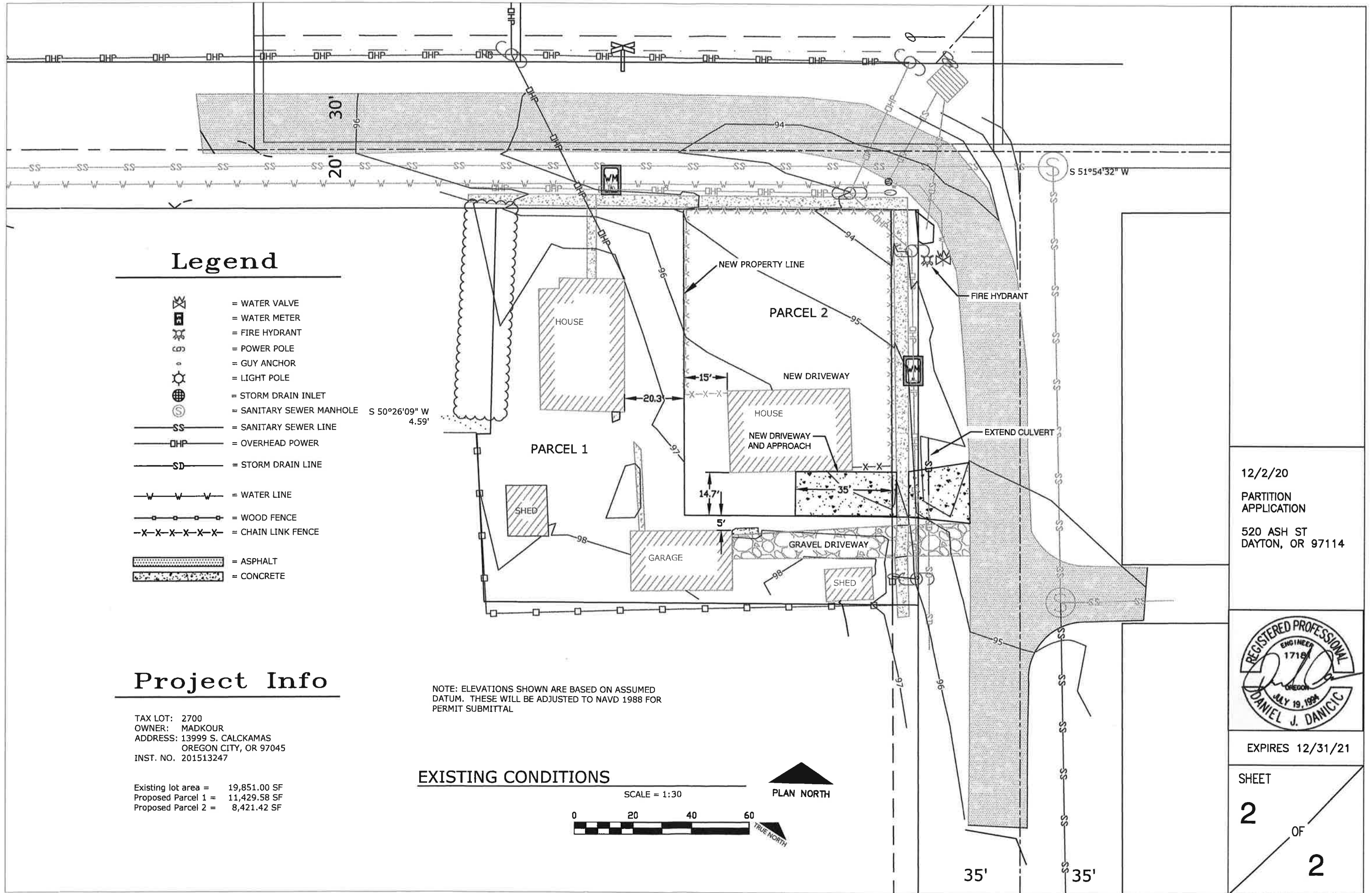
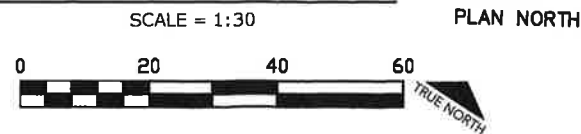
Project Info

TAX LOT: 2700
 OWNER: MADKOUR
 ADDRESS: 13999 S. CALCKAMAS
 OREGON CITY, OR 97045
 INST. NO. 201513247

Existing lot area = 19,851.00 SF
 Proposed Parcel 1 = 11,429.58 SF
 Proposed Parcel 2 = 8,421.42 SF

NOTE: ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. THESE WILL BE ADJUSTED TO NAVD 1988 FOR PERMIT SUBMITTAL

EXISTING CONDITIONS



12/2/20
 PARTITION
 APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
2
 OF
2



After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:

Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

File No.: 1031-2502250 (LZ)
Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records		201513247
DMR-DDMR		08/21/2015 09:45:11 AM
Stn=6 SUTTONS		\$56.00
4Pgs \$20.00 \$11.00 \$5.00 \$20.00		
<p style="font-size: small;">I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</p> <p style="text-align: right;">Brian Van Bergen - County Clerk</p>		

STATUTORY WARRANTY DEED

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common, Grantor, conveys and warrants to Jenny M. Madkour and Stephen Madkour, wife and husband, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$199,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 2502250



After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:

Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

File No.: 1031-2502250 (LZ)

Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

FIRST AMERICAN TITLE 2502250

STATUTORY WARRANTY DEED

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common, Grantor, conveys and warrants to Jenny M. Madkour and Stephen Madkour, wife and husband, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$199,000.00**. (Here comply with requirements of ORS 93.030)

APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

STATE OF California)
County of Sacramento) ss.

This instrument was acknowledged before me on this 18 day of Aug 2015, 20
by **Barbara J. Scoggan**.

L. Akers

Notary Public for California
My commission expires: 7/19/17



APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

Exhibit "A"

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

Parcel 1:

Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.



First American

First American Title Company of Oregon
 825 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

Order No.: 1031-2502250
 August 11, 2015

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

LYDIA P. ZIMMERMAN, Escrow Officer/Closer
 Phone: (503)472-4627 - Fax: (866)800-7294 - Email: lzimmerman@firstam.com
 First American Title Company of Oregon
 775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Steven OBrady, Title Officer
 Phone: (503)376-7363 - Fax: (866)800-7294 - Email: sobrady@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 522 Ash Street, Dayton, OR 97115

Proposed Insured Lender:

2006 ALTA Owners Standard Coverage	Liability \$	200,000.00	Premium \$	700.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	To Come	Premium \$	To Come
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	
Other			Cost \$	

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

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

and as of July 27, 2015 at 8:00 a.m., title to the fee simple estate is vested in:

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common

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

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

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

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 2015-2016 a lien due, but not yet payable.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Bargain and Sale Deed recorded September 24, 2013 as Instrument No. 201315154, Ronald D. Ellis to Ronald D. Ellis and Dolores E. Ellis.

NOTE: We find no matters of public record against Jenny M. Madkour or Stephen Madkour 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 2014-2015 PAID IN FULL

Tax Amount: \$1,934.93
Map No.: R4317DB 02700
Property ID: 116993
Tax Code No.: 8.0

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$342.41
Map No.: M00248378
Property ID: 450620
Tax Code No.: 8.0

(Affects Mobile Home)

Situs Address as disclosed on Yamhill County Tax Roll:

522 Ash Street, Dayton, OR 97115

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

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **41.00** for the first page
\$ **5.00** for each additional page

cc: Jenny M. Madkour and Stephen Madkour
cc: Ronald D. Ellis and Dolores E. Ellis
cc: Barry House, Willamette West Realtors
708 NE BAKER ST, MCMINNVILLE, OR 97128
cc: Katy Diffendorfer, M Realty LLC



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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

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

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

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

Applicability

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

Types of Information

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

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

Use of Information

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

Former Customers

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

Confidentiality and Security

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

Information Obtained Through Our Web Site

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

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

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

Business Relationships

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

Cookies

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

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

Fair Information Values

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

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

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

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

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

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

Exhibit "A"

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

Parcel 1:

Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

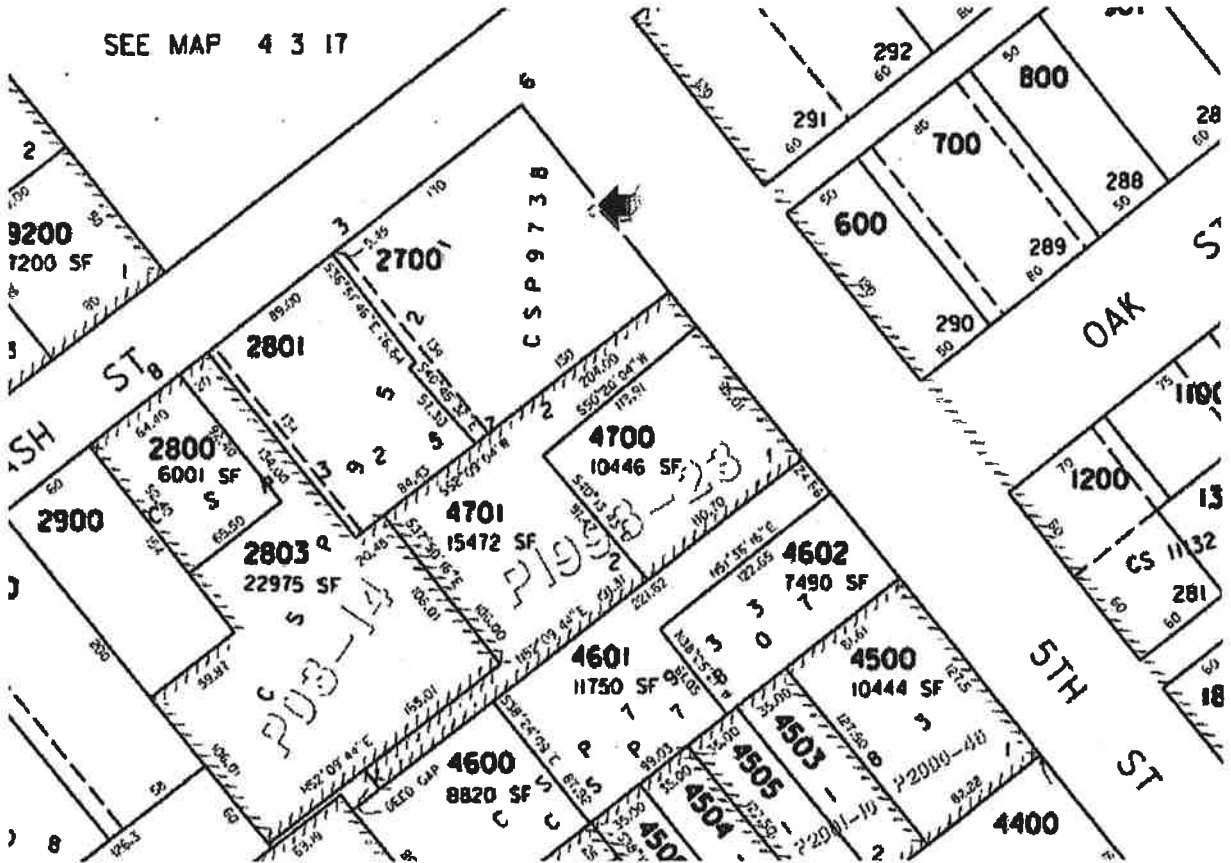
A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.



First American



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



City of Dayton

Planning Department



Application for Variance

416 Ferry St - PO Box 339
 Dayton OR 97114
 Ph # (503) 864-2221
 Fax # (503) 864-2956
 www.ci.dayton.or.us
 cityofdayton@ci.dayton.or.us

Major Minor

For City of Dayton use:

Date Application Received: <u>12/4/20</u>	Received By: <u>C PARK</u>	File Number: <u>MAJVAR 2020-00</u>
Public Hearing Date:	Fee Amount: <u>\$1350.00</u>	Deposit Amount:
Application Completed Date: <u>12/4/20</u>	Application Approval Date:	

Applicant Information:

Applicant Name: Stephen Madkour

Mailing Address: 13999 S Clackamas River Drive City: Oregon City ST: OR Zip: 97045

Phone Number: 503-970-3998 Email: stephenmadkour@gmail.com

Site Information:

Site Address or Location: 520 Ash St

Map & Tax Lot Number: R4317DB-02700 Zoning: R2

Is your site or building on the National Historic Registry? No Yes In a Flood Zone? Yes No

Owner Information:

Property Owner(s): Stephen and Jenny Madkour

Address: SAME City: _____ ST: _____ Zip: _____

Phone: _____ Email Address: _____

Summary of Request:

Request to allow applicant to enter into non-remonstrance agreement to defer frontage improvements.

Section(s) of the Code which you are seeking a variance for? 7.2.307.05.B

Property Owner Signature: [Signature] Date: 9/18/20

Property Owner Signature: [Signature] Date: 9/18/20

I/We the above signed Property Owner(s), consent to the proposed development of our property as indicated on this application.

For Office Use

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
Approved by: <input type="checkbox"/> City Manager <input type="checkbox"/> City Planner <input type="checkbox"/> Public Works Director <input type="checkbox"/> City Engineer <input type="checkbox"/> Fire Marshall/Chief				
<input type="checkbox"/> Yamhill County Public Works <input type="checkbox"/> ODOT <input type="checkbox"/> Other				
Applicant Notification Date:		Comments:		
Additional Services Amount Billed:		Paid:		<input type="checkbox"/> Planner
<input type="checkbox"/> Engineer		<input type="checkbox"/> Staff Time		<input type="checkbox"/> Other

Consultants (please list all that apply)

Planning Engineering Surveyor Other

Name: Daniel Danicic, PE Physical Address: 712 E 3rd St.
 Firm: Yamhill Land Development Services LLC City: Newberg ST: OR Zip: 97132
 Mailing Address: PO Box 1042 Telephone #: _____
 City: Newberg ST: OR Zip: 97132 Cell Phone #: 503-476-7702
 Email Address: djd.ylds@gmail.com

Planning Engineering Surveyor Other

Name: Leland MacDonald, PLS Physical Address: 3765 NE Riverside Dr
 Firm: Leland MacDonald and Assoc LLC City: McMinnville ST: OR Zip: 97128
 Mailing Address: 3765 NE Riverside Dr Telephone #: 503-472-7904
 City: McMinnville ST: OR Zip: 97128 Cell Phone #: _____
 Email Address: lee@macdonaldsurveying.com

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____
 Firm: _____ City: _____ ST: _____ Zip: _____
 Mailing Address: _____ Telephone #: _____
 City: _____ ST: _____ Zip: _____ Cell Phone #: _____
 Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____
 Firm: _____ City: _____ ST: _____ Zip: _____
 Mailing Address: _____ Telephone #: _____
 City: _____ ST: _____ Zip: _____ Cell Phone #: _____
 Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____
 Firm: _____ City: _____ ST: _____ Zip: _____
 Mailing Address: _____ Telephone #: _____
 City: _____ ST: _____ Zip: _____ Cell Phone #: _____
 Email Address: _____

Applicant must provide evidence that all of the following circumstances substantially exist:

- A. There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of the Code, and is the minimum relief to relieve the hardship. Adverse economic impact shall not be considered an unreasonable hardship or practical difficulty.
- B. There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, or uses in the same zone; however, non-conforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions.
- C. That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.
- D. That such variance is necessary for the preservation and enjoyment of the substantial property rights of petitioner.
- E. That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.
- F. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.
- G. The variance request is not the result of a deliberate action or knowing violation on the part of the applicant.

Describe the proposed Variance, make sure to address all the required criteria listed above (be specific):

A. Section 7.2.307.05.B allows properties with less than or equal to 250 feet of frontage to sign a non-remonstrance agreement for future participation in right-of-way improvements. The actual amount of frontage for the proposed partition is 279.55 feet which is just slightly greater than the 250 foot threshold. Full frontage improvements will result in significant costs to relocate overhead power lines and stormwater drainage along the frontage and off-site. The improvements needed beyond the site in order to meet public works standards is an unreasonable hardship. It would be more effective and efficient for there to be a much larger project to improve the frontages along entire block segments.

B. This variance request is not to address any non-conforming issues. Rather the improvements needed beyond the site in order to meet public works standards is an extraordinary circumstance. It would be more effective and efficient for there to be a much larger project to improve the frontages along entire block segments.

C. Granting this variance will not be detrimental to the public welfare as there exists adequate vehicle and pedestrian mobility without the frontage improvements with the existing walking path and asphalt roadway.

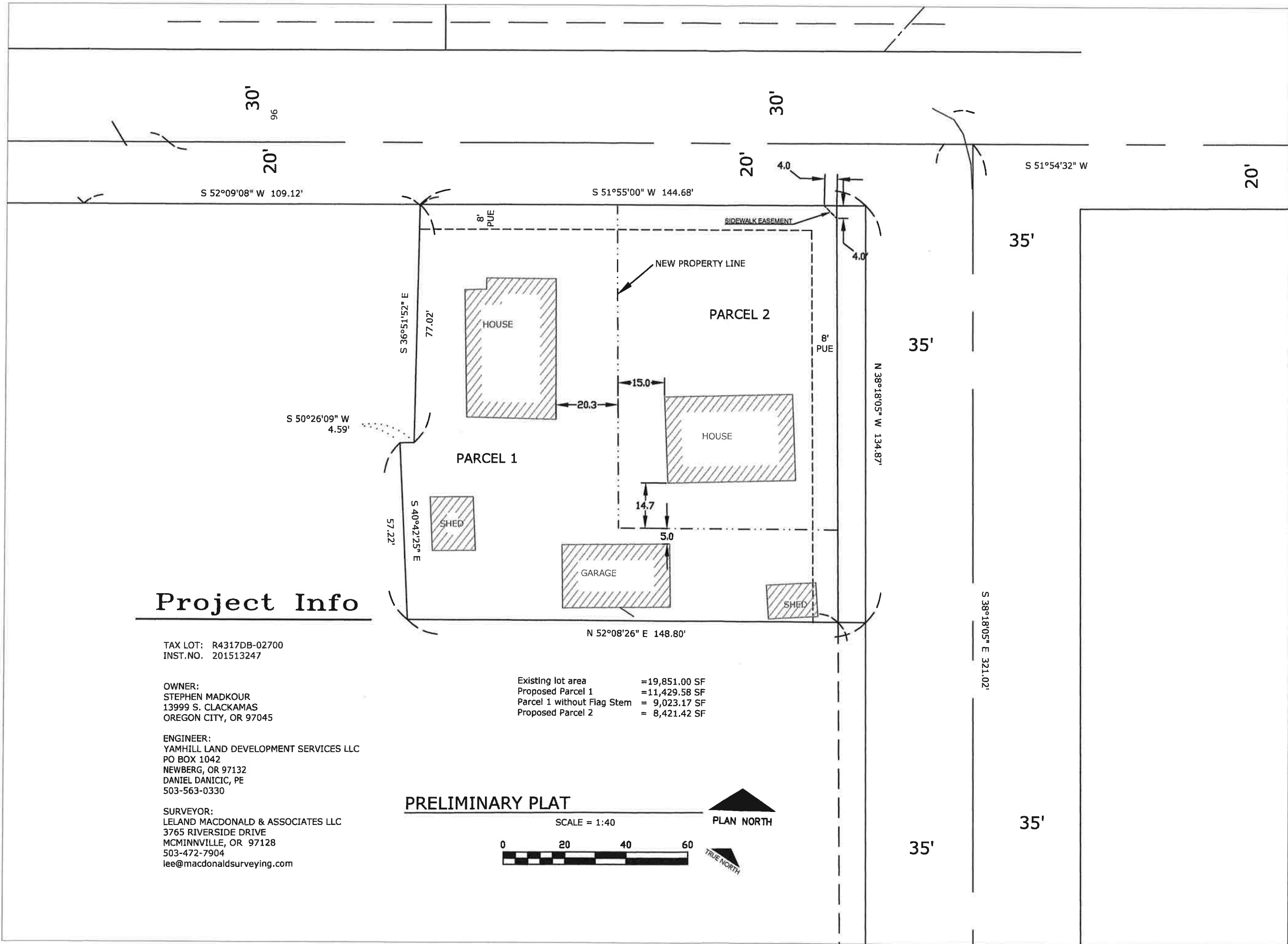
D. Without the variance, the property owner will not be able to substantially enjoy their property rights to divide the land as otherwise permitted in the R2 zoning and development code.

E. Granting the variance to defer the frontage improvements will not adversely affect the health or safety of persons working in the neighborhood or the property as safe pedestrian and vehicle travel exists without the improvements.

F. The applicant is asking for the minimum necessary variances to permit development of the property.

G. This variance request is not the result of a deliberate action or knowing violation on the part of the applicant.

Attach additional pages if needed



Project Info

TAX LOT: R4317DB-02700
INST.NO. 201513247

OWNER:
STEPHEN MADKOUR
13999 S. CLACKAMAS
OREGON CITY, OR 97045

ENGINEER:
YAMHILL LAND DEVELOPMENT SERVICES LLC
PO BOX 1042
NEWBERG, OR 97132
DANIEL DANICIC, PE
503-563-0330

SURVEYOR:
LELAND MACDONALD & ASSOCIATES LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OR 97128
503-472-7904
lee@macdonaldsurveying.com

Existing lot area	=19,851.00 SF
Proposed Parcel 1	=11,429.58 SF
Parcel 1 without Flag Stem	= 9,023.17 SF
Proposed Parcel 2	= 8,421.42 SF

PRELIMINARY PLAT

SCALE = 1:40











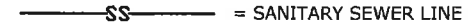
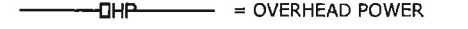
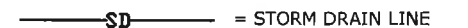

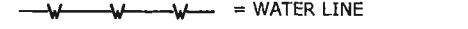
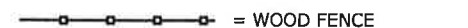

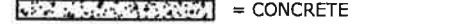
12/2/20
PARTITION APPLICATION
520 ASH ST
DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
1 OF 2

Legend

-  = WATER VALVE
-  = WATER METER
-  = FIRE HYDRANT
-  = POWER POLE
-  = GUY ANCHOR
-  = LIGHT POLE
-  = STORM DRAIN INLET
-  = SANITARY SEWER MANHOLE
-  = SANITARY SEWER LINE
-  = OVERHEAD POWER
-  = STORM DRAIN LINE
-  = WATER LINE
-  = WOOD FENCE
-  = CHAIN LINK FENCE
-  = ASPHALT
-  = CONCRETE

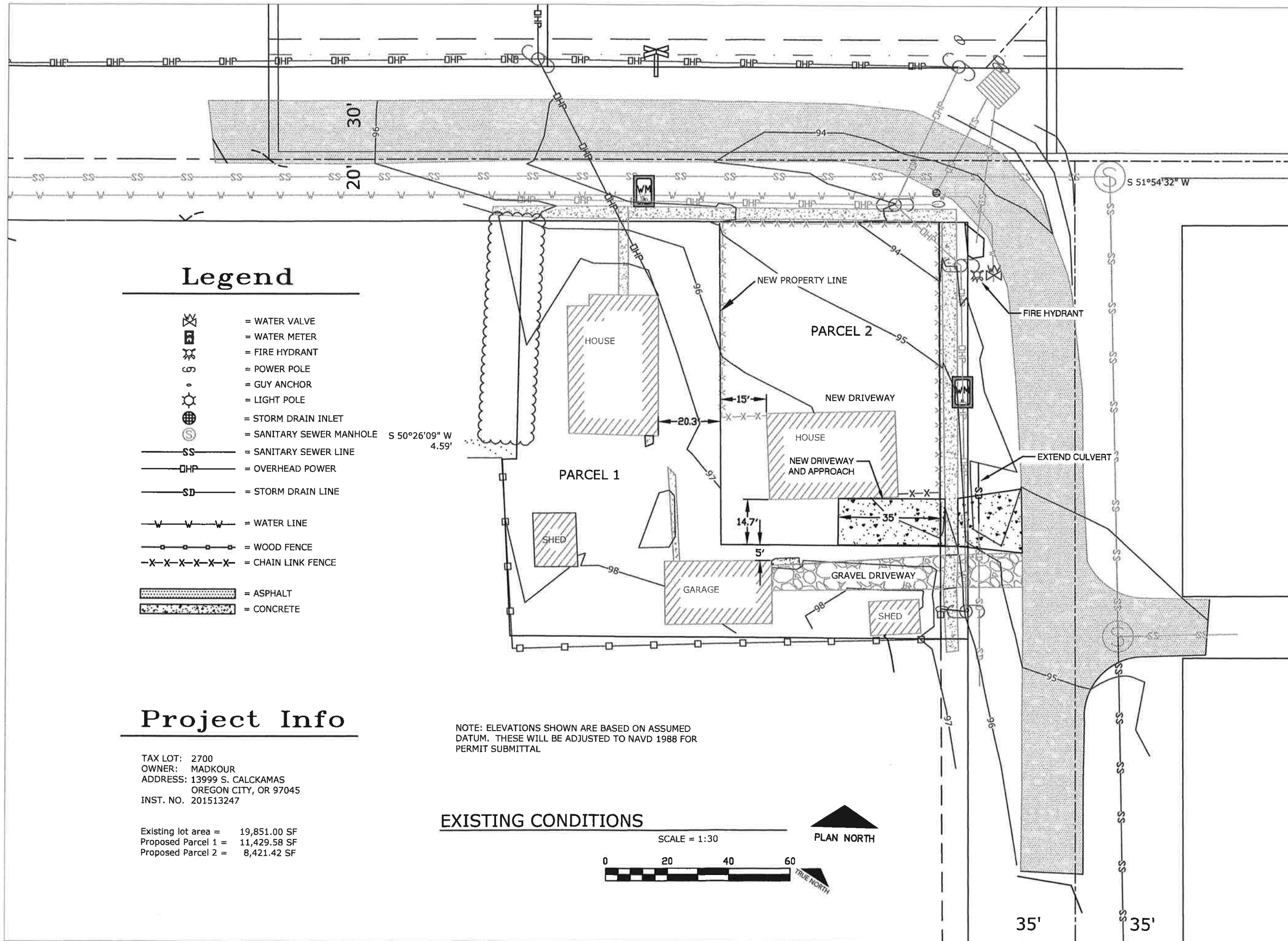
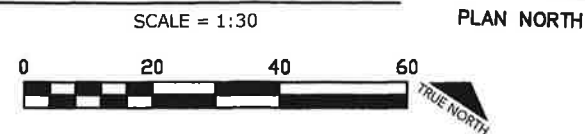
Project Info

TAX LOT: 2700
 OWNER: MADKOUR
 ADDRESS: 13999 S. CALCKAMAS
 OREGON CITY, OR 97045
 INST. NO. 201513247

Existing lot area = 19,851.00 SF
 Proposed Parcel 1 = 11,429.58 SF
 Proposed Parcel 2 = 8,421.42 SF

NOTE: ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. THESE WILL BE ADJUSTED TO NAVD 1988 FOR PERMIT SUBMITTAL

EXISTING CONDITIONS

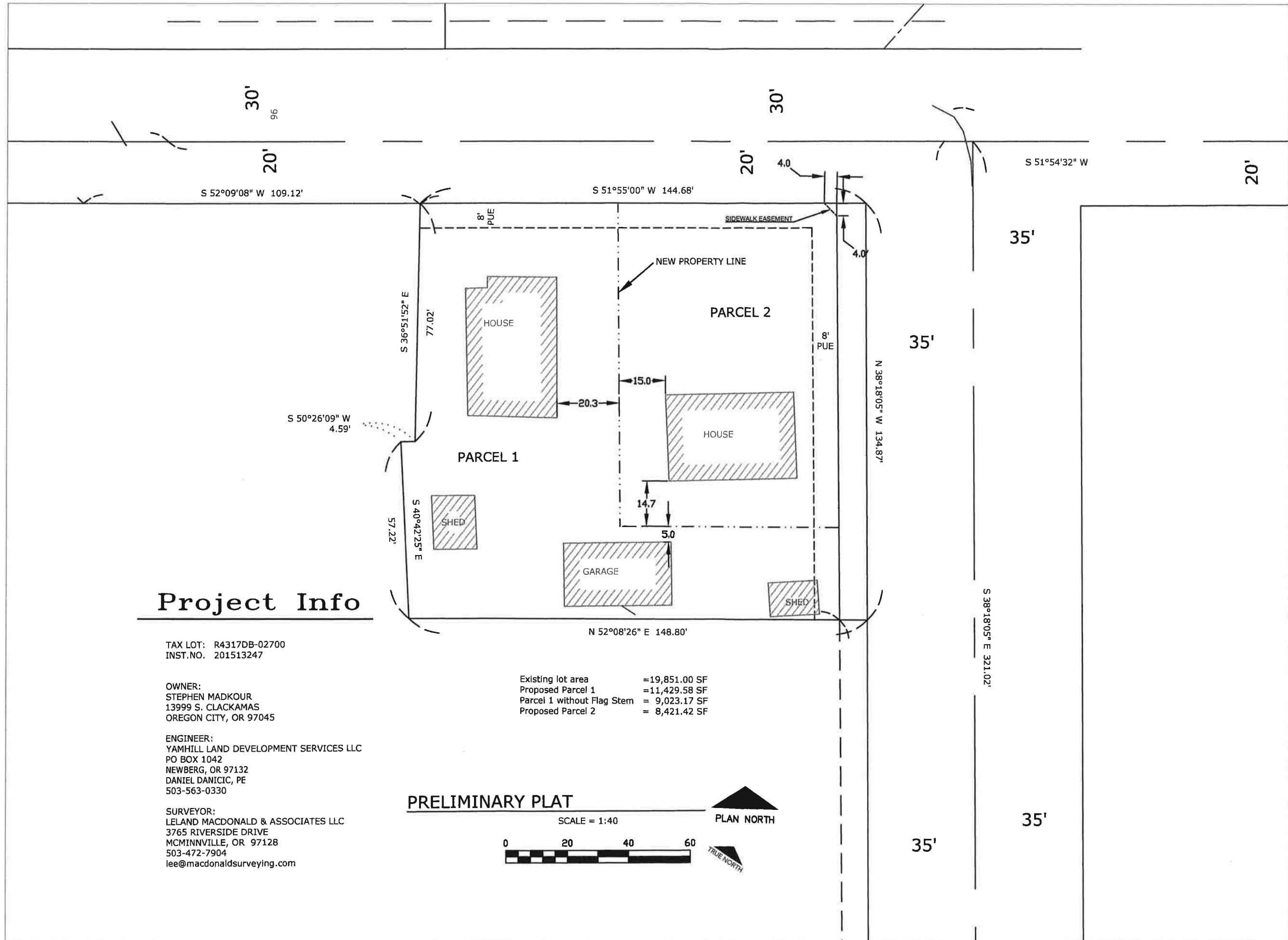


12/2/20
 PARTITION
 APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
2
 OF
2



Project Info

TAX LOT: R4317DB-02700
 INST.NO. 201513247

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 13999 S. CLACKAMAS
 OREGON CITY, OR 97045

ENGINEER:
 YAMHILL LAND DEVELOPMENT SERVICES LLC
 PO BOX 1042
 NEWBERG, OR 97132
 DANIEL DANICIC, PE
 503-563-0330

SURVEYOR:
 LELAND MACDONALD & ASSOCIATES LLC
 3765 RIVERSIDE DRIVE
 MCMINNVILLE, OR 97128
 503-472-7904
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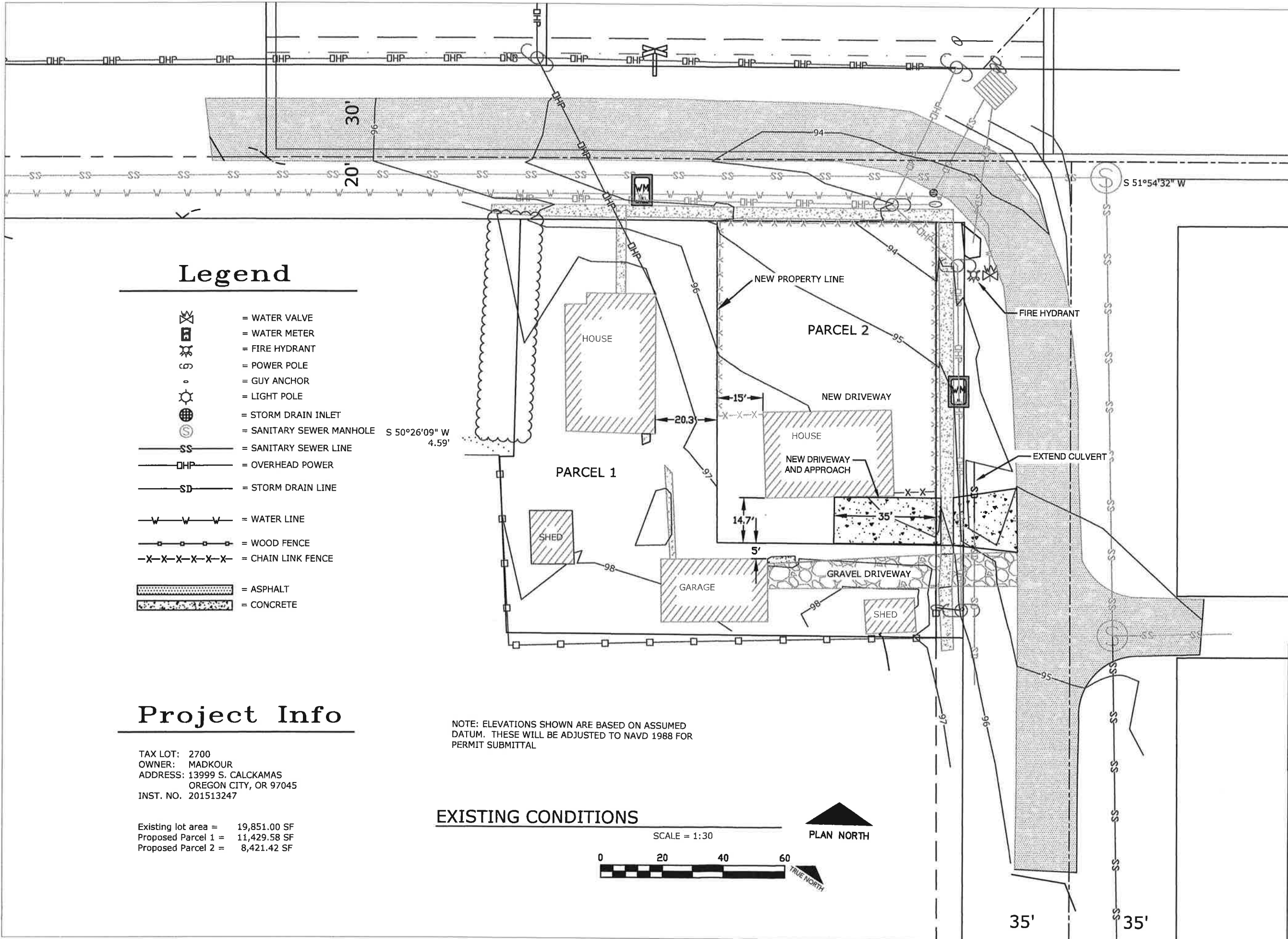


12/2/20
 PARTITION APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
1
 OF
2



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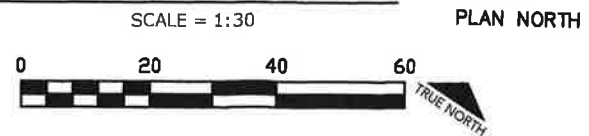
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12/2/20
 PARTITION
 APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
2
 OF
2



First American

First American Title Company of Oregon
 825 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

Order No.: 1031-2502250
 August 11, 2015

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

LYDIA P. ZIMMERMAN, Escrow Officer/Closer
 Phone: (503)472-4627 - Fax: (866)800-7294 - Email: lzimmerman@firstam.com
 First American Title Company of Oregon
 775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Steven OBrady, Title Officer
 Phone: (503)376-7363 - Fax: (866)800-7294 - Email: sobrady@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 522 Ash Street, Dayton, OR 97115

Proposed Insured Lender:

2006 ALTA Owners Standard Coverage	Liability \$	200,000.00	Premium \$	700.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	To Come	Premium \$	To Come
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	
Other			Cost \$	

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

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

and as of July 27, 2015 at 8:00 a.m., title to the fee simple estate is vested in:

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common

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

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

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

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 2015-2016 a lien due, but not yet payable.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Bargain and Sale Deed recorded September 24, 2013 as Instrument No. 201315154, Ronald D. Ellis to Ronald D. Ellis and Dolores E. Ellis.

NOTE: We find no matters of public record against Jenny M. Madkour or Stephen Madkour 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 2014-2015 PAID IN FULL

Tax Amount: \$1,934.93
Map No.: R4317DB 02700
Property ID: 116993
Tax Code No.: 8.0

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$342.41
Map No.: M00248378
Property ID: 450620
Tax Code No.: 8.0

(Affects Mobile Home)

Situs Address as disclosed on Yamhill County Tax Roll:

522 Ash Street, Dayton, OR 97115

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

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **41.00** for the first page
\$ **5.00** for each additional page

- cc: Jenny M. Madkour and Stephen Madkour
- cc: Ronald D. Ellis and Dolores E. Ellis
- cc: Barry House, Willamette West Realtors
708 NE BAKER ST, MCMINNVILLE, OR 97128
- cc: Katy Diffendorfer, M Realty LLC



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

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

Applicability

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

Types of Information

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

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

Use of Information

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

Former Customers

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

Confidentiality and Security

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

Information Obtained Through Our Web Site

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

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

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

Business Relationships

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

Cookies

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

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

Fair Information Values

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

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

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

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

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

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

Exhibit "A"

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

Parcel 1:

Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

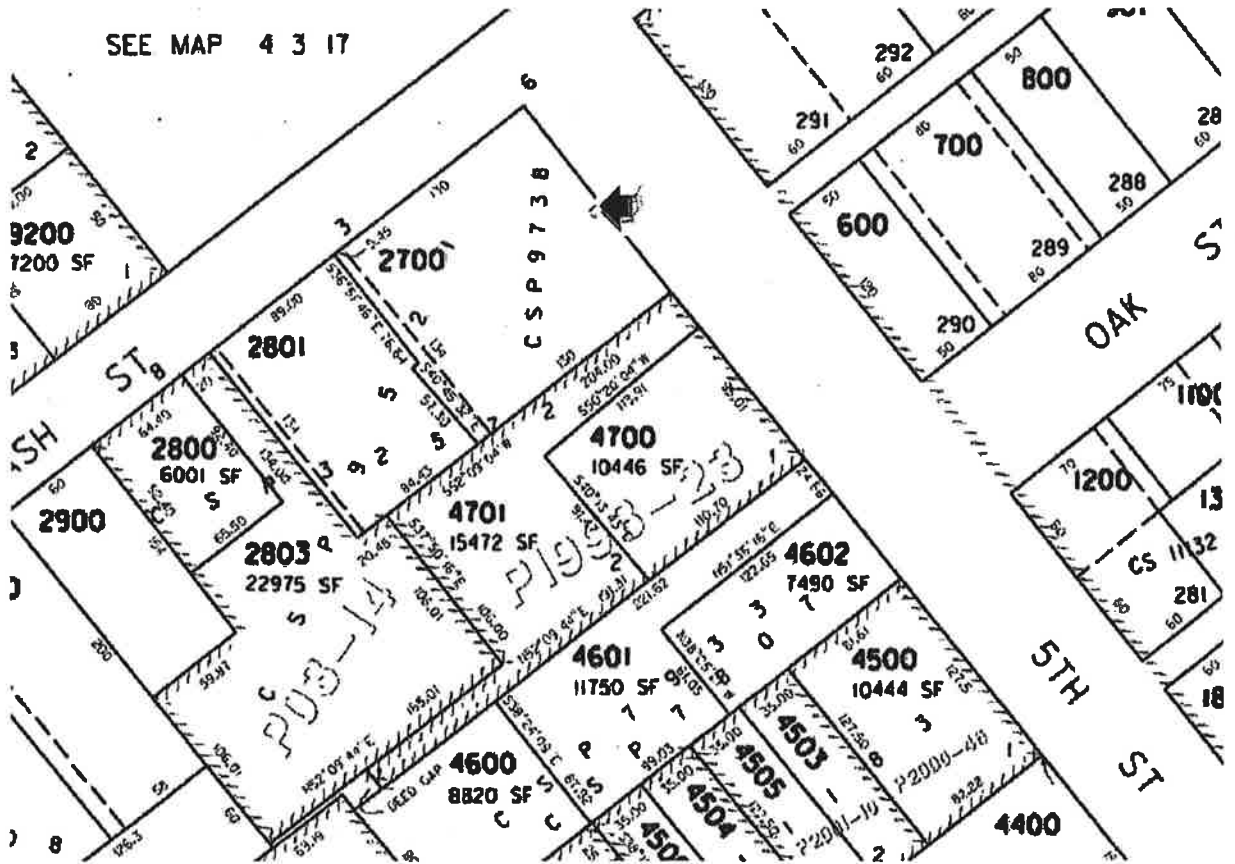
A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.



First American



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





After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:

Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

File No.: 1031-2502250 (LZ)
Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201513247
DMR-DDMR	
Stn=6 SUTTONS	08/21/2015 09:45:11 AM
4Pgs \$20.00 \$11.00 \$5.00 \$20.00	\$56.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY WARRANTY DEED

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common, Grantor, conveys and warrants to Jenny M. Madkour and Stephen Madkour, wife and husband, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$199,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 2502250



After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

File No.: 1031-2502250 (LZ)
Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common, Grantor, conveys and warrants to **Jenny M. Madkour and Stephen Madkour, wife and husband ,** Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

- 1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$199,000.00.** (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 2502250

APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 8 day of 18th, 2015.

Ronald D. Ellis
Ronald D. Ellis

Dolores E. Ellis
Dolores E. Ellis

Barbara J. Scoggan
Barbara J. Scoggan

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 18th day of August, 2015
by **Ronald D. Ellis and Dolores E. Ellis** .



Janet Winder
Notary Public for Oregon
My commission expires: 5/6/2015

APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

STATE OF California

County of Sacramento ss.

This instrument was acknowledged before me on this 18 day of Aug 2015, 20
by **Barbara J. Scoggan**.

L. Akers

Notary Public for California

My commission expires: 7/19/17



APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

Exhibit "A"

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

Parcel 1:

Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.

City of Dayton

Planning Department



Application for Variance

 Major Minor

 416 Ferry St - PO Box 339
 Dayton OR 97114
 Ph # (503) 864-2221
 Fax # (503) 864-2956
 www.ci.dayton.or.us
 cityofdayton@ci.dayton.or.us

For City of Dayton use:

Date Application Received: 12/4/20	Received By: C. Park	File Number: MNVAR 2020-07
Public Hearing Date:	Fee Amount: \$175.00	Deposit Amount:
Application Completed Date: 12/4/20	Application Approval Date:	

Applicant Information:

Applicant Name: Stephen Madkour

Mailing Address: 13999 S Clackamas River Drive City: Oregon City ST: OR Zip: 97045

Phone Number: 503-970-3998 Email: stephenmadkour@gmail.com

Site Information:

Site Address or Location: 520 Ash St

Map & Tax Lot Number: R4317DB-02700 Zoning: R2

Is your site or building on the National Historic Registry? No Yes In a Flood Zone? Yes No

Owner Information:

Property Owner(s): Stephen and Jenny Madkour

Address: SAME City: ST: Zip:

Phone: Email Address:

Summary of Request:

MODIFICATION OF THE REAR SETBACK CRITERIA FROM 15 FEET TO 14.7 FEET

Section(s) of the Code which you are seeking a variance for? 7.2.103.05.B

Property Owner Signature: Date: 9/18/20

Property Owner Signature: Date: 9/18/20

I/We the above signed Property Owner(s) consent to the proposed development of our property as indicated on this application.

For Office Use

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
Approved by:	<input type="checkbox"/> City Manager	<input type="checkbox"/> City Planner	<input type="checkbox"/> Public Works Director	<input type="checkbox"/> City Engineer
	<input type="checkbox"/> Yamhill County Public Works	<input type="checkbox"/> ODOT	<input type="checkbox"/> Fire Marshal/Chief	
Applicant Notification Date:	Comments:			
Additional Services Amount Billed:	Paid:	<input type="checkbox"/> Planner		
<input type="checkbox"/> Engineer	<input type="checkbox"/> Staff Time	<input type="checkbox"/> Other		

Variance Application

Revised 1/26/15

Consultants (please list all that apply)

Planning Engineering Surveyor Other

Name: Daniel Danicic, PE Physical Address: 712 E 3rd St.
Firm: Yamhill Land Development Services LLC City: Newberg ST: OR Zip: 97132
Mailing Address: PO Box 1042 Telephone #: _____
City: Newberg ST: OR Zip: 97132 Cell Phone #: 503-476-7702
Email Address: djd.ylds@gmail.com

Planning Engineering Surveyor Other

Name: Leland MacDonald, PLS Physical Address: 3765 NE Riverside Dr
Firm: Leland MacDonald and Assoc LLC City: McMinnville ST: OR Zip: 97128
Mailing Address: 3765 NE Riverside Dr Telephone #: 503-472-7904
City: McMinnville ST: OR Zip: 97128 Cell Phone #: _____
Email Address: lee@macdonaldsurveying.com

Planning Engineering Surveyor Other

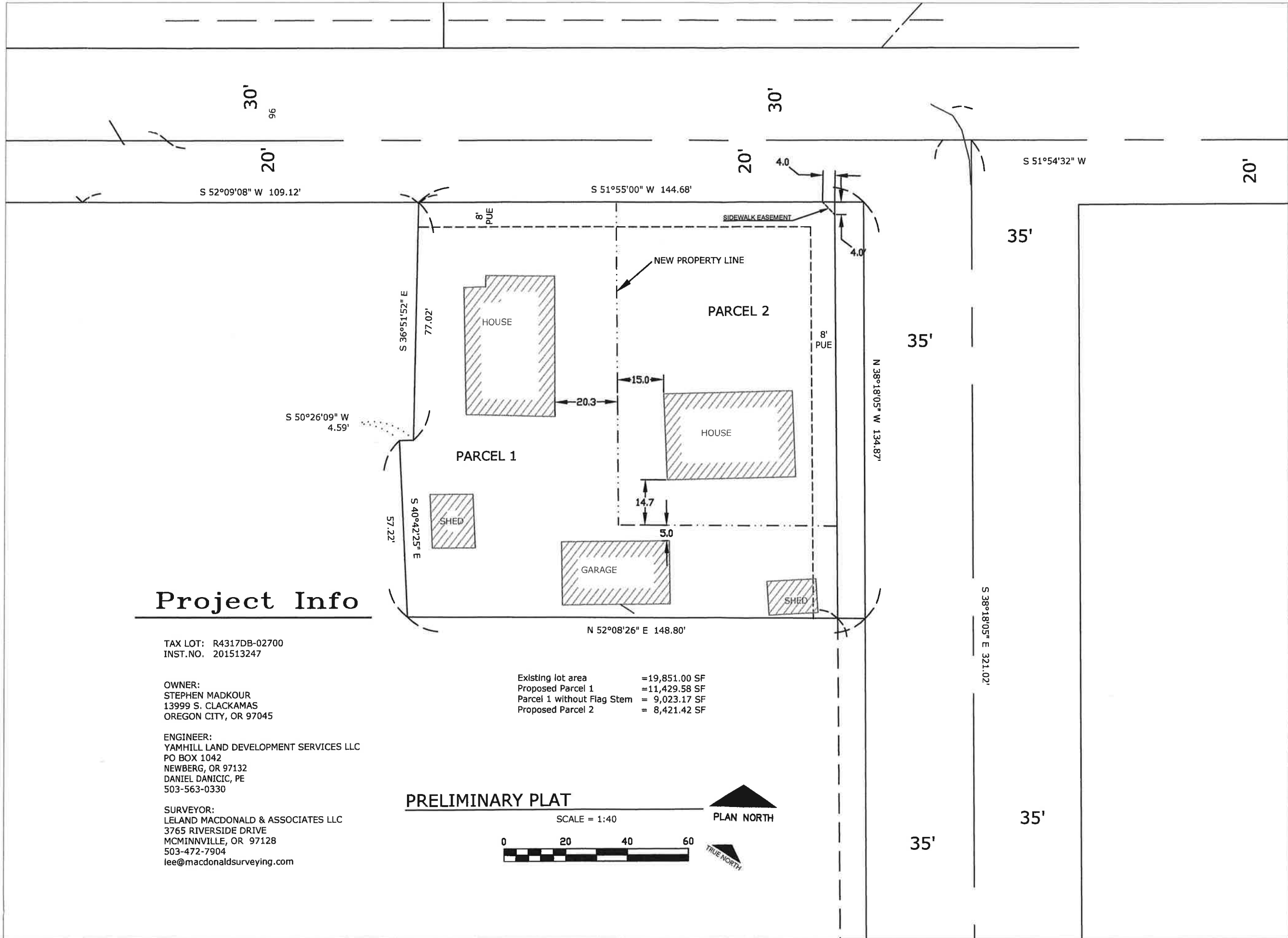
Name: _____ Physical Address: _____
Firm: _____ City: _____ ST: _____ Zip: _____
Mailing Address: _____ Telephone #: _____
City: _____ ST: _____ Zip: _____ Cell Phone #: _____
Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____
Firm: _____ City: _____ ST: _____ Zip: _____
Mailing Address: _____ Telephone #: _____
City: _____ ST: _____ Zip: _____ Cell Phone #: _____
Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____
Firm: _____ City: _____ ST: _____ Zip: _____
Mailing Address: _____ Telephone #: _____
City: _____ ST: _____ Zip: _____ Cell Phone #: _____
Email Address: _____



Project Info

TAX LOT: R4317DB-02700
INST.NO. 201513247

OWNER:
STEPHEN MADKOUR
13999 S. CLACKAMAS
OREGON CITY, OR 97045

ENGINEER:
YAMHILL LAND DEVELOPMENT SERVICES LLC
PO BOX 1042
NEWBERG, OR 97132
DANIEL DANICIC, PE
503-563-0330

SURVEYOR:
LELAND MACDONALD & ASSOCIATES LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OR 97128
503-472-7904
lee@macdonaldsurveying.com

Existing lot area	=19,851.00 SF
Proposed Parcel 1	=11,429.58 SF
Parcel 1 without Flag Stem	= 9,023.17 SF
Proposed Parcel 2	= 8,421.42 SF

PRELIMINARY PLAT

SCALE = 1:40



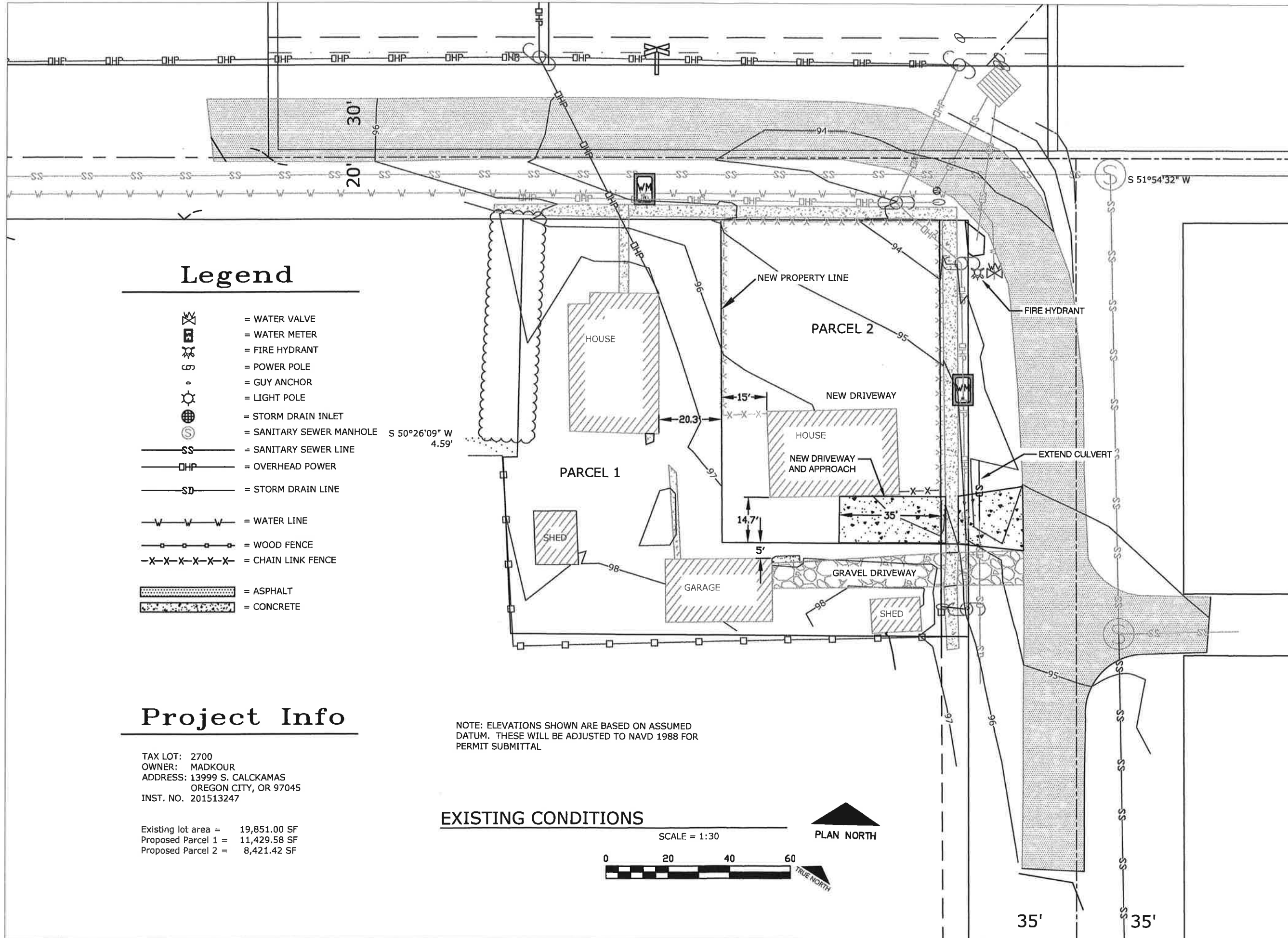
12/2/20
PARTITION APPLICATION
520 ASH ST
DAYTON, OR 97114



EXPIRES 12/31/21

SHEET

1
OF
2



Legend

- = WATER VALVE
- = WATER METER
- = FIRE HYDRANT
- = POWER POLE
- = GUY ANCHOR
- = LIGHT POLE
- = STORM DRAIN INLET
- = SANITARY SEWER MANHOLE
- = SANITARY SEWER LINE
- = OVERHEAD POWER
- = STORM DRAIN LINE
- = WATER LINE
- = WOOD FENCE
- = CHAIN LINK FENCE
- = ASPHALT
- = CONCRETE

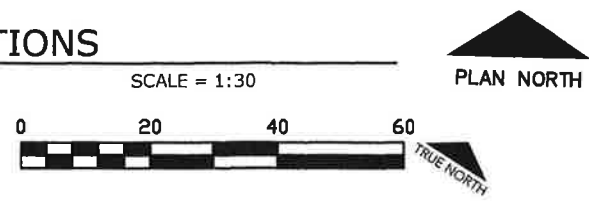
Project Info

TAX LOT: 2700
 OWNER: MADKOUR
 ADDRESS: 13999 S. CALCKAMAS
 OREGON CITY, OR 97045
 INST. NO. 201513247

Existing lot area = 19,851.00 SF
 Proposed Parcel 1 = 11,429.58 SF
 Proposed Parcel 2 = 8,421.42 SF

NOTE: ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. THESE WILL BE ADJUSTED TO NAVD 1988 FOR PERMIT SUBMITTAL

EXISTING CONDITIONS

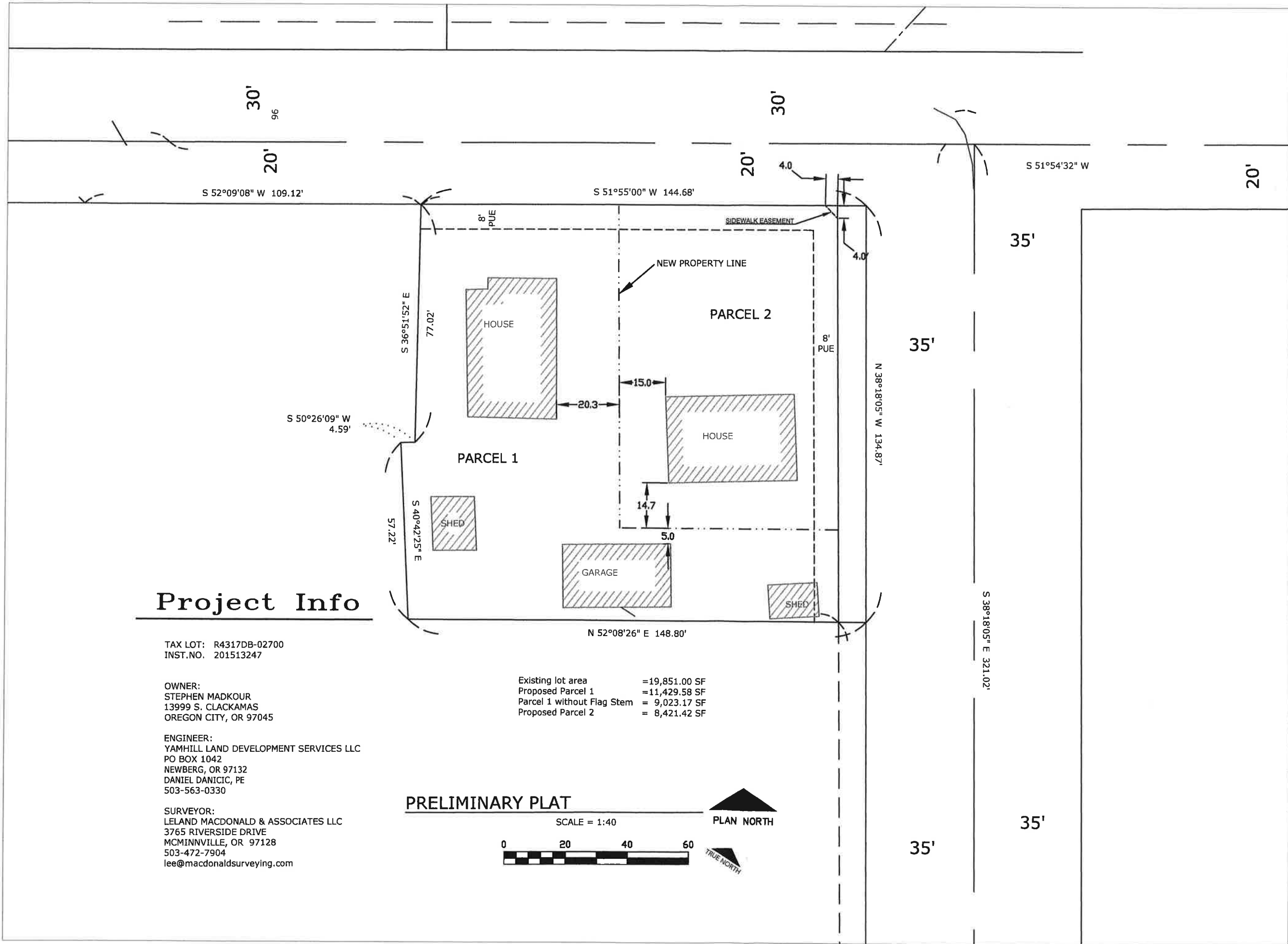


12/2/20
 PARTITION
 APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
2
 OF
2



Project Info

TAX LOT: R4317DB-02700
INST.NO. 201513247

OWNER:
STEPHEN MADKOUR
13999 S. CLACKAMAS
OREGON CITY, OR 97045

ENGINEER:
YAMHILL LAND DEVELOPMENT SERVICES LLC
PO BOX 1042
NEWBERG, OR 97132
DANIEL DANICIC, PE
503-563-0330

SURVEYOR:
LELAND MACDONALD & ASSOCIATES LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OR 97128
503-472-7904
lee@macdonaldsurveying.com

Existing lot area	=19,851.00 SF
Proposed Parcel 1	=11,429.58 SF
Parcel 1 without Flag Stem	= 9,023.17 SF
Proposed Parcel 2	= 8,421.42 SF

PRELIMINARY PLAT

SCALE = 1:40



PLAN NORTH



12/2/20
PARTITION APPLICATION
520 ASH ST
DAYTON, OR 97114



EXPIRES 12/31/21









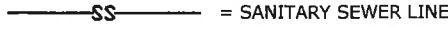
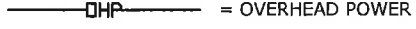
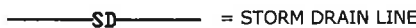


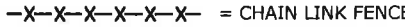


SHEET

1

OF

2

Legend

-  = WATER VALVE
-  = WATER METER
-  = FIRE HYDRANT
-  = POWER POLE
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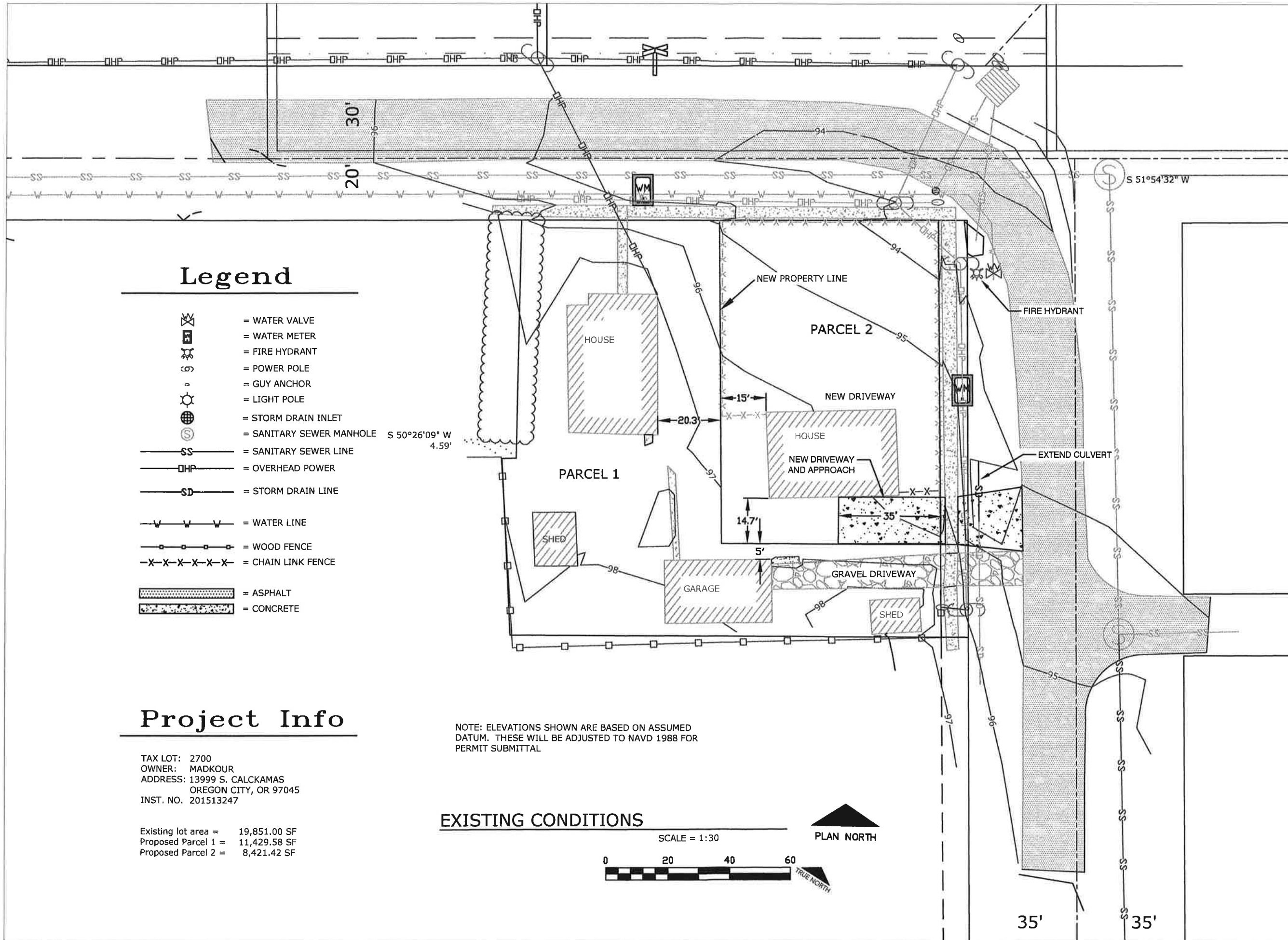
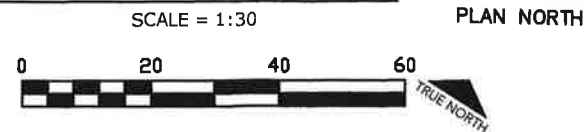
Project Info

TAX LOT: 2700
 OWNER: MADKOUR
 ADDRESS: 13999 S. CALCKAMAS
 OREGON CITY, OR 97045
 INST. NO. 201513247

Existing lot area = 19,851.00 SF
 Proposed Parcel 1 = 11,429.58 SF
 Proposed Parcel 2 = 8,421.42 SF

NOTE: ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. THESE WILL BE ADJUSTED TO NAVD 1988 FOR PERMIT SUBMITTAL

EXISTING CONDITIONS



12/2/20
 PARTITION APPLICATION
 520 ASH ST
 DAYTON, OR 97114



EXPIRES 12/31/21

SHEET
2 OF **2**



First American

First American Title Company of Oregon
 825 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

Order No.: 1031-2502250
 August 11, 2015

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

LYDIA P. ZIMMERMAN, Escrow Officer/Closer
 Phone: (503)472-4627 - Fax: (866)800-7294 - Email: lzimmerman@firstam.com
 First American Title Company of Oregon
 775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Steven OBrady, Title Officer
 Phone: (503)376-7363 - Fax: (866)800-7294 - Email: sobrady@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 522 Ash Street, Dayton, OR 97115

Proposed Insured Lender:

2006 ALTA Owners Standard Coverage	Liability \$	200,000.00	Premium \$	700.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	To Come	Premium \$	To Come
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	
Other			Cost \$	

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

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

and as of July 27, 2015 at 8:00 a.m., title to the fee simple estate is vested in:

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common

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

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

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

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 2015-2016 a lien due, but not yet payable.
 8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 9. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Bargain and Sale Deed recorded September 24, 2013 as Instrument No. 201315154, Ronald D. Ellis to Ronald D. Ellis and Dolores E. Ellis.

NOTE: We find no matters of public record against Jenny M. Madkour or Stephen Madkour 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 2014-2015 PAID IN FULL

Tax Amount: \$1,934.93
Map No.: R4317DB 02700
Property ID: 116993
Tax Code No.: 8.0

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$342.41
Map No.: M00248378
Property ID: 450620
Tax Code No.: 8.0

(Affects Mobile Home)

Situs Address as disclosed on Yamhill County Tax Roll:

522 Ash Street, Dayton, OR 97115

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

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **41.00** for the first page
\$ **5.00** for each additional page

- cc: Jenny M. Madkour and Stephen Madkour
- cc: Ronald D. Ellis and Dolores E. Ellis
- cc: Barry House, Willamette West Realtors
708 NE BAKER ST, MCMINNVILLE, OR 97128
- cc: Katy Diffendorfer, M Realty LLC



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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

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

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

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

Applicability

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

Types of Information

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

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

Use of Information

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

Former Customers

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

Confidentiality and Security

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

Information Obtained Through Our Web Site

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

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

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

Business Relationships

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

Cookies

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

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

Fair Information Values

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

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

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

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

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

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

Exhibit "A"

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

Parcel 1:

Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

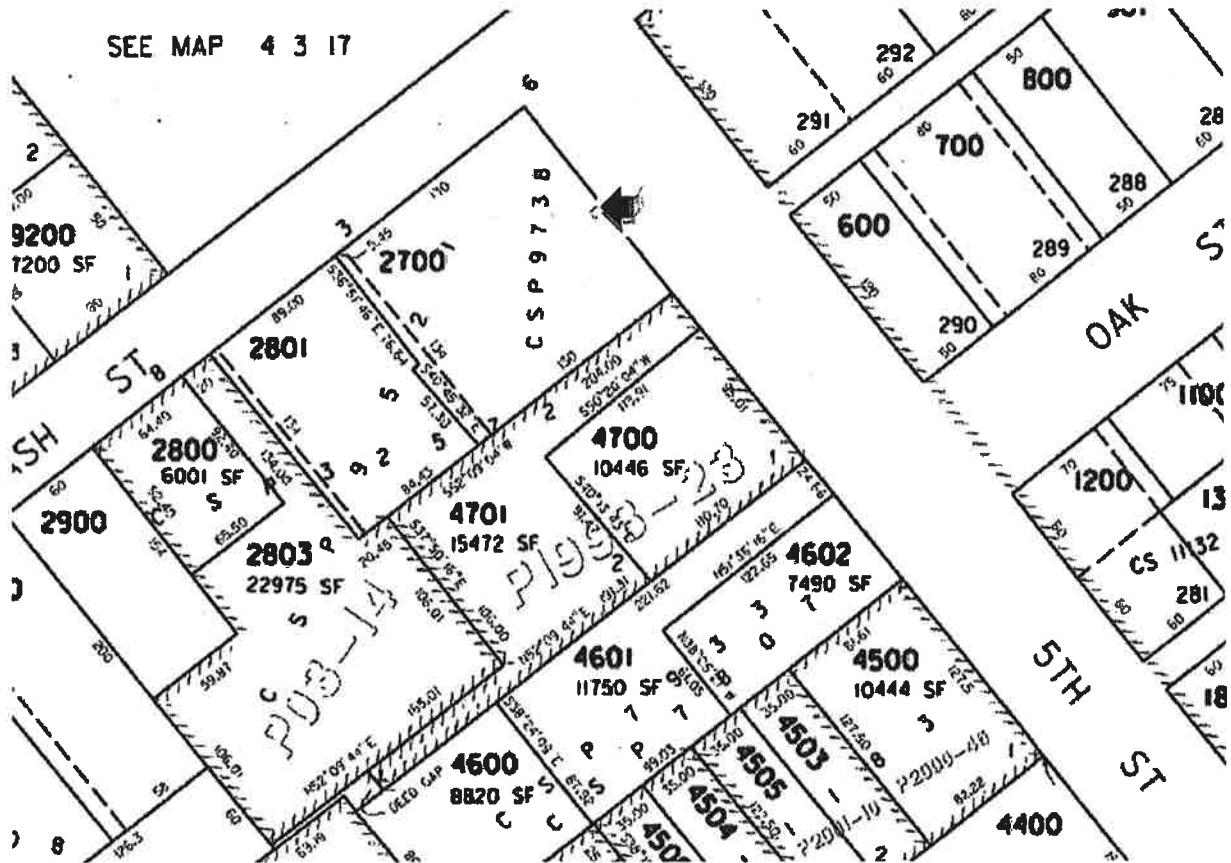
A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.



First American



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





After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

File No.: 1031-2502250 (LZ)
Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records		201513247
DMR-DDMR		08/21/2015 09:45:11 AM
Stn=6 SUTTONS		\$56.00
4Pgs	\$20.00 \$11.00 \$5.00 \$20.00	

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

FIRST AMERICAN TITLE 2502250

STATUTORY WARRANTY DEED

Barbara J. Scoggan, as to an undivided 1/2 interest, and Ronald D. Ellis and Dolores E. Ellis, as tenants by the entirety as to an undivided 1/2 interest, all as tenants in common, Grantor, conveys and warrants to Jenny M. Madkour and Stephen Madkour, wife and husband, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$199,000.00**. (Here comply with requirements of ORS 93.030)



After recording return to:
Jenny M. Madkour and Stephen
Madkour
13999 S Clackamas River Dr
Oregon City, OR 97045

Until a change is requested all tax
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following address:
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Madkour
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Date: August 06, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

2502250
FIRST AMERICAN TITLE

STATUTORY WARRANTY DEED

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The true consideration for this conveyance is **\$199,000.00**. (Here comply with requirements of ORS 93.030)

APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 8 day of 18th, 2015.

Ronald D. Ellis
Ronald D. Ellis

Dolores E. Ellis
Dolores E. Ellis

Barbara J. Scoggan
Barbara J. Scoggan

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 18th day of August, 2015
by **Ronald D. Ellis and Dolores E. Ellis** .



Janet L. Winder
Notary Public for Oregon
My commission expires: 5/6/2015

APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

STATE OF California)
County of Sacramento) ss.

This instrument was acknowledged before me on this 18 day of Aug 2015, 20
by **Barbara J. Scoggan**.

L. Akers

Notary Public for California
My commission expires: 7/19/17



APN: 116993

Statutory Warranty Deed
- continued

File No.: 1031-2502250 (LZ)

Exhibit "A"

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

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Beginning a part of a tract of land deeded by the trustees of the Methodist Episcopal Church of Dayton, Yamhill County, Oregon, to Ross S. Watson and lying and being situated in the Town of Dayton, County of Yamhill, State of Oregon, and further described as follows, to-wit: Beginning at the intersecting point on Fifth Street with the road or street leading to Lafayette; thence along the said Lafayette Road for a distance of 130 feet; thence on a line parallel with the line of Fifth Street to the division line with a tract of land deeded by the Trustees of the M.E. Church to C. W. McNarmar; thence along the said division line to Fifth Street and parallel with the said Lafayette Road; thence along the line of said Fifth Street to the place of beginning and containing a tract of land 130 by 154 feet. SUBJECT TO a reservation of a strip of land 6 feet wide along the most southerly line of above-described tract of land for an alley or roadway as set forth in Deed to Scoggan and Ellis recorded April 20, 1993 in FV 285, page 795 Deed & Mortgage Records of Yamhill County, Oregon.

Parcel 2:

A tract of land situated in the Southeast Quarter of Section 17, Township 4 South, Range 3 West, Willamette Meridian, in the Town of Dayton, Yamhill County, Oregon, and described as follows: Commencing at the intersection of the southeasterly margin of Ash Street and the southwesterly margin of Fifth Street, said point of intersection being marked with an iron pipe set in County Survey P-3257-2 of County Survey Records, and being also North 52° 00' East 319.92 feet and South 38° 17' 45" East 20.00 feet from the Second Angle Corner of the Joel Palmer Donation Land Claim No. 80 in said Township and Range; thence South 52° 00' West along the southeasterly margin of Ash Street, a distance of 129.91 feet to an iron pipe set in said County Survey P-3257-2, being the Point of Beginning; thence South 52° 00' West 5.50 feet to an iron rod set on said street margin; thence South 36° 37' 30" East 76.57 feet to an iron pipe; thence South 50° 58' West 4.60 feet to an iron pipe; thence South 40° 29' 50" East 57.30 feet to a point from which an iron pipe bears South 40° 29' 50" East 4.31 feet distance; thence North 52° 21' 53" East 9.82 feet; thence North 38° 09' 46" West 133.94 feet to the Point of Beginning.

Exhibit B- City Engineer's Comments

Per the City's request, we reviewed the land use application and associated layout drawing submitted for a partition of property at the southwest corner of 5th & Ash. We reviewed the application for conformance with applicable City requirements, with regards to recommended improvements to mitigate anticipated impacts. For the most part, our review is limited to public works & infrastructure issues. We understand that the City Planner will be reviewing the application from a planning/zoning standpoint and preparing the staff report.

We recommend that approval of this development be subject to the suggested conditions outlined below. As an alternative, the suggested conditions noted below can be included by reference by an approval condition, if this approach is desired by the City Planner.

If the Planning staff or Planning Commission wishes to modify any of the recommended conditions of approval outlined below, or grant variances based on information that we may not be aware of, we assume that this will be coordinated with Public Works as part of the land use approval process. The City Planner should exercise care and coordinate with other staff if any of the suggested conditions are reworded, to avoid changing the meaning of the requirements.

It is important to be aware that the PWDS (and Oregon Fire Code - OFC) provisions referenced herein are not land use regulations, and are not intended to have an impact on the decision as to whether to approve or deny the application, but are listed so that the applicant is made aware of some of the design/construction standards which must be addressed during the construction phase of the development (*ie. approval or denial should be based on the land use regulations, while conditions regarding specific improvements may reference the PWDS & OFC to clarify the extent of improvements required in order to provide service to or mitigate impacts from the development*).

Background Information

By City convention and to minimize confusion regarding directions, "plan" north (for purposes of this review) is considered to be parallel with 5th Street and perpendicular to Ash Street.

The proposed development is generally located on the SW corner of 5th & Ash Street.

The applicant (*hereinafter called the Developer*) proposes a 2 lot partition, along with associated utility & access improvements.

The developer also submitted two variance applications as follows.

- Minor variance to reduce a rear yard setback slightly (*2% reduction*).
- Major variance to allow for a non-remonstrance agreement in lieu of construction of frontage street improvements.

These variance applications are reviewed in conjunction with the partition application.

A preliminary lot layout drawing was included with the application, including location of some (*but not all*) of the existing utilities, and also showed proposed vehicular access improvements. While the preliminary drawings show water meter locations, they do not show existing sewer lateral locations or specifically address storm drainage from Parcel 1.

Excerpts from the City utility maps are attached for reference. These maps show the approximate location and layout of the surrounding properties and known utilities.

The development consists of all of the following tax lots.

- TL 4317DB-02700 (520 & 522 Ash Street).

The property is currently zoned Residential (R2). The zoning of land bordering the development property is as follows:

---North: Residential (R1), across Ash Street

---South: Residential R-2

---West: Residential R-2

---East: Residential (R2), across 5th Street

Development Considerations. We recommend referencing the following suggested conditions and/or development considerations (**BULLETED PARAGRAPHS BELOW**) in the land use approval.

Prior Land Use Approval for Property.

We are not aware of any previous land use actions impacting this property. We assume that this will be verified by the City planning staff.

Existing Plats, Easements, etc.

The property does not appear to have been part of a previous partition or subdivision plat.

A title report was provided with the land use application (*dated 8/11/2015*). No existing easements or other recorded instruments (*which might affect the development of the property*) are listed on the title report.

A current title report will need to be submitted when construction drawings are submitted for review, as well as copies of all referenced recorded documents (*unless links are provided in the title report*). (see PWDS 1.10.b.10).

This property is not included on the historic property index map, although the property immediately to east is on the historic property index map.

Existing buildings, setbacks, etc.

There are five (5) existing buildings shown on the property (*2 houses, a detached garage, and two sheds*). All are shown as proposed to remain on the property after the partition. One shed may need to be relocated as noted below.

Setbacks. As noted above, the minor variance application was submitted to reduce the rear yard setback for one of the houses from 15 feet to 14.7 feet (*in order to maintain a 5 foot setback for the existing garage*).

---From an access & utility standpoint, we have no concerns with an approval being granted for the setback variance.

Lot Size (excluding any access easements and/or flagstems).

The size of the proposed lots are listed on the application drawings (*with and without the flagstem and/or access easements being counted, since any flagstem and/or access easement area must be excluded from*

the calculated lot or parcel size for purposes of meeting zone minimums, per LUDC 7.2.302.09.A & 7.2.307.03.C.2).

We assume that the City Planner will verify that the lot sizes and dimensions meet all City criteria.

Plat Approval Timeframe. *(per LUDC 7.3.105.06.A for partitions)*

- The final plat shall be recorded within 12 months of the approval of the tentative plat.
- The plat shall substantially conform to the approved preliminary plat as conditioned by the land use approval.

General Items.

- Except for items specifically exempted by the planning approval, the development shall fully comply with the public facility requirements of the Dayton Land Use & Development Code (LUDC) and the Public Works Design Standards (PWDS), including information outlined in the City Engineer's 12/15/2020 email to the Public Works Director Steve Sagmiller. The applicant/developer is responsible for the construction costs of required public or private infrastructure improvements associated with the development (*both onsite and offsite*).
- After issuance/finalization of the land use approval, the developer and his engineer shall schedule and participate in a pre-design conference with the City Public Works for the purpose of coordinating any required site / street / sidewalk / utility work (PWDS 1.9.b). This conference shall occur after the issuance of land use approval (*and expiration of any appeal period*), but prior to submitting final site / street / sidewalk / utility construction drawings for review by Public Works. Participants shall include City Public Works and the City Engineer, as well as public/franchise utility providers as applicable. The developer shall provide all information required under PWDS 1.9.b prior to the predesign conference (including a title report), as well as providing information on how each land use approval condition will be addressed.
- After the pre-design conference, the applicant shall prepare and submit any required street, grading, parking, storm drainage, sewer and water plans conforming to the requirements of the Public Works Design Standards (PWDS) for review by the City Engineer and Public Works.
- Public Works construction permits for site / street / sidewalk / utility work shall not be issued until after the developer has received final approval of any required engineered site, street/sidewalk or utility construction drawings per PWDS requirements, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period (PWDS G.10). The engineered site / street / sidewalk / utility construction drawings shall be based on a topographic survey showing the location of all property lines, right-of-way lines and existing easements (*including recording references*), and existing utilities. The construction drawings shall show any new easements required (*including recording references*), and all required site and utility improvements, addressing site grading, street improvements/repairs, sidewalk & pedestrian plans, street lights, waterlines, fire hydrants, sanitary sewer, storm drainage, access driveways/fire lanes and parking area layout/dimension plans as applicable, and irrigation plans & backflow device locations for all phases of the development as applicable, as well as information on how streets and/or utilities can be extended to serve adjacent or upstream undeveloped property.

- A title report will need to be submitted for review with the utility plans and with the final plat (*including copies of all referenced recorded documents, unless download links are provided in the title report*). (see PWDS 1.10.b.10).
- Any required off-site easements shall be approved by the City and recorded by the Developer prior to approval of the construction drawings by the City.
- Building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings.

Phasing.

The developer is proposing to develop the partition in a single phase.

Site Layout, Grading, Vehicular Access, etc.

The preliminary layout drawing included information on proposed lot & driveway layout, but did not include a proposed grading plan or information on the exact location of the sewer & storm drainage services to serve each of the existing homes on the proposed new parcels. This information will be verified in conjunction with the predesign conference and the final construction drawings.

The following are included for reference only.

- Any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (*95% optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes*).
- Any existing unsuitable fills within the right-of-way, driveway alignments or building envelopes will need to be removed or remediated in conjunction with the development and infrastructure construction.

Both residential structures currently face Ash Street, but have a single shared driveway access from 5th Street.

The proposed layout includes separate driveways for each parcel, adjacent to each other off of 5th Street.

- Driveways and/or parking spaces shall be constructed as required to provide a minimum of two off-street parking spaces for each new parcel (*to serve each existing house*) prior to plat recording.
- Per LUDC 7.2.303.09.A & PWDS 2.30.e, all driveways and parking areas shall be paved with asphalt or concrete.
- Per PWDS 2.29.d, driveway spacing closer than 15 feet clear between driveways requires case-by-case PWDS variance approval from the Public Works Director. Where such approval is granted, the spacing between adjacent driveways shall be the maximum feasible under the site specific circumstances.
 - The existing shed shown on the drawings on the south end of the 5th Street frontage (*adjacent to the existing driveway*) will need to be relocated if required to meet this

requirement, since it appears that it will conflict with a relocated driveway to the existing garage building.

Streets, Sidewalks, etc.

The property fronts on 5th Street and Ash Street for approximately 280 feet (*±145 feet on Ash Street and ±135 feet on 5th Street*).

(Ash Street)

Ash Street fronting this property is currently a turnpike street section, without curbs on either side, with property line sidewalks on both sides.

Ash Street in this location is a City right-of-way with an existing ROW width of 50 feet, and is classified as an Collector Street.

---PWDS 2.11 (table) specifies the typical minimum street right-of-way and minimum improvement widths for streets of various classifications (*with modifications determined on a case-by-case basis, per LUDC 7.2.302.04*).

---Collector streets require a 36 foot curb-to-curb width, typically within a 60 feet typical right-of-way width.

---This narrower right-of-way width was addressed for the 2018 partition of the property on the north side of Ash Street, whereby the sidewalk for that northside property was constructed in an easement partially outside of the 50 foot right-of-way.

Based on discussions with the City Manager and Public Works, and the fact that previous partitions in this area (*recorded from 1968 to 2018*) did not require additional right-of-way along this portion of Ash Street, we suggest that the City allow the existing 50 foot right-of-way to be considered sufficient, provided the existing property line sidewalks are upgraded to meet current City standards as applicable, as noted below.

The required 36 foot street can be constructed within a 50 foot right-of-way, assuming future curblines sidewalks on the south side, and based on the north side sidewalks having been previously constructed in an easement outside of the public R/W, and assuming there will be no bike lanes along this portion of the future Ash Street.

---Based on the discussion above, additional R/W dedication does not appear to be required along Ash Street in conjunction with this development, except at the intersection corner as noted below.

(5th Street)

5th Street fronting this property is currently a turnpike street section, without curbs on either side, with a property line sidewalk on the development side.

5th Street in this location is a City right-of-way with an existing ROW width of approximately 80 feet, and is classified as an Collector Street.

---PWDS 2.11 (table) specifies the typical minimum street right-of-way and minimum improvement widths for streets of various classifications (*with modifications determined on a case-by-case basis, per LUDC 7.2.302.04*).

---Collector streets require a 36 foot curb-to-curb width, typically within a 60 feet typical right-of-way width.

---Additional R/W dedication does not appear to be required along 5th Street in conjunction with this development, except at the intersection corner as noted below.

(5th & Ash Intersection)

Although the right-of-way width along both street frontages appears to be adequate as noted above, additional right-of-way radius will be required at the 5th & Ash intersection (*to accommodate a future sidewalk radius when this intersection is reconstructed in the future*). The extent of this dedication at the corner will be determined between the City Engineer and the developer's engineer or surveyor during the construction drawing and/or plat review.

(Street Frontage Improvements).

As noted above, the frontage of this property along 5th & Ash Street is about 280 feet. Since the total frontage is more than 250 feet, street improvements along both frontages will be required unless a variance is granted.

---Per LUDC 7.2.307.08.B, "*Frontage improvements for partitions shall be subject to provisions in Section 7.2.307.05*".

--- LUDC 7.2.307.05.B.2 requires that "*if the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve . . . public streets upon which the property fronts to public standards . . .*"

---LUDC 7.2.307.05.B.1 states that "*If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Dayton. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.*"

The developer requested a variance to allow a construction deferral/non-remonstrance agreement to be recorded rather than constructing frontage improvements typically required. This variance involves the entire elimination of improvements required under the LUDC based on frontage length (*ie. whereas the 280 foot frontage is 12% greater than the 250 foot maximum footage allowed*).

Per LUDC 7.3.108.01, a variance request "*which result in a more than 10% change in a quantifiable standard requires a major variance.*"

LUDC 7.3.108.01.F further requires findings that "*the degree of the [major] variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.*" While Public Works takes no exception to the variance to defer the street improvements across the frontages, sidewalk improvements should be required to the extent necessary to bring existing sidewalks up to City standards (*see discussion below*).

Assuming that the minor variance is granted to allow the construction deferral/non-remonstrance agreement approach, street improvements will not be required in conjunction with the plat. However, sidewalk improvements (*as necessary*) will still be required prior to the final plat.

- If the variance to allow the non-remonstrance agreement in lieu of frontage street improvements is approved by the City, the Developer shall sign and record a Construction Deferral Agreement and Waiver of Rights to Remonstrance Agreement for the construction of future street and public utility related improvements for 5th Street and Ash Street fronting the property. This agreement shall cover scope of improvements as approved by Public Works, and shall be submitted to the City for review and approval prior to recording. The Developer shall be responsible for recording the agreement with the County and having a recorded copy of the agreement returned to the City.

(Sidewalks). Based on the assumed non-remonstrance approach noted above, sidewalk improvements will be limited to those necessary to bring existing sidewalks up to current City standards for width and cross slope. Since there are existing houses on both of the proposed new parcels, sidewalk improvements must be completed in conjunction with the final partition plat, rather than being deferred until issuance of building permits.

---5th Street. The property line sidewalks along 5th Street are asphalt, and are approximately 4½ feet wide.

---Ash Street. The property line sidewalks along Ash Street are also asphalt, and are approximately 3.7 feet wide. This is narrower than the 5 foot minimum concrete sidewalks required by City standards.

---Both sidewalks are narrower than the 5 foot minimum concrete sidewalks required by City standards.

City standards require that the Ash Street sidewalks be reconstructed as 5 foot wide property line sidewalks, meeting current City standards *(with the back of sidewalk set ± 6" or so from the right-of-way line)*. We recommend that a condition of approval be included formalizing this requirement, to be completed prior to final plat approval.

City standards also require that the 5th Street sidewalks be reconstructed as 5 foot wide property line sidewalks. However, if acceptable to the Public Works Director and the Planning Commission, we would not object to a variance being granted to defer the 5th Street sidewalks to be included in the non-remonstrance agreement for the street frontage improvements *(while the current 4½ foot width is only 10% less than the required width, an asphalt sidewalk is not allowed under current City standards, and would normally have to be replaced with concrete sidewalks unless a major variance is granted to defer it)*. The decision on whether or not to allow deferral of the 5th Street sidewalk replacement *(excluding the driveway approaches, which are required in any case)* should be considered with the major variance for the deferral of the street improvements.

- Sidewalks to City standards shall be constructed along the street frontages prior to final plat approval, including new driveway approaches across the sidewalks. If approved by the Planning Commission, the sidewalks along 5th Street *(excluding the driveway approaches)* can be included in the construction deferral/non-remonstrance agreement for future street improvements *(if the variance for the construction deferral/non-remonstrance approach is approved by the City)*.

(PUEs). PUEs a minimum of 8 feet wide are required along all property lines fronting public street right-of-ways (excluding alleys) as required by PWDS 1.10.j.

- Street frontage PUEs shall be provided along the frontage of all right-of-ways where such easements do not already exist *(PWDS 1.10.j)*. Language per PWDS 1.10.j will need to be included on the plat for these PUEs.

(CUB Mailboxes, PWDS 1.10.h.2.k & 2.21.j). Since the partition does not involve the construction of any new houses, new mailboxes are not anticipated to be required.

(Street Lights). Street lights must be provided along new street and existing frontage streets, per City spacing standards, where such street lights do not already exist *(PWDS 2.32.f, maximum of 200 feet spacing, or 3 lot widths, whichever is less)*.

---Per PWDS 2.32 spacing standards, one additional street light is required for this development, near the south boundary of the property.

- An additional street light must be installed for this development, near the south boundary of the property. It will be acceptable to the City for the new street light to be mounted to the existing utility pole (*if acceptable to the power company*).

Storm Drainage.

The preliminary drawings do not include information on proposed storm drainage improvements.

(Existing Storm).

Based on the utility maps, there is an existing storm drainage ditch along the 5th Street frontage of this property, and a culvert crossing under Ash Street (*flowing northerly*). There is also a shallow drainage swale along the Ash Street frontage. However, we have no record of storm drainage pipes along Ash Street in this area.

(New Storm).

Assuming the non-remonstrance approach is approved for future street and storm improvements, mainline storm improvements along Ash Street will not be required. However, storm drainage laterals will still need to be provided to serve each of the new parcels, and to convey roof drainage runoff to the storm drainage system or ditch.

---City standards requires that storm drainage issues be addressed by all property owners (*required under the PWDS for new development, and under Dayton Municipal Code 5.7 for building permits on existing property, including those building new structures on the property*).

It appears that both parcels can drain by gravity to their street frontage without easements across adjacent properties.

Sanitary Sewer.

The preliminary drawings do not include information on proposed sanitary sewer improvements.

(Existing Sewer Mainlines).

Based on the utility maps, there is an existing 8-inch concrete sewer along the south side of Ash Street across the property frontage (*8" concrete per utility maps, installed in 1965*), as well an existing 8-inch concrete sewer along the east side of 5th Street across the property frontage (*8" concrete per utility maps, installed in 1965*).

(New Sewer).

Since there is an existing mainline along the street frontage, mainline sewer improvements along Ash Street will not be required.

However, As outlined under PWDS 4.18.d, the City is under mandate from the Oregon Department of Environmental Quality (DEQ) to reduce infiltration and inflow (I/I) of storm runoff and groundwater into the City's sanitary sewer system. A significant portion of the (I/I) problems in the City's sewage collection system are attributable to leaking sewer service laterals or drains connected to service laterals. DEQ and City standards require that "*No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage to any sanitary sewer.*" The City requires applicants to demonstrate compliance with this ordinance by testing existing sanitary sewer service laterals (*at the expense of the applicant*) that are proposed for continuing use. This requirement is based on public health and sanitation regulations adopted by the City to meet Oregon DEQ and USEPA requirements under the

City's NPDES permit (*see also Dayton Municipal Code 8.1.1.6 & 8.1.3.5 regarding repair and/or replacement of existing sewer laterals determined to be defective*).

---The location of the existing sewer service laterals serving the existing buildings will need to be verified by the developer (*by TV inspection of the mainline, or locate TV inspection of the laterals from the house, as applicable*).

---City standards require that all lots be served by individual gravity sewer services (*or for each unit of a duplex, if duplexes are proposed, per PWDS 4.18.a.5*).

- The existing sewer service lateral(s) serving the existing buildings will need to be replaced unless they are newer PVC lateral which can pass an air test as noted under PWDS 4.18.d. Any service lateral abandoned must be capped at the sewer mainline. A property line cleanout shall be provided on any service lateral that remains in service. The new sewer services must be installed prior to recording of the partition plat.

Water.

The preliminary drawings indicate that both parcels have existing water meters, located on the respective parcel frontages.

(Existing Waterlines & Hydrants)

---There are existing 8-inch water mainlines along both street frontages, on the development side of each of the streets.

---There is an existing fire hydrant at 5th & Ash, which appears to be within the required distance of each of the property frontages.

(Water Services). Separate water services & meters are required for each lot (*if separate services & meters do not already exist*). If duplexes are proposed, separate water services & meters are required for each side of a duplex (PWDS 5.19.a.3).

---As noted above, the preliminary drawings indicate that both parcels have existing water meters, located on the respective parcel frontages. Unless duplexes are proposed, new water meters are not anticipated.

Franchise Utilities.

LUDC 7.2.305.02.C states in part that: *"All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground."*

---Any modifications to franchise utility service will need to be arranged with the applicable utility provider.

---Easements meeting PWDS requirements shall be provided for any franchise utility services located outside of street right-of-ways, which cross property other than that which they serve.

- The developer shall verify that a separate power & utility service is provided for 522 Ash Street, separate from the services to 520 Ash Street. New services must be installed prior to recording of the partition plat if required.