

MEETING NOTICE FOR THE CITY OF HUBBARD

TUESDAY

JUNE 16, 2020

PLANNING COMMISSION: FILIPPO, HOLUM, STIERLE, COUNTRYMAN, KULIKOV

This meeting will be held **via conference call**. This is to enable interested citizens to listen to the meeting. Except for the public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to ynogle@cityofhubbard.org or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

One tap mobile

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Password: 957980

Find your local number: <https://us02web.zoom.us/j/kcjcgpAkXz>

*****ACCESSABILITY NOTICE*****

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Agendas are posted at the Hubbard Post Office, City Hall, and the City website at www.cityofhubbard.org. You may schedule Agenda items by contacting the Director of Administration/City Recorder Vickie Nogle at 503-981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

Posted 06/10/2020

4:00 p.m.

Vickie L. Nogle, MMC
Director of Administration/City Recorder

HUBBARD PLANNING COMMISSION MEETING AGENDA
HUBBARD CITY HALL
3720 2ND STREET (503) 981-9633

JUNE 16, 2020 - 6:30 PM

**LOCATION: (CONFERENCE CALL-
Refer to Cover Sheet for details)**

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- 1) **CALL TO ORDER.**
 - a) Flag Salute.
 - b) Roll Call.
- 2) **APPROVAL OF THE MAY 19, 2020, PLANNING COMMISSION MEETING MINUTES.**
- 3) **PARTITION APPLICATION (#PAR 2020-02 BROADACRES, BRONEC) – 11984 BROADACRES ROAD NE, Tax lot 041W3300100 - Steve Kay, Cascadia Planning & Design.**
- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting July 21, 2020, at 6:30 p.m.)

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**CITY OF HUBBARD
PLANNING COMMISSION MINUTES
MAY 19, 2020**

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:35 p.m. by the Planning Commission Chairman Anthony San Filippo via conference call because of the COVID - 19 virus.

Planning Commission Present: Planning Commission Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Scott Stierle, Planning Commissioner Jessica Countryman. Planning Commissioner Nik Kulikov

Staff Present: Director of Administration/City Recorder Vickie Nogle, City Planner Holly Byram, MWVCOG, Public Works Superintendent Michael Krebs, Public Works Administrative Manager Melinda Olinger, Administrative Assistant/Court Clerk Julie Hedden.

Others Present: Ron [*Unable to determine last name*]

FLAG SALUTE.

Planning Commission Chairman Anthony San Filippo led the group in reciting the Pledge of Allegiance.

APPROVAL OF THE APRIL 21, 2020, PLANNING COMMISSION MEETING MINUTES. MSA/Planning Commissioner Glenn Holum / Planning Commissioner Scott Stierle moved to approve the minutes from the April 21, 2020, meeting. Planning Commissioners Scott Stierle, Anthony San Filippo, Glenn Holum, Jessica Countryman, and Nik Kulikov were in favor. Motion passed unanimously.

PUBLIC HEARING.

- a) **Review proposed adoption of the 2020 Hubbard Water Master Plan (WMP), as an addendum to the Hubbard Comprehensive Plan (LA #2020-01).**

Planning Commissioner Chairman Anthony San Filippo opened the Public Hearing at 6:37 p.m.

Planning Commissioner Chairman Anthony San Filippo read the legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script.

Planning Commissioner Chairman Anthony San Filippo asked for any declarations of ex parte contact, bias, or conflict of interest.

City Planner Holly Byram summarized the staff report.

City Planner Holly Byram said the people that really need to be heard from are the Public Works Staff because they are the ones that have been the most involved with the drafting of the

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Hubbard Water Master Plan and was compiled by consultant Murraysmith. The addendum to the Hubbard Comprehensive Plan is a Type IV procedure which means the Planning Commission makes a recommendation and the final decision is made by the City Council. She said the criteria used to review it are found in the Hubbard Development Code, Hubbard Comprehensive Plan, and the Oregon Statewide Planning Goals.

City Planner Holly Byram stated the 1996 City of Hubbard Water Master Plan originally guided the governing body in the development of the water system and a couple of other pieces have been adopted since that time. She said the purpose of the 2020 Water Master Plan (WMP) is to provide the City with the information needed to inform long-term water supply and distribution infrastructure decisions and it is intended to be a 20-year document. H. Byram stated it is anticipated that future expansion of the City's water service area will include continued residential, commercial, and industrial infill developments, and one new major subdivision.

City Planner Holly Byram said the Water Master Plan has been reviewed by Business Oregon and the Oregon Health Authority Drinking Water Services and has been approved as compliant with both of the agency's guidelines.

City Planner Holly Byram stated the applicable criteria that is looked at is provided from The Hubbard Development Code, The City of Hubbard Comprehensive Plan, and Oregon Statewide Planning Goals and Guidelines.

City Planner Holly Byram said in conclusion Staff finds the 2020 Water Master Plan as presented in the legislative amendment file # LA 2020-01 meets the criteria included with the Hubbard Development Code, The Hubbard Comprehensive Plan and the Oregon Statewide Planning Goals, as presented.

City Planner Holly Byram stated Staff recommends the Planning Commission Motion to recommend the City Council adopt the findings outlined in the staff report and Approve the 2020 Water Master Plan by adopting it as an addendum to the Hubbard Comprehensive Plan as presented.

Director of Administration/City Recorder Vickie Nogle asked an unidentified caller for the record to state their name.

The caller identified himself as Ron [*Unable to determine last name*].

City Planning Commission Chairman Anthony San Filippo asked if there were any questions of staff from the Planning Commission before we continue and accept public testimony. There were none.

Planning Commission Chairman Anthony San Filippo accepted public testimony regarding this amendment.

Planning Commission Chairman Anthony San Filippo asked if there was anyone who would like to speak in support of the amendment. There were none.

Planning Commission Chairman Anthony San Filippo asked if there was anyone who would like to speak in opposition of the amendment, and if there was anyone who would like to speak neither for nor against the amendment. There were none. He went on to ask if the Planning Commission would like Staff to address any of the testimony.

Planning Commission Chairman Anthony San Filippo said before he closed or continued the public hearing if there are any additional questions from the Planning Commissioners or staff or anyone. There were none. He stated once he closed the hearing only Commissioners or staff may speak.

Public Works Superintendent Michael Krebs said the Hubbard Water Master Plan is an old plan that was done in 1996 so it is outdated, and Staff needed more direction as to where the City needs to go now. He stated the one that is dated May of 2020 has been approved by the Oregon Health Authority and it is required by Oregon Administrative Rule that it is updated as this is a 20 year planning document that stretches out to 2040. Furthermore, it shows what the Water System Goals are and what the future demands are which include: options to meet future demand, engineering evaluations, estimates of future demands, financing, recommended projects, cost estimates, seismic risk assessment and mitigation plan.

Public Works Superintendent Michael Krebs stated Section 1 identifies what existing water infrastructure needs are and what the future needs are and that applies to service area, supply sources, water treatment plant, backup power, water rights, distribution systems, and the telemetry system.

Public Works Superintendent Michael Krebs stated Section 2 is the projected growth and water requirements for the service area for the 20 year planning period, water demand and population projections.

Public Works Superintendent Michael Krebs stated Section 3 covers the planning and analysis criteria which include what the City need for water supply, service pressure, distribution system evaluation, storage capacity, pumping needs, and what is required for fire flows for the different structures throughout the City.

Public Works Superintendent Michael Krebs said Section 4 is the Water System Analysis which includes the Water Supply Capacity, Emergency Supply Considerations, Service Area Pressure, details about the Elevated Tank, Alternatives in lieu of the Elevated Tank, Storage Capacity and Condition, Pumping capacity, Distribution System Quality, Rule Compliance, System Metering, Capacity and Hydraulic Performance, and Telemetry.

Public Works Superintendent Michael Krebs explained Section 5 is the Seismic Resilience Evaluation which had to be done because of the possibility of a Cascadia Subduction Zone earthquake. He said the State wants to know how quickly the City can recover and provide water to customers after such an event.

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Public Works Superintendent Michael Krebs said Section 6 looks at Operation and Maintenance which consists of the Operations and Maintenance of the Existing Structure, Regulations and Guidelines, Operator Certification, System Operation, Preventive Maintenance, Record Keeping and Customer Complaints.

Public Works Superintendent Michael Krebs stated Section 7 looks at the recommendations of what the City need to do now and in the future for the Capital Improvement Program. He said it includes Cost Estimating which looks at the water system in the future for 5 years, 10 years and 20 years, this includes looking at the Water Source and Treatment which includes Well Rehabilitation, Treatment Improvement, Meter Calibration Replacement, New Groundwater Production Well, Pumping Capacity Upgrade, SCADA Improvements, Elevated Reservoir, Distribution Mains, Fire Hydrant Replacement, Water Main Replacement, Increased Seismic Resilience. M. Krebs stated it looks at how the City is going to fund these projects which include using SDC Charges, Safe Drinking Water Revolving State Loans, Federal Money from USDA Rural Development and Business Oregon.

Planning Commissioner Jessica Countryman asked who applies for these loans.

Public Works Superintendent Mike Krebs answered the City and Public Works Staff, but The City Council approves them first.

Planning Commissioner Jessica Countryman asked how he feels about the Plan because it seems like a lot of work.

Public Works Superintendent Mike said it needs to be done because it will give clear guidance and the direction the City needs to go in the future to provide the community with safe, potable drinking water.

Planning Commissioner Jessica Countryman asked if he is prepared to tackle the projects that are shown on the chart for the next 1 – 5 years.

Public Works Superintendent Mike Krebs said they are, but if they tackle any one of those projects it would be via contractor because they do not have in house staff that can do it.

Planning Commissioner Scott Stierle asked when a decision will be made on the options for the elevated tank.

Public Works Superintendent Mike Krebs said there is no recommendation at this time and the soonest that decision will be made is in 2 – 3 years.

Planning Commission Chairman Anthony San Filippo closed the Public Hearing at 7:09 p.m. and said he will entertain discussion on the application and/or a motion.

MSA/Planning Commissioner Glen Holum/Planning Commissioner Scott Stierle made a motion to approve the proposed adoption of the 2020 Hubbard Water Master Plan (WMP), as an addendum to the Hubbard Comprehensive Plan (LA # 2020-01) as presented. Planning

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Commissioners Scott Stierle, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

ADJOURNMENT. (The next scheduled Planning Commission Meeting will be June 16, 2020 at 6:30 p.m.) MSA/Planning Commissioner Scott Stiele /Planning Commissioner Jessica Countryman moved to adjourn the meeting. Planning Commissioner Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously. Meeting was adjourned at 7:10 p.m.

Anthony San Filippo
Planning Commission Chairman

ATTEST:

Vickie L. Nogle, MMC
Director of Administration/City Recorder

Julie Hedden
Administrative Assistant/Court Clerk
Recording & Transcribing

**STAFF REPORT
TO THE HUBBARD PLANNING COMMISSION**

REPORT DATE: June 9, 2020

PC MEETING DATE: June 16, 2020

FILE No.: Partition #PAR 2020-02

**APPLICANT/
OWNER:** Frank J. Bronec QTIP Trust and Columbia Trust Company TRE

REPRESENTATIVE: Steve Kay, Cascadia Planning & Design

LOCATION: 11984 Broadacres Road NE, Tax lot 041W3300100

ZONE: City of Hubbard R1 – Low Density Residential
City of Hubbard R2 – Medium Density Residential
City of Hubbard R3 – High Density Residential
Marion County EFU – Exclusive Farm Use

REQUEST: To partition an 81.52-acre property into two parcels, separating the portion inside City Limits (majority through recent annexation Ord# 366-2020), from the remainder outside of City Limits and UGB. The portion outside will stay in agricultural use as intended with the Marion County EFU Zoning. Proposed Parcel 1 is 55.90 acres, and Parcel 2 is 24.21 acres.

CRITERIA: City of Hubbard Development Code:
2.101 R1 – Low Density Residential District
2.102 R2 – Medium Density Residential District
2.103 R3 – High Density Residential District
2.208 Development Standards for Land Divisions
3.106 Partitions

EXHIBITS: Exhibit A: Combined Agency & Department Comments
Exhibit B: Application

I. PROCEDURE & AUTHORITY

Pursuant to the Hubbard Development Code Section 3.101.01, a partition is a Type I Level 2 action. A partition is a limited land use decision in which the Planning Commission apply clear and objective standards. Staff makes a recommendation to the Planning Commission, and the Planning Commission makes a decision on the application, but does not conduct a public hearing. Public notice is provided as required for a Type I Action, Section 3.201.01, which provides property owners within 100 feet of the subject property a 14-day comment period, prior to the decision. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.

II. TIMELINE

The application was received on April 27, 2020. Staff reviewed the application materials and determined the application was complete on May 18, 2020. A request for comments (RFC) was sent to Hubbard Public Works Department, City Engineer, Police Department, Hubbard Fire District, Marion County Surveyor's Office, Marion County Planning Department, and Marion County Public Works - Transportation. A 14-day comment period was provided by mail to owners of property located within 100 feet of the subject property on May 29, 2020. By the date of this staff report, staff has been contacted by one neighboring property owner with a question about potential development in relation to the a creek and possible wetlands on the subject property. Staff confirmed that no development was proposed with this application. The Hubbard Planning Commission's review and decision on this application is scheduled for Tuesday, June 16, 2020.

III. APPEAL

According to the Hubbard Development Code, Section 3.205, the decision of the Planning Commission shall be final unless a notice of appeal is received by the City within 12 days of the date of the final written notice. Appeal requests shall be made on forms provided by the City and shall state the alleged errors of the Commission based upon the approval criteria or other local, state, or federal regulation that applied to the application.

IV. BACKGROUND (Provided by the applicant, abbreviated)

"The applicant and property owner, Frank J. Bronec QTIP Trust and Columbia Trust Company TRE, is requesting preliminary plat of a Partition application. The subject site contains a total of 81.52 acres and is addressed as 11984 Broadacres Road NE. The property is identified by the Marion County Tax Assessor as Tax Lot 100 of Tax Map 041W33. With the approval of Casefile #ANX 2019-01, 53.59 acres of the site were recently annexed into the city limits of Hubbard. The concurrent approval of Casefile #ZC 2019-01 zoned 19.90 acres of annexation territory R-3 (High Density Residential) and 33.69 acres R-2 (Medium Density Residential). Another 2.31 acres of Tax Lot 100 were previously located within the city limits and are zoned R-1 (Low Density Residential). The southern 25.14 acres of Tax Lot 100 are located outside of the Urban Growth Boundary (UGB) and are zoned EFU (Exclusive Farm Use). An additional 0.48 acres in the northwest corner of the site are also located outside of the UGB and are zoned EFU.

To facilitate urban development in the northern portion of the site, and to protect existing farm uses in the southern portion of the subject property, the applicant is proposing to partition the site into 2 lots. Proposed Parcel 1 contains 55.90 acres located in the northern portion of the site and is included within the city limits. Proposed Parcel 2 is located in southern portion of the site and contains 24.21 acres outside of the UGB. The attached Cover Sheet/Site Map and Preliminary Plat indicate that the applicant is proposing to dedicate 0.96 acres for the Front Street NE right-of-way along the southeast boundary of the site (see Exhibit 3). In addition, the plan exhibits indicate that the applicant is proposing to dedicate 1.61 acres along the northern boundary of the site for the Broadacres Road NE right-of-way. As proposed, the partition will create 2 parcels that are consistent with the current UGB and city limits boundary.

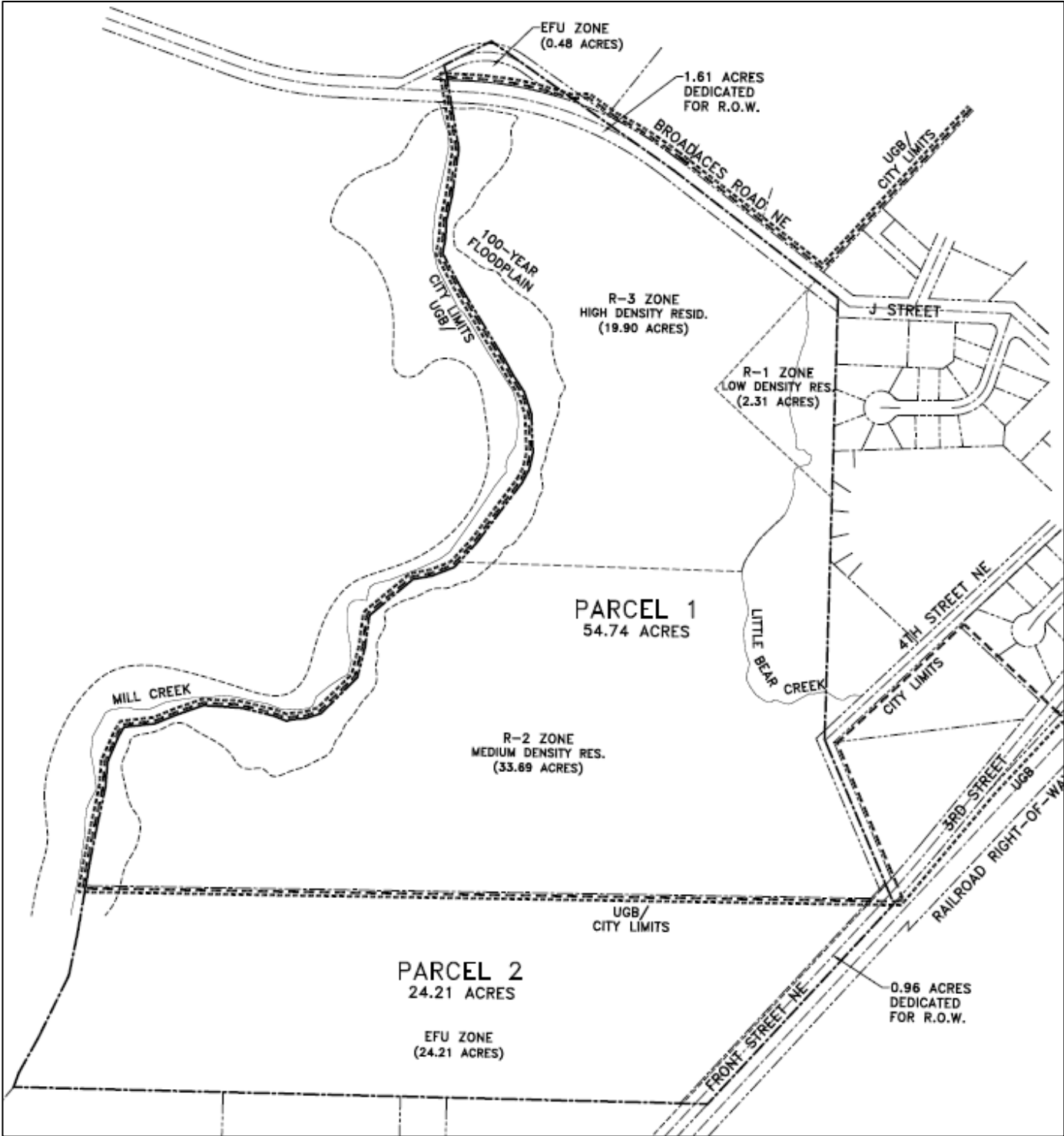
The applicant is not proposing to develop any new uses or structures with the proposed land division. The attached Preliminary Site Plan indicates that an existing dwelling and several accessory structures are located on proposed Parcel 1 in the northern portion of the site near Broadacres Road. Proposed Parcel 2 is currently vacant. The attached Topographic Survey indicates that a flattened ridge runs north to south along the middle portion of the property. The survey indicates that Mill Creek is located along

the west boundary of the site and Little Bear Creek is located along the east boundary of the subject property.”

MAP 1: CITY OF HUBBARD VICINITY MAP



MAP 2: PROPOSED PARTITION (Source: Application)



V. REVIEW STANDARDS

3.106 PARTITIONS

3.106.01 Area of Application

A partition is required for any land division, which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:

A. Access. Each parcel shall meet the access requirements of Subsection 2.208. Additionally, each lot in a minor partition shall have a minimum of twenty-five (25) feet of frontage on an existing state, county, city or public street; or, a constructed private easement being used for access, when said easement existed prior to the adoption of this Ordinance. A land division which requires the creation of a public or private street to provide access to new parcels shall be either a major partition or a subdivision.

APPLICANT RESPONSE: The attached Preliminary Plat indicates that a 2-lot partition is proposed for the subject site. The plan demonstrates that Parcel 1 has 1,199.77 feet of frontage on Broadacres Road NE and Parcel 2 has 747.63 feet of frontage on Front Street NE (see Exhibit 3). Since no new streets are created with the land division, this application is classified as a minor partition.

STAFF FINDINGS: Staff concurs with the applicant. Both parcels maintain sufficient access.

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

APPLICANT RESPONSE: The attached Cover Sheet/Site Map indicates that proposed Parcel 1 contains 2.31 acres of R-1 zoned land, 33.69 acres of R-2 land, and 19.90 acres of R-3 zoned property (see Exhibit 3). Based on these areas, an average lot width of 1,298-ft., and an average lot depth of 1,998-ft., Parcel 1 meets the minimum dimensional standards of the zoning districts. Parcel 2 is zoned EFU and is located in Marion County, therefore the parcel is not under City of Hubbard jurisdiction.

STAFF FINDINGS: Dimensional requirements are reviewed in the criteria below.

3.106.02: General Provisions

A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.

B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.

C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting.

APPLICANT RESPONSE: To facilitate urban development in the northern portion of the site, and to protect farm uses in the southern portion of the subject property, the applicant is proposing to partition the site into 2 lots. Proposed Parcel 1 is located in the northern portion of the site and includes 55.90 acres that are located within the city limits. Proposed Parcel 2 is located in southern portion of the site and contains 24.21 acres outside of the UGB.

Although a specific development plan has not been determined for Parcel 1, a General Master Plan has been submitted with this application (see Exhibit 3). As envisioned by the applicant, Parcel 1 will be designed as a planned unit development with a variety of housing types including single-family detached dwellings, attached townhomes, multi-family apartment units, and single-family 1-story cottage units geared towards seniors. To protect natural resources within riparian areas, and provide recreational amenities consistent with the Parks Master Plan, the General Master Plan illustrates where public parks with multi-use trails could be developed long Mill Creek and Little Bear Creek.

STAFF FINDINGS: General provision B is added as a condition of approval. If the property is further divided within the next calendar year, it will be through a subdivision and PUD process. This partition leaves Parcel 1 of sufficient size to be replatted. A conceptual master plan for development was submitted for the subject property with recent concurrent annexation and zone change applications. The general provisions are satisfied.

3.106.04 Criteria for Preliminary Plat Approval

A. In approving a preliminary partition plat, the Planning Commission shall find the following:

- 1. PRELIMINARY PLAT. The preliminary plat conforms with the dimensional standards as required by the underlying zone district.*

APPLICANT RESPONSE: As mentioned above, the attached Cover Sheet/Site Map indicates that proposed Parcel 1 contains 2.31 acres of R-1 zoned land, 33.69 acres of R-2 land, and 19.90 acres of R-3 zoned property (see Exhibit 3). Based on these areas, an average lot width of 1,298-ft., and an average lot depth of 1,998-ft., Parcel 1 meets the minimum dimensional standards of the underlying zoning districts. Parcel 2 is zoned EFU and is located in Marion County, therefore the parcel is not under City of Hubbard jurisdiction.

R1 – Low Density Residential

2.101.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling 7,000 sq. ft.*

APPLICANT RESPONSE: After dedicating right-of-way for Broadacres Road NE, Parcel 1 contains 97,830 sq. ft. of R-1 zoned land. The attached Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 is located in an area of the parcel that is zoned R-3. Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No new dwellings are proposed with this Partition application.

Although the dwelling is located on a portion of Parcel 1 which is zoned R-3, the applicant's Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 exceeds all of the above yard setbacks (see Exhibit 3).

R2 – Medium Density Residential

2.102.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

1. Single-family dwelling 5,000 sq. ft.

APPLICANT RESPONSE: After dedicating right-of-way for Broadacres Road NE, Parcel 1 contains 2,561,273 sq. ft. of R-2 zoned land. The attached Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 is located in an area of the parcel that is zoned R-3. Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No new dwellings are proposed with this Partition application.

R3 – High Density Residential District

2.103.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-3 District except for modifications permitted under Section 2.402, General Exceptions.

E. Minimum Lot Area

2. Single-family dwelling 5,000 sq. ft.

APPLICANT RESPONSE: Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No additional dwellings are proposed with this Partition application.

Lot Width and Depth

The depth of a lot or parcel shall not be more than 2 ½ times the width of the parcel, with the following exceptions:

- 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.*
- 2. Parcels created for public utility uses shall be exempt from width to depth ratio provisions.*

APPLICANT RESPONSE: Measuring from the Broadacres Road NE frontage, Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54. Measuring from Front Street NE, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply.

STAFF FINDINGS: Staff concurs with the applicant. Proposed Parcel 1 meets the dimensional standards of the underlying R1, R2, and R3 districts for minimum lot size, setbacks, and width-to-depth ratios. Minimum and Maximum standards for density will be calculated upon future development applications. Parcel 2 is within Marion County jurisdiction. County standards are not considered by the City of Hubbard. The County Planning Department was consulted on this application, and their comments are attached to this staff report. The County had no concerns with the proposed partition, as long as the unincorporated portion of the subject property (Parcel 2) was not proposed to be further divided. This criterion is met.

2. DEVELOPMENT. Development of any remainder of the property under the same ownership can be accomplished in accordance with this Code.

APPLICANT RESPONSE: The attached Preliminary Plat indicates that adjacent parcels to the south of Parcel 2 are under the same ownership as the subject site. Tax Lots 600 and 700 are currently developed with single-family dwellings and cannot be partitioned or developed with additional dwellings under EFU

zone standards. Tax Lots 400 and 500 are vacant and also cannot be partitioned under EFU zone standards. One dwelling could be developed on proposed Parcel 2 and on Tax Lots 400 and 500 if farm income standards are met. Since the existing and potential dwellings can all be accessed through an existing shared driveway on Tax Lots 600 and 700, the proposed partition will not impact the future development of property under the same ownership as the subject site.

STAFF FINDINGS: In September of 2018, the applicant participated in a pre-application conference regarding a conceptual plan for Parcel 1. At that time staff found that the development of Parcel 1 can generally be accomplished in accordance with this code under concurrent future subdivision and PUD applications. Parcel 2 under County jurisdiction is zoned EFU – Exclusive Farm Use, and is not zoned for development outside of continued agricultural production. Staff finds this criterion is met.

3. ADJOINING LAND. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

APPLICANT RESPONSE: The attached Cover Sheet/Site Map demonstrates that adjacent parcels to the east of site are currently accessed from 4th Street, Lydia Loop, Walnut Court, and J Street (see Exhibit 3). The adjacent parcel to west is currently accessed from Broadacres Road. The adjacent parcels south of the subject property are currently accessed from a shared driveway that connects to Front Street NE. Therefore, the proposed partition will not prevent adjoining land from being developed or provided access.

STAFF FINDINGS: Staff concurs with the applicant. Adjoining properties to the south and east maintain access to public streets through Front Street, 4th Street, Lydia Loop, Walnut Court, and J Street. There are no foreseeable impacts to the development potential or access to those properties which might result from approval of the proposed partition. This criterion is met.

4. STREETS. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible, under the circumstances.

APPLICANT RESPONSE: The attached Preliminary Site Plan indicates that the applicant is not proposing the creation of new streets (see Exhibit 3). Access to the existing dwelling on Parcel 1 will be maintained through the driveway connection to Broadacres Road NE. Access for Parcel 2 will be provided through its Front Street NE frontage.

STAFF FINDINGS: No new streets are proposed as part of this partition application. Access to Parcels 1 and 2 are from Broadacres Road NE and Front Street / 3rd Street respectively. Future development of Parcel 1 will result in the development of new interior streets. The applicant's street plan will be reviewed with future land use applications.

Broadacres Road NE is in County jurisdiction classified as a County Major Urban Collector (right-of-way half-width of 34-foot minimum) to City Limits, at which point J Street is a city Minor Arterial. The Marion County Assessor map shows that the existing right-of-way is 60 feet wide along the frontage of the subject property. The City standard for Minor Arterial right-of-way width is 60 feet. A property dedication is proposed by the applicant along the frontage of Broadacres Road NE at this time. Additional right-of-way dedication may be required with future development applications, dependent, in part on future left turn warrant analysis.

Front Street is in County jurisdiction classified as a County Major Rural Collector (right-of-way half-width of 30-foot minimum) to City Limits at 3rd Street, at which point it becomes a city Minor Arterial. The Marion County Assessor map shows that the existing right-of-way is 50 feet wide along the frontage of the subject property. The City standard for Minor Arterial right-of-way width is 60 feet. A property dedication is proposed by the applicant along the frontage of Front Street / 3rd Street at this time.

Staff finds this criterion is met.

5. The proposed utility plan conforms with the applicable requirements as stated in this Code and any other applicable local, county, or state requirements.

APPLICANT RESPONSE: The attached Topographic Survey indicates that the existing single-family dwelling on Parcel 1 is served with electrical and communication utilities from the Broadacres Road NE frontage (see Exhibit 3). Water is provided by an on-site well and an existing septic system serves the single-family use. Until proposed Parcel 1 transitions to an urban use, the 54.74 acre property will continue to be adequately served by existing private and franchise utilities in accordance with State standards.

STAFF FINDINGS: Staff concurs with the applicant response. Parcel 1 existing utility connections are not impacted by this application. No further development of the subject property is proposed at this time. Utility master plans are required as a condition of the annexation and zone change of the subject property, and will be reviewed with future development applications. This criterion is met.

6. Conditions necessary to satisfy the intent of this Code can be satisfied prior to final plat approval.

APPLICANT RESPONSE: As required, the applicant will satisfy conditions for preliminary plat approval prior to final plat approval.

STAFF FINDINGS: Conditions of approval are recommended by staff, and can be satisfied prior to final plat approval. Staff finds this criterion is met.

2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.208.03 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.

APPLICANT RESPONSE: The submitted Cover Sheet/Site Map indicates that Parcel 1 contains an existing single-family use and is located within the city limits of Hubbard. The plan illustrates that Parcel 1 is comprised of 2.31 acres of R-1 zoned land, 33.69 acres of R-2 zoned land, and 19.90 acres of R-3 zoned land (see Exhibit 3). Based on these acreages, Parcel 1 exceeds the minimum lot area for a single-family use within the R-1, R-2, and R-3 zoning districts. Proposed Parcel 2 contains 24.21 acres of EFU zone land which under in Marion County jurisdiction.

STAFF FINDINGS: Staff concurs with the applicant response. The minimum lot areas of the R1, R2, and R3 zones portions of the subject property are met as proposed. The size of EFU-zoned portion of property is existing, and falls within Marion County jurisdiction.

B. Lot width and depth. The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions...

APPLICANT RESPONSE: Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54 when measuring from the Broadacres Road NE frontage. Measuring from the Front Street frontage, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply to this lot.

STAFF FINDINGS: Parcel 1 is the only parcel proposed within city limits. Staff concurs with the applicant response. This criterion is met.

C. Access. All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 25 feet of frontage on an existing or proposed public street, with the following exceptions...

APPLICANT RESPONSE: As demonstrated by the attached Preliminary Plat, Parcel 1 has 1,199.77-ft. of frontage on Broadacres Road NE (see Exhibit 3), meeting the above standard. Although not located within the city limits of Hubbard, Parcel 2 meets this standard with 747.63-ft. of frontage on Front Street NE.

STAFF FINDINGS: Staff concurs with the applicant response. Parcel 1 is the only parcel proposed within the city limits. Parcel 1 meets the access standards on Broadacres Road NE. This criterion is met.

D. Access for duplexes or townhouses on corner lots: Individual driveways for duplexes or townhouses on corner lots shall be installed at a rate of one driveway per unit per street frontage unless the Planning Commission allows a combined access on one street frontage based upon a conflict created by the topography of the lot, the location of a public utility, significant vegetation, or different street classification.

APPLICANT RESPONSE: The applicant is not proposing to establish access for duplexes or townhouses on corner lots, therefore these standards do not apply.

STAFF FINDINGS: No development is proposed with this application. This criterion does not apply.

E. Flag Lots. Where authorized by the Planning Commission pursuant to the access requirements of Section 2.202.07, flag lots shall be subject to the following development standards:

APPLICANT RESPONSE: The applicant is not proposing a flag lot with this Partition application, therefore these standards do not apply.

STAFF FINDINGS: No flag lots are proposed with this application. This criterion does not apply.

F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant

to the provision of Section 2.207, may be required by the Planning Commission during the review of the land division request.

APPLICANT RESPONSE: The attached Preliminary Plat indicates that the proposed partition will create only one lot, Parcel 1, within the city limits and UGB of Hubbard. Parcel 1 has frontage on Broadacres Road NE, 4th Street NE, and Front Street NE, however the attached Preliminary Plat demonstrates that these are existing street frontages based on the current configuration of the site. Parcel 2 is located outside of the UGB, therefore this parcel is under the jurisdiction of Marion County.

STAFF FINDINGS: Staff concurs with the applicant response. All frontages on public streets are existing. No new frontages are proposed. This criterion is met.

G. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

APPLICANT RESPONSE: The attached Preliminary Plat indicates that only one lot line will be created with the proposed partition, located between Parcel 1 and Parcel 2 (see Exhibit 3). The submitted plan demonstrates that the lot line runs at a right angle to Front Street NE as far as practicable, given the existing location of the UGB and city limits of Hubbard.

STAFF FINDINGS: Staff concurs with the applicant response. The new boundary separating Parcels 1 and 2 was established by the City upon the 2011 UGB expansion. This criterion is met.

H. Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

APPLICANT RESPONSE: The applicant is not proposing lot grading with this application, therefore these standards do not apply.

STAFF FINDINGS: No development is proposed at this time. Grading will be reviewed by local and state agencies upon development application and permitting. This criterion does not apply.

I. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width of 12 feet (6 feet on each lot if located on a common lot line).

APPLICANT RESPONSE: The attached Preliminary Plat and Topographic Survey demonstrate that proposed Parcel 1 and 2 have adequate frontage on Broadacres Road and Front Street. Therefore, utility easements are not required for the lots.

STAFF FINDINGS: No development is proposed at this time. Utility easements will be required with future development plans. Staff finds this criterion does not apply.

2.208.05 Improvement Requirements

A. Partitions. During the review of partition proposals, the City may require as a condition of approval, the improvement of:

- 1. Public streets upon which the property fronts to public standards per Section 2.201.03 of the Code. Improvements may include: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities;*
- 2. Sidewalks, five feet in width, and bikeways along public street frontage per Section 2.201.03 of the Code; and*
- 3. Private driveways serving flag lots, per the requirements of Section 2.202.07. All improvements required as a condition of approval of a partition shall be completed prior to the issuance of any building permits for the subject property.*

Public Facilities Improvement Requirements Table

	Fire Hydrant	Street Improv.	Water Hookup	Sewer Hookup	Storm Drain	Street Lights
Partitions, Subdivisions, PUD, and Mobile Home Parks	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required, Yes = Required, and C = Conditional, as noted.

B. All improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.

APPLICANT RESPONSE: As discussed above, the applicant is not proposing a land division within the City of Hubbard. The proposed partition will only create one lot, Parcel 1, within the city limits and UGB. Parcel 2 is located outside the UGB and is under Marion County jurisdiction. The land division will allow Parcel 1 to transition to an urban use in the future, while permitting Parcel 2 to be retained for farming purposes. Since this proposal does not include a development plan for Parcel 1, improvements to public streets which the lot fronts are not required. When a future land division and development application is submitted for Parcel 1, the applicant will provide public facility improvement plans which demonstrate compliance with Subsection 2.208.05.

STAFF FINDINGS: No development is proposed at this time. While partitions require the public facility improvements shown above, the applicant is currently preparing future development applications. Due to the size of the subject property, the unknown utility connection locations, and as a condition of approval for the annexation and zone change, the applicant is required to submit utility master plans for Parcel 1 prior to development approvals. Staff finds public facility improvements will be addressed in the future development phases. This criterion can be satisfied through compliance with the adopted and condition of approval for the annexation and zone change.

VI. SUMMARY & RECOMMENDATION

Based upon the information contained in the submitted application, staff finds Partition 2020-02 meets the criteria in the Hubbard Development Code, or can meet it through compliance with the recommended conditions of approval. Staff recommends APPROVAL of the partition based upon compliance with the following conditions:

VII. RECOMMENDED CONDITIONS OF APPROVAL

- A. No parcel within an approved partition may be re-divided within the same calendar year in which it was recorded, except through the subdivision process.
- B. Within two (2) years of the approval of this application by the Planning Commission, the applicant shall submit four (4) copies of the proposed final plat to the City for review. The final plat shall substantially conform to the approval granted by the Planning Commission. Pursuant to HDC Section 3.106.06, the Planning Commission may extend the approval period for any partition for a period of not more than one (1) year. Requests for extension of approval shall be submitted, in writing, at least thirty (30) days prior to the expiration date of the approval period accompanied by payment of the required fee.
- C. Consistent with the attached comments from the Marion County Surveyor's Office, the applicant shall:
 - 1. Per ORS 92.050, plat must be submitted for review.
 - 2. Checking fee and recording fees required.
 - 3. A current or updated title report must be submitted at the time of review.
- D. The applicant shall record the final approved Plat with the Marion County Clerk. After recording, the applicant shall submit two (2) copies and PDF of the recorded plat to the City.

VIII. PLANNING COMMISSION ACTION OPTIONS

- A. **APPROVE Partition file #PAR 2020-02 as presented, adopting the staff report findings and recommended conditions of approval.**
- B. APPROVE Partition file #PAR 2020-02, as MODIFIED by the Planning Commission, adopting the staff report findings and recommended conditions of approval, and stating the desired modifications.
- C. DENY the partition application stating how the application does not meet and cannot be redesigned to meet the required standards.
- D. TABLE the decision on Partition file #PAR 2020-02 to the following meeting of the Planning Commission, pending additional information requested by the Planning Commission (Note: this would not be a "continuation" because the decision does not involve a public hearing).

COMBINED DEPARTMENT & AGENCY COMMENTS

1. City of Hubbard Public Works Department, Superintendent Mike Krebs:

Both 3rd and J St. are considered Minor arterials with a 60-foot easement [ROW]. J St. is under the County's jurisdiction, from 3rd St. West. Historically this includes all maintenance activities. 3rd St. has historically been the responsibility of the city, to the City Limits. The easement [ROW] on south 3rd St. ,with the proposed dedication, is only 55 feet, 30 feet on the west side (city side), 25 feet on the east side (railroad side). The code requires 60 feet. With the time frame we are working with, requiring the extra 5 feet of roadway as part of the bigger development is our best course of action. Taking into consideration that there is not going to be any improvements to 3rd until the development happens anyway.

2. City of Hubbard, Engineer, Matt Wadlington, Civil West:

I have read through the Partition Application for Broadacres Road and do not have any further comments.

3. Marion County Planning Department, Planning Director Joe Fennimore:

Marion County Planning has no comment as long as the parcel being created in the EFU zone stays whole.

4. Marion County Public Works – Transportation:

With regard to proposed Parcel 1, we recommend Applicant dedicate needed public R/W on Broadacres Road and Front Street to City and County standards, on the partition plat, as it relates to the anticipated PUD application.

- Broadacres Rd, County Major Urban Collector, R/W HW 34' min
- Front St, County Major Rural Collector, R/W HW 30' min
- City stds may be greater.
- There may be additional R/W necessary for turn lanes, if warranted with development.

5. Marion County Surveyor's Office, Phil Jones:

- No survey required on parcels created over ten acres.
- Per ORS 92.050, plat must be submitted for review.
- Checking fee and recording fees required.
- A current or updated title report must be submitted at the time of review.

Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

6. ODOT, Region 2 Representative, Casey Knecht:

No comments from ODOT for the proposed partition.



PO Box 1920, Silverton, OR 97381
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CITY OF HUBBARD
APPLICATION FOR
LAND USE REVIEW

BROADACRES ROAD
PARTITION

Location: 11984 Broadacres Road NE
T.M. 041W33, T.L. 100
Marion County, Oregon

Prepared by: Steve Kay, AICP

Prepared for: Frank J. Bronec QTIP Trust and
Columbia Trust Company TRE
PO Box 1012
Salem, OR 97308

April 17, 2020

APPLICANT'S STATEMENT

PROJECT NAME:	Broadacres Road Partition
REQUEST:	Preliminary Approval of 2-Lot Partition
ASSESSOR'S DESCRIPTION:	Tax Lot 100 of Tax Map 041W33 Marion County, Oregon
APPLICANT'S REPRESENTATIVE:	Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com
APPLICANT/PROPERTY OWNER:	Frank J. Bronec QTIP Trust and Columbia Trust Company TRE PO Box 1012, Salem, OR 97308
SITE AREA:	81.52 acres
LOCATION:	11984 Broadacres Road NE Hubbard, OR 97032

I. APPLICABLE REGULATIONS

A. CITY OF HUBBARD DEVELOPMENT CODE

Chapter 2: How Land May be Used and Developed

Section 2.100: Zoning Districts

Subsection 2.101: Low Density Residential District (R-1)

Subsection 2.102: Medium Density Residential District (R-2)

Subsection 2.103: High Density Residential District (R-3)

Subsection 2.110: Floodplain Overlay Zone

Section 2.200: General Development Standards

Subsection 2.202: Street Standards

Subsection 2.203: Off-Street Parking and Loading

Subsection 2.204: Storm Drainage

Subsection 2.205: Utility Lines and Facilities

Subsection 2.207: Site and Landscape Design

Subsection 2.208: Development Standards for Land Divisions

Subsection 2.209: Yard and Lot Standards

Subsection 2.210: Requirements for Riparian Corridors

Subsection 2.211: Requirements for Wetlands

Chapter 3: Application Requirements and Review Procedures

Section 3.100: Application Requirements and Review Criteria

Subsection 3.101: Summary of Application Types and Review Procedures

Subsection 3.106: Partitions

II. BACKGROUND:

The applicant and property owner, Frank J. Bronec QTIP Trust and Columbia Trust Company TRE, is requesting preliminary plat of a Partition application. The subject site contains a total of 81.52 acres and is addressed as 11984 Broadacres Road NE. The property is identified by the Marion County Tax Assessor as Tax Lot 100 of Tax Map 041W33. With the approval of Casefile #ANX 2019-01, 53.59 acres of the site were recently annexed into the city limits of Hubbard. The concurrent approval of Casefile #ZC 2019-01 zoned 19.90 acres of annexation territory R-3 (High Density Residential) and 33.69 acres R-2 (Medium Density Residential). Another 2.31 acres of Tax Lot 100 were previously located within the city limits and are zoned R-1 (Low Density Residential). The southern 25.14 acres of Tax Lot 100 are located outside of the Urban Growth Boundary (UGB) and are zoned EFU (Exclusive Farm Use). An additional 0.48 acres in the northwest corner of the site are also located outside of the UGB and are zoned EFU.

To facilitate urban development in the northern portion of the site, and to protect existing farm uses in the southern portion of the subject property, the applicant is proposing to partition the site into 2 lots. Proposed Parcel 1 contains 55.90 acres located in the northern portion of the site and is included within the city limits. Proposed Parcel 2 is located in southern portion of the site and contains 24.21 acres outside of the UGB. The attached Cover Sheet/Site Map and Preliminary Plat indicate that the applicant is proposing to dedicate 0.96 acres for the Front Street NE right-of-way along the southeast boundary of the site (see Exhibit 3). In addition, the plan exhibits indicate that the applicant is proposing to dedicate 1.61 acres along the northern boundary of the site for the Broadacres Road NE right-of-way. As proposed, the partition will create 2 parcels that are consistent with the current UGB and city limits boundary.

The applicant is not proposing to develop any new uses or structures with the proposed land division. The attached Preliminary Site Plan indicates that an existing dwelling and several accessory structures are located on proposed Parcel 1 in the northern portion of the site near Broadacres Road. Proposed Parcel 2 is currently vacant. The attached Topographic Survey indicates that a flattened ridge runs north to south along the middle portion of the property. The survey indicates that Mill Creek is located along the west boundary of the site and Little Bear Creek is located along the east boundary of the subject property.

As demonstrated by the applicant's Topographic Survey, public transportation facilities currently serve the site. Proposed Parcel 1 fronts Broadacres Road NE, which is currently designated as a Minor Arterial Street in the City's Transportation System Plan (TSP). The plan illustrates that Parcel 2 has frontage on Front Street NE and 3rd Street, a designated Collector Street, in the southeast corner of the subject property. The submitted Preliminary Plat indicates that the applicant is proposing to dedicate right-of-way along both of these frontages to meet City standards (see Exhibit 3). The attached plans indicate that the site also fronts 4th Street in northeast corner of the property, however since the County would like to realign this roadway when the subject site is developed, the applicant is not proposing to dedicate right-of-way for this street with this application.

The Topographic Survey demonstrates that public water and sanitary sewer facilities are located in the vicinity of the site and can be extended from Broadacres Road, 4th Street, and 3rd Street when the subject property is developed. The attached Preliminary Site Plan demonstrates that the existing dwelling on Parcel 1 is currently served by an on-site well and septic system. The applicant is proposing to maintain these existing private utility services until future development of Parcel 1 occurs.

This Applicant's Statement addresses applicable provisions of the City of Hubbard Development Code. Copies of the signed Application Form, Property Deeds and Easements, and Preliminary Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. CITY OF HUBBARD DEVELOPMENT CODE

Chapter 2: How Land may be Used and Developed

Section 2.100: Zoning Districts

Subsection 2.101: Low Density Residential District (R-1)

2.101.02: Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

C. Accessory structure or use

COMMENT:

The attached Cover Sheet/Site Map indicates that 2.31 acres of the subject site is zoned R-1. The applicant's Preliminary Site Plan demonstrates that an existing shed on proposed Parcel 1 is located within the R-1 zone. Since the shed is an accessory structure for the existing dwelling on the parcel, it is a permitted use. The submitted Topographic Survey indicates that there are no existing structures on Parcel 2. The applicant is not proposing any new development on either Parcel 1 or Parcel 2 with this Partition application.

2.101.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

1. Single-family dwelling 7,000 sq. ft.

COMMENT:

After dedicating right-of-way for Broadacres Road NE, Parcel 1 contains 97,830 sq. ft. of R-1 zoned land. The attached Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 is located in an area of the parcel that is zoned R-3. Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No new dwellings are proposed with this Partition application.

B. Minimum Yard Setbacks

1. Except as specified for detached accessory structures under Section 2.101.04.B.2 and 2.101.04.B.3 below, all structures shall maintain the following minimum yard setbacks:

- a. Front Yard 15 feet
-- Setback to garage 20 feet
- b. Rear Yard 20 feet
- c. Side Yard (interior) 5 feet
-- Setback for homes 1½ or 2 stories in height
-- Setback for homes 2½ or 3 stories in height
-- Setback for townhouses 8 feet
on one side of dwelling unit with zero setback (0 ft) on opposite side
- d. Side Yard
(adjacent to street –including townhouses)
-- Setback to garage 20 feet

COMMENT:

Although the dwelling is located on a portion of Parcel 1 which is zoned R-3, the applicant's Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 exceeds all of the above yard setbacks (see Exhibit 3).

2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:

- a. Rear Yard 5 feet
- b. Side Yard (interior) 5 feet

COMMENT:

The submitted Preliminary Site Plan illustrates that the existing accessory structures on Parcel 1 exceeds the above setback requirements (see Exhibit 3).

3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

COMMENT:

There are no existing or proposed accessory dwelling units on the subject site, therefore these standards do not apply.

C. Maximum Structure Height

1. Principal Structure 35 feet
2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure

COMMENT:

As required, the existing dwelling and accessory structures on Parcel 1 meet the above height requirements. No new structures are proposed with this Partition application.

D. Lot Width and Depth

The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions:

1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.
2. Parcels created for public utility uses shall be exempt from width to depth ratio provisions.

COMMENT:

Measuring from the Broadacres Road NE frontage, Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54. Measuring from Front Street NE, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply.

2.101.05: Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.200 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking:** The required number of parking spaces and shall be as specified in Section 2.203. Parking requirements for residential units, including "stick-built" and manufactured homes, require the construction of a garage.

COMMENT:

The attached Preliminary Site Plan indicates that an existing single-family dwelling is located on Parcel 1 (see Exhibit 3). Parcel 2 is currently vacant. The plan demonstrates that the existing pole barn on Parcel 1 serves as a garage and can accommodate at least 2 off-street parking spaces in accordance with Section 2.203 standards.

- B. Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.208.

COMMENT:

As required, the applicant has addressed the provisions of Section 2.208 in the narrative provided below.

- C. Lot Coverage.** The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage allowed:

Maximum lot coverage by structures: 45%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage: 70%

COMMENT:

The attached Preliminary Site Plan illustrates that the existing structures, driveway, and parking areas on Parcel 1 total 19,145 sq. ft., which is less than 1% of the area of Parcel 1.

- D. Signs.** Signs in the R-1 District shall conform to the standards of Section 2.206.

COMMENT:

There are no existing or proposed signs associated with this Partition application, therefore the standards of Section 2.206 do not apply.

- E. Detached accessory structures** shall not exceed 1,400 square feet in size, or the area covered by the main building, whichever is less. Detached accessory structures may be located within the rear or side yard

area, and shall comply with maximum lot coverage standards.

COMMENT:

The applicant's Preliminary Site Plan demonstrates that the existing pole barn is approximately 2,800 sq. ft. and is larger than the existing dwelling on Parcel 1. As such, the pole barn is considered a non-conforming structure. The applicant is not proposing to expand the pole barn, therefore the structure may continue as a permitted use under Section 2.403.01.

- F. All driveways shall be separated from an intersection by at least 20 feet measured from the property line.**

COMMENT:

The attached Preliminary Site Plan identifies the location of an existing driveway on Broadacres Road NE that serves Parcel 1 (see Exhibit 3). The nearest off-site driveway is located approximately 50-ft. to the west. The nearest street intersection is located approximately 340-ft. east of the driveway which serves Parcel 1.

- G. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.**

COMMENT:

As required, the applicant has addressed the yards and lots standards of Section 2.209 in the narrative provided below.

- H. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with Section 2.203.10, RV Parking Standards, and the following standards:**
- 1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the side yard, rear yard and front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:**
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.**
 - b. The additional space has an all-weather surface and be drained to prevent standing water.**
 - 2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in**

other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.

3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

COMMENT:

The existing pole barn on Parcel 1 can accommodate covered parking spaces for recreation vehicles, trailers, boats, and similar vehicles. The submitted Preliminary Site Plan demonstrates that this parking area does not create a traffic sight obstruction and is located in the rear yard of Parcel 1 (see Exhibit 3). Therefore, parking for these vehicles is not located within a public right-of-way and meets applicable Public Works standards.

- I. **Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-1 District shall conform to the standards of Section 2.307**

COMMENT:

An existing accessory dwelling unit (ADU) is not located on Parcel 1 and the applicant is not proposing to develop an ADU with this application. Therefore, these standards do not apply.

Subsection 2.102: Medium Density Residential District (R-2)

2.102.02: Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

COMMENT:

The attached Cover Sheet/Site Map indicates that 33.69 acres of the subject site is zoned R-2. The applicant's Preliminary Site Plan demonstrates that R-2 zoned portion of the site is currently vacant (see Exhibit 3). The applicant is not proposing to develop a new use on the subject site with this Partition application.

2.102.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-2 District except for modifications permitted under Section 2.402, General

Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling 5,000 sq. ft.**

COMMENT:

After dedicating right-of-way for Broadacres Road NE, Parcel 1 contains 2,561,273 sq. ft. of R-2 zoned land. The attached Preliminary Site Plan demonstrates that the existing single-family dwelling on Parcel 1 is located in an area of the parcel that is zoned R-3. Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No new dwellings are proposed with this Partition application.

B. Minimum Yard Setbacks

- 1. Except as specified for detached accessory structures under Section 2.101.04.B.2 and 2.101.04.B.3 below, all structures shall maintain the following minimum yard setbacks:**
 - a. Front Yard 15 feet**
-- Setback to garage 20 feet
 - b. Rear Yard 15 feet**
 - c. Side Yard (interior) 5 feet**
-- Setback for homes 1½ or 2 stories in height
-- Setback for homes 2½ or 3 stories in height
-- Setback for townhouses 8 feet
on one side of dwelling unit
with zero setback (0 ft) on
opposite side
 - d. Side Yard**
(adjacent to street –including townhouses)
-- Setback to garage 20 feet

COMMENT:

Although the dwelling is located on a portion of Parcel 1 which is zoned R-3, the submitted Preliminary Site Plan indicates that the structure exceeds all of the above yard setbacks (see Exhibit 3).

- 2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:**
 - e. Rear Yard 5 feet**
 - f. Side Yard (interior) 5 feet**

Side Yard (adjacent to a street) 15 feet

COMMENT:

Although the existing accessory structures are located within the R-1 and R-3 zoned portions of Parcel 1, the submitted Preliminary Site Plan illustrates that the structures exceed the setback requirements of this section (see Exhibit 3).

- 3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks**

COMMENT:

An existing detached accessory dwelling unit (ADU) is not located on Parcel 1 and the applicant is not proposing to develop an ADU with this application. Therefore, these standards do not apply.

C. Maximum Structure Height

- 1. Principal Structure 35 feet**
- 2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure**

COMMENT:

All existing dwelling and accessory structures on Parcel 1 meet the above height requirements. No new structures are proposed with this Partition application.

D. Lot Width and Depth

The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions:

- 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.**
- 2. Parcels created for public utility uses shall be exempt from width to depth ratio provisions.**

COMMENT:

Measuring from the Broadacres Road NE frontage, Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54. Measuring from the Front Street NE frontage, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply.

2.102.05: Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.200 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking: The required number of parking spaces and shall be as specified in Section 2.203. Parking requirements for residential units, including "stick-built" and manufactured homes, require the construction of a garage.**

COMMENT:

The attached Preliminary Site Plan indicates that an existing single-family dwelling is located on Parcel 1 (see Exhibit 3). Parcel 2 is currently vacant. The plan demonstrates that the existing pole barn on Parcel 1 serves as a garage and can accommodate at least 2 off-street parking spaces in accordance with Section 2.203 standards.

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.**

COMMENT:

As required, the applicant has addressed the provisions of Section 2.208 in the narrative provided below.

- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage allowed:**

Maximum lot coverage by structures: 45%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage: 70%

COMMENT:

The attached Preliminary Site Plan illustrates that the existing structures, driveway, and parking areas on Parcel 1 total 19,145 sq. ft., which is less than 1% of the area of Parcel 1.

- D. Detached accessory structures shall not exceed 1,400 square feet in size, or the area covered by the main building, whichever is less. Detached accessory structures may be located within the rear or side yard area, and shall comply with maximum lot coverage standards.**

COMMENT:

The applicant's Preliminary Site Plan demonstrates that the existing pole barn is approximately 2,800 sq. ft. and is larger than the existing dwelling on Parcel 1. As such, the pole barn is considered a non-conforming structure. The applicant is not proposing to expand the pole barn, therefore the structure may continue as a permitted use under Section 2.403.01.

- 3. Signs. Signs in the R-1 District shall conform to the standards of Section 2.206.**

COMMENT:

There are no existing or proposed signs associated with this Partition application, therefore the standards of Section 2.206 so not apply.

- 4. All driveways shall be separated from an intersection by at least 20 feet measured from the property line.**

COMMENT:

The attached Preliminary Site Plan identifies the location of an existing driveway on Broadacres Road NE which serves the dwelling on Parcel 1 (see Exhibit 3). The nearest off-site driveway is located approximately 50-ft. to the west, while the nearest street intersection is located approximately 340-ft. to the east of the Parcel 1 driveway. Therefore, the driveway spacing standard has been met.

- 5. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.**

COMMENT:

As required, the applicant has addressed the yards and lots standards of Section 2.209 in the narrative provided below.

- 6. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with Section 2.203.10, RV Parking Standards, and the following standards:**

1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the side yard, rear yard and front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.
 - b. The additional space has an all-weather surface and be drained to prevent standing water.
2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.
3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

COMMENT:

The existing pole barn on Parcel 1 can accommodate covered parking spaces for recreation vehicles, trailers, boats, and similar vehicles. The submitted Preliminary Site Plan demonstrates that this parking area does not create a traffic sight obstruction and is located in the rear yard of Parcel 1 (see Exhibit 3). Therefore, parking for these vehicles will not be parked within a public right-of-way and meets applicable Public Works standards.

7. Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-1 District shall conform to the standards of Section 2.307

COMMENT:

An existing accessory dwelling unit (ADU) is not located on Parcel 1 and the applicant is not proposing to develop an ADU with this application. Therefore, these standards do not apply.

Subsection 2.103: High Density Residential District (R-3)

2.103.02: Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

- A. Single-family dwelling unit, including a manufactured home, except that a manufactured home shall not be placed within an acknowledged historical district nor adjacent to a historic landmark.
- J. Accessory structure or use

COMMENT:

The attached Cover Sheet/Site Map indicates that 33.69 acres of the subject site is zoned R-3. The applicant's Preliminary Site Plan demonstrates that an existing dwelling, well pump house, and pole barn on Parcel 1 are located within the R-3 zone. Since the dwelling is a primary structure, and the pump house and pole barn are accessory structures, they are permitted uses in the R-3 zone. The submitted Topographic Survey indicates that there are no existing structures on Parcel 2 and an existing shed is located in the R-1 zoned portion of Parcel 1. The applicant is not proposing any new development on either Parcel 1 or Parcel 2 with this Partition application.

2.103.04: Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-3 District except for modifications permitted under Section 2.402, General Exceptions.

- E. Minimum Lot Area
 - 2. Single-family dwelling 5,000 sq. ft.

COMMENT:

Parcel 1 contains 79,926 sq. ft. of R-3 zoned land after dedicating right-of-way for Broadacres Road. No additional dwellings are proposed with this Partition application.

- F. Minimum Yard Setbacks
 - 4. Except as specified for detached accessory structures under Section 2.101.04.B.2 and

2.101.04.B.3 below, all structures shall maintain the following minimum yard setbacks:

- | | | |
|-----------|---|----------------|
| a. | Front Yard | 15 feet |
| | -- Setback to garage | 20 feet |
| b. | Rear Yard | 15 feet |
| | -- One Story | 10 feet |
| | -- More than one story | 15 feet |
| c. | Side Yard (interior) | 5 feet |
| | -- Setback for homes 1½ or 2 stories in height | |
| | -- Setback for homes 2½ or 3 stories in height | |
| | Side Yard (adjacent to street –including townhouses) | 15 feet |
| | -- Setback to garage | 20 feet |

COMMENT:

The submitted Preliminary Site Plan indicates that the existing dwelling is located on a portion of Parcel 1 which is zoned R-3. The submitted plan indicates that all of the above yard setbacks are currently met for the primary structure (see Exhibit 3).

- 2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:**

- | | | |
|-----------|-----------------------------|---------------|
| g. | Rear Yard | 5 feet |
| h. | Side Yard (interior) | 5 feet |

COMMENT:

The applicant's Preliminary Site Plan indicates that several existing accessory structures are located within the R-3 zoned portions of Parcel 1. The submitted plan demonstrates that the structures exceed the setback requirements of this section (see Exhibit 3).

- 3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:**

COMMENT:

An existing detached accessory dwelling unit (ADU) is not located on Parcel 1 and the applicant is not proposing to develop an ADU with this application. Therefore, these standards do not apply.

C. Maximum Structure Height

- | | | |
|-----------|----------------------------|----------------|
| 1. | Principal Structure | 35 feet |
|-----------|----------------------------|----------------|

2. **Accessory Structure** 20 feet, except that no accessory structure shall exceed the height of the principal structure

COMMENT:

All existing dwelling and accessory structures on Parcel 1 meet the above height requirements. No new structures are proposed with this Partition application.

D. Lot Width and Depth

The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions:

1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.
2. Parcels created for public utility uses shall be exempt from width to depth ratio provisions.

COMMENT:

Measuring from the Broadacres Road NE frontage, Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54. Measuring from the Front Street NE frontage, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply.

2.103.05: Development Standards

All development in the R-3 District shall comply with the applicable provisions of Section 2.200 of this Ordinance. In addition, the following specific standards shall apply:

- A. **Off-Street Parking:** The required number of parking spaces and shall be as specified in Section 2.203. Parking requirements for residential units, including "stick-built" and manufactured homes, require the construction of a garage.

COMMENT:

The attached Preliminary Site Plan indicates that an existing single-family dwelling is located on Parcel 1 (see Exhibit 3). Per the attached Topographic Survey, Parcel 2 is currently vacant. The existing pole barn on Parcel 1 serves as a garage and the site plan demonstrates that at least 2 off-street parking spaces be accommodated in the structure in accordance with Section 2.203 standards.

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.**

COMMENT:

As required, the applicant has addressed the provisions of Section 2.208 in the narrative provided below.

- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage allowed:**

Maximum lot coverage by structures: 50%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage:

COMMENT:

The attached Preliminary Site Plan illustrates that the existing structures, driveway, and parking areas on Parcel 1 total 19,145 sq. ft., which is less than 1% of the area of Parcel 1.

- D. Multi-family residential uses (three units or more) shall comply with the following standards:**
- E. Outdoor Play Area Requirements. Multi-family dwellings with five (5) or more units shall provide a minimum of 500 square feet plus 50 square feet for each bedroom.**

COMMENT:

There are no existing or proposed multi-family uses on the subject site, therefore these standards do not apply.

- F. Signs. Signs in the R-1 District shall conform to the standards of Section 2.206.**

COMMENT:

There are no existing or proposed signs associated with this Partition application, therefore the standards of Section 2.206 do not apply.

- G. For single-family residences and duplexes, detached accessory structures shall not exceed 1,400 square feet in area, or the area covered by the main building, whichever is less. Detached accessory structures may be located within the side or rear yard area and shall**

comply with maximum lot coverage standards. For multi-family developments, detached accessory structures (not including garages or carports) shall not exceed 264 square feet per unit, may be located within the side or rear yard area and shall comply with maximum lot coverage standards.

COMMENT:

The applicant's Preliminary Site Plan demonstrates that the existing pole barn is approximately 2,800 sq. ft. and is larger than the existing dwelling on Parcel 1. As such, the pole barn is considered a non-conforming structure. The applicant is not proposing to expand the pole barn, therefore the structure may continue as a permitted use under Section 2.403.01.

- H. Driveways shall be separated from an intersection by at least 20 feet measured from property lines.**

COMMENT:

The attached Preliminary Site Plan identifies the location of an existing driveway on Broadacres Road NE which serves Parcel 1 (see Exhibit 3). The nearest off-site driveway is located approximately 50-ft. to the west, while the nearest street intersection is located approximately 340-ft. to the east of the Parcel 1 driveway. Therefore, the driveway spacing standard has been met.

- I. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.**

COMMENT:

As required, the applicant has addressed the yards and lots standards of Section 2.209 in the narrative provided below.

- J. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with Section 2.203.10, RV Parking Standards, and the following standards:**
- 1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the side yard, rear yard and front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:**
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.**
 - b. The additional space has an all-weather surface and be drained to prevent standing**

water.

2. **Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.**
3. **Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.**
4. **All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.**

COMMENT:

The existing pole barn on Parcel 1 can accommodate covered parking spaces for recreation vehicles, trailers, boats, and similar vehicles. The submitted Preliminary Site Plan demonstrates that this parking area does not create a traffic sight obstruction and is located in the rear yard of Parcel 1 (see Exhibit 3). Therefore, parking for these vehicles will not be located within a public right-of-way and meets applicable Public Works standards.

- K. **Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-3 District shall conform to the standards of Section 2.307**

COMMENT:

An existing accessory dwelling unit (ADU) is not located on Parcel 1 and the applicant is not proposing to develop an ADU with this application. Therefore, these standards do not apply.

Subsection 2.110: Floodplain Overlay Zone

2.110.06: Applicability

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Hubbard.

COMMENT:

The attached Cover Sheet/Site Map and Preliminary Site Plan illustrate the approximate location of a 100-year floodplain along Mill Creek. The site plan demonstrates that the existing dwelling and accessory structures on Parcel 1 are not located within a special flood hazard area under the jurisdiction of the City of Hubbard.

2.110.12: Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.110.07. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”

COMMENT:

The applicant is not proposing any new uses or structures with this Partition application, therefore a development permit is not required.

Section 2.200: General Development Standards

Subsection 2.201: General Provisions

2.201.02: Application of Standards

- A. The standards set forth in Section 2.200 shall apply to partitions; subdivisions; planned unit developments; commercial, industrial, and institutional projects; single family dwellings, duplexes and multi-family structures of three (3) or more dwellings.**
- B. The application of these standards to a particular development shall be modified as follows:**
 - 1. development standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 2.300; and**
 - 2. those development standards which are unique to a particular district shall be set forth in the Section governing that district.**

COMMENT:

The applicant is proposing a 2-lot partition of the subject site, therefore the standards of Section 2.200 are required to be addressed with this application. The submitted Preliminary Plat indicates that proposed Parcel 1 contains 54.74 acres and the lot is entirely located within Hubbard’s city limits and UGB. Proposed Parcel 2 contains 24.21 acres, and since it is located entirely outside of the UGB, it is under Marion County jurisdiction. As indicated by the Preliminary Plat, the applicant is not proposing a land division within the city limits of Hubbard (see Exhibit 3).

2.201.03: Application of Public Facility Standards

Standards for the provision and utilization of public facilities or services available within the City of Hubbard shall apply to all land developments in accordance with the following table

of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Section 3.201.01. Public facility improvements shall be designed in conformance with the most current Public Works Design Standards and be installed according to City Engineer approval.

COMMENT:

As demonstrated by the attached Preliminary Site Plan, proposed Parcel 1 contains a single-family dwelling which is currently served by on-site well and septic system. Transportation services for the dwelling are provided by an existing driveway connection to Broadacres Road NE. Since a land division or new development will not occur within the city limits, no additional impacts to public facilities or services will be generated.

Although the applicant is proposing a 2-lot partition of the site, the land division does not occur within the city limits or UGB of Hubbard. The attached Preliminary Plat indicates that only one lot, Parcel 1, is located within the city limits and UGB of Hubbard. Parcel 2 is located entirely outside the UGB, therefore this lot is under Marion County jurisdiction. The applicant is not proposing land development or the division of land under city of Hubbard jurisdiction, therefore public facility improvements which are identified under this section are not required.

Subsection 2.202: Street Standards

2.202.02: Scope

The provisions of this Section shall be applicable to:

- A. the creation, dedication or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions or other developments in the City of Hubbard;**
- B. the extension or widening of existing public or private street rights-of-way, easements or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals;**
- C. the construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or private street easements; and**

COMMENT:

As discussed above, the applicant is not proposing a land division within the City of Hubbard, therefore the creation, dedication, or construction of public streets is not required with this application. Although not required, the attached Preliminary Plat identifies the proposed dedication of right-of-way along the site's Broadacres Road NE and Front Street NE frontages (see Exhibit 3). The attached plans indicate that the site also fronts 4th Street in northeast corner of the property, However since the County would like to realign 4th Street when Parcel 1 is developed, the applicant is not proposing to dedicate right-of-way for this roadway with this Partition application. Since the applicant is not proposing land development or the division of land under City of Hubbard jurisdiction, the construction of public utilities or public facilities is not required or proposed.

2.202.03: General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Hubbard. These provisions are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance of the specific requirements of the most current Public Works Standards and the Transportation System Plan Design and Construction of the City of Hubbard.

The standards sections contained in the Public Works Design and Construction Standards in the City of Hubbard and the Transportation System Plan are minimum requirements only and shall not be construed as prohibiting the City Engineer from requiring thicker sections or engineer designed pavement sections in lieu of standards sections where conditions warrant.

COMMENT:

Per Subsection 2.202.02, the applicant is not proposing a land division within the City of Hubbard. Although the creation, dedication, or construction of public streets is not required with this application, the applicant is proposing to dedicate right-of-way along two road frontages. To meet Minor Arterial standards, the applicant is proposing to dedicate 30-ft. of right-of-way centerline along the site's Broadacres Road NE frontage. In addition, to meet Collector Street standards, the applicant is proposing to dedicate 30-ft. of right-of-way west of centerline and 25-ft. east of centerline along the site's Front Street NE frontage. The site also fronts 4th Street NE in northeast corner of the property, however Marion County would like this right-of-way to be realigned when Parcel 1 is developed. Since no development is currently proposed for the site, the applicant is not proposing to dedicate right-of-way for 4th Street with this application.

F. Existing Streets. Whenever existing public streets adjacent to, or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning or development.

1. Full street improvements to all existing streets

adjacent to, within or necessary to serve the property shall be required at the time of land division or development unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet the City standards and are in satisfactory condition to handle projected traffic loads. Storm water drainage shall be provided for on the non-curbed side of the full street improvements as required by the City Engineer. In cases where the property with a land division or development fronts both sides of an existing street, full street improvements shall be required. The party paying the costs for improvements may require buyers along the improved area to reimburse improvement costs for up to ten (10) years. Each lot should pay a proportional amount of the total improvement costs if reimbursement is pursued. Reserve strips and street plugs shall be dedicated, deeded, and installed to preserve the objectives of the full street prior to street construction.

COMMENT:

As mentioned above, the applicant is not proposing development or a land division within the City of Hubbard. Only one lot, Parcel 1, will be located within the city limits and UGB of Hubbard with the proposed land division. Although not required under Subsection 2.202.02, the applicant is proposing to dedicate right-of-way along the site's Broadacres Road NE and Front Street NE frontages. Per Subsection 2.202.02, construction of public street improvements is not required since the land division will not occur within the City of Hubbard. The attached Preliminary Site Plan indicates that existing improvements along Broadacres Road NE are adequate to serve the existing dwelling on Parcel 1 (see Exhibit 3). No new development is proposed, therefore the existing level of service does not need to be increased with the proposed land division.

2.202.04: General Right-of-Way and Improvement Widths

The following standards in the Street Design Standards Table are general criteria for all types of public streets, bikeways, parkway strips, and sidewalks in the City of Hubbard. These standards shall be the minimum requirements for all streets, bikeways, and pedestrian facilities except where modifications are permitted under Section 2.202.05.

COMMENT:

As demonstrated by the attached Preliminary Plat, the proposed right-of-way dedications meet the minimum requirements of the Street Design Standards Table (see Exhibit 3).

Subsection 2.203: Off-Street Parking and Loading

2.203.02: Scope

Development of off-street parking and loading areas for commercial, industrial, institutional, or multi-family development shall be subject to the Site Development Review procedures of Section 3.105 and shall be reviewed pursuant to Section 3.203. These sections are applicable to single family and duplex development, where stated. The provisions of this Section shall apply to the following types of development:

- A. any new building or structure erected after the effective date of this Ordinance;
- B. the construction or provision of additional floor area, seating capacity or other expansion of an existing building or structure; or
- C. a change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section; or
- D. the operation of an outdoor business or activities with outdoor uses.

COMMENT:

The attached Preliminary Site Plan indicates that an existing single-family detached dwelling is located on proposed Parcel 1 (see Exhibit 3). Proposed Parcel 2 is currently vacant and no new development is proposed. The applicant has addressed how the existing use meets off-street parking standards in the narrative provided below.

2.203.03: Location

Off-street parking and loading areas shall be provided on the same lot with the main building, structure or use except that:

COMMENT:

The submitted Preliminary Site Plan indicates that an existing driveway provides access from Broadacres Road NE to the existing dwelling on Parcel 1. Off-street parking spaces are provided in the pole barn which is adjacent to the dwelling, therefore the parking area is provided on the same lot as the main building.

2.203.05: Off-Street Automobile Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the Planning Commission in the amount not less than listed below. Parking requirements for

residential units, including "stick-built" and manufactured homes, require the construction of a garage. Manufactured homes located in mobile home parks are required to install either a garage or carport. Accessory dwelling units (ADU) are not required to install a garage or carport.

COMMENT:

Per the off-street parking table, 2 parking spaces are required for a single-family dwelling. The Preliminary Site Plan demonstrates that the existing pole barn on Parcel 1 serves as a garage and can accommodate at least 2 off-street parking spaces in accordance with the above standards.

2.203.06: Off-Street Loading Requirements

Off-street loading space shall be provided as listed below:

COMMENT:

The subject site is not associated with an existing or proposed commercial or industrial use, therefore these standards do not apply.

2.203.07: Parking and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

COMMENT:

The attached Preliminary Site Plan indicates that the existing driveway serving Parcel 1 contains an asphalt surface (see Exhibit 3). The floor of the pole barn, which provides the required off-street parking spaces, contains a concrete surface.

2.203.09: Parking of Bicycles

- A. Bicycle parking shall be provided as part of all new multi-family residential development of four or more residential units and new retail, office, and institutional development. Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking.**
- B. The required minimum number of parking spaces is specified in the following table.**

COMMENT:

The subject site does not contain an existing or proposed multi-family, retail, office, and institutional use. Therefore, bicycle parking is not required for the existing single-family dwelling on Parcel 1. As mentioned previously, Parcel 2 is currently vacant.

2.203.10: Recreational Vehicle Parking

Recreational vehicle spaces shall meet the following use and development standards. The term "recreational vehicle space" means the portion of a lot where a single recreational vehicle is parked and occupied or intended to be parked and occupied.

- A. The space shall have an all-weather surface and be drained to prevent standing water.
- B. If the space is occupied by an occupied recreational vehicle for more than 120 days in any calendar year, the space shall be located in a recreational vehicle park.
- C. Unless located in a recreational vehicle park no permanent electrical, water or sewer connections are permitted, nor shall the space be rented or leased for consideration.

COMMENT:

The existing pole barn on Parcel 1 can accommodate covered parking spaces for recreation vehicles, trailers, boats, and similar vehicles. The floor of the pole barn currently contains a concrete surface. As required, RV parking spaces will not be occupied for more than 120 days and permanent electrical, water, or sewer connections will not be provided.

Subsection 2.204: Storm Drainage

2.204.02: Scope

The provisions of this Section shall apply to all new residential land subdivisions, Planned Unit Developments, multi-family development, commercial development and industrial development; and to the reconstruction or expansion of such developments; unless the Public Works Superintendent determines the proposed development can adequately provide for the drainage of surface water and minimize erosion in a manner that does not degrade the city's water quality resources. As defined by the Hubbard Development Code, "development" includes the following:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

COMMENT:

The applicant is not proposing a new residential land subdivision, Planned Unit Development, multi-family development, commercial development, or industrial development. Therefore, these standards do not apply.

Subsection 2.205: Utility Lines and Facilities

2.205.01: Purpose

The purpose is to provide adequate services and facilities appropriate to the scale and type of development.

COMMENT:

The attached Topographic Survey indicates that the existing single-family dwelling on Parcel 1 is served with electrical and communication utilities from the Broadacres Road NE frontage (see Exhibit 3). Water is provided by an on-site well and a septic system serves the single-family use. Until proposed Parcel 1 transitions to an urban use, the 54.74 acre property will continue to be adequately served by existing private utility lines and facilities.

Subsection 2.206: Signs

2.206.01: Purpose

The provisions of this Section are intended to provide for the necessary means of identification while maintaining a safe and pleasing environment for the people of the City of Hubbard.

COMMENT:

There are no existing or proposed signs that are associated with the subject site. Therefore, these standards do not apply to the proposed land division.

Subsection 2.207: Landscaping Design

2.207.02: Scope

All construction, expansion or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section. Landscaping plans shall be submitted as required by the Site Development Review procedures of Section 3.105 and reviewed by the Planning Commission, subject to Type II review procedures set forth in Section 3.200. The construction of new streets containing parkway strips shall also be subject to the landscaping requirements of this chapter.

COMMENT:

The applicant is not proposing a commercial, multi-family, or industrial use. Therefore, these standards do not apply.

2.207.07: Street Trees

- A. Street trees shall be planted for all developments that are subject to Subdivision or Site Development Review, unless otherwise waived by the Public Works Superintendent for utility purposes. Plantings of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:**

COMMENT:

The applicant is requesting preliminary plat approval of a 2-lot Partition application. No new development is proposed for the subject site. Since street tree standards apply to development that is subject to Subdivision or Site Development Review, these standards do not apply to the proposed partition.

Subsection 2.208: Development Standards for Land Divisions

2.208.02: Scope

The provisions of this Section shall apply to all subdivisions, and partitions within the City of Hubbard.

COMMENT:

The applicant is requesting approval of a 2-lot partition, therefore the provisions of this section apply.

2.208.03: 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.**

COMMENT:

The submitted Cover Sheet/Site Map indicates that Parcel 1 contains an existing single-family use and is located within the city limits of Hubbard. The plan illustrates that Parcel 1 is comprised of 2.31 acres of R-1 zoned land, 33.69 acres of R-2 zoned land, and 19.90 acres of R-3 zoned land (see Exhibit 3). Based on these acreages, Parcel 1 exceeds the minimum lot area for a single-family use within the R-1, R-2, and R-3 zoning districts. Proposed Parcel 2 contains 24.21 acres of EFU zone land which under in Marion County jurisdiction.

- B. Lot width and depth. The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions:**

COMMENT:

Parcel 1 has an average lot width of 1,298-ft. and an average lot depth of 1,998-ft., providing a lot width to depth ratio of 1 to 1.54 when measuring from the Broadacres Road NE frontage. Measuring from the Front Street frontage, Parcel 2 has an average lot width of 584-ft. and an average lot depth of 1,887-ft., providing a lot width to depth ratio of 1 to 3.23. However, since Parcel 2 is located outside the UGB and is under Marion County jurisdiction, the above standards do not apply to this lot.

- C. Access.**

All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 25 feet of frontage on an existing or proposed public street, with the following exceptions:

COMMENT:

As demonstrated by the attached Preliminary Plat, Parcel 1 has 1,199.77-ft. of frontage on Broadacres Road NE (see Exhibit 3), meeting the above standard. Although not located within the city limits of Hubbard, Parcel 2 meets this standard with 747.63-ft. of frontage on Front Street NE.

- D. Access for duplexes or townhouses on corner lots: Individual driveways for duplexes or townhouses on corner lots shall be installed at a rate of one driveway per unit per street frontage unless the Planning Commission allows a combined access on one street frontage based upon a conflict created by the topography of the lot, the location of a public utility, significant vegetation, or different street classification.**

COMMENT:

The applicant is not proposing to establish access for duplexes or townhouses on corner lots, therefore these standards do not apply.

- E. Flag Lots. Where authorized by the Planning Commission pursuant to the access requirements of**

Section 2.202.07, flag lots shall be subject to the following development standards:

COMMENT:

The applicant is not proposing a flag lot with this Partition application, therefore these standards do not apply.

- F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the Planning Commission during the review of the land division request.**

COMMENT:

The attached Preliminary Plat indicates that the proposed partition will create only one lot, Parcel 1, within the city limits and UGB of Hubbard. Parcel 1 has frontage on Broadacres Road NE, 4th Street NE, and Front Street NE, however the attached Preliminary Plat demonstrates that these are existing street frontages based on the current configuration of the site. Parcel 2 is located outside of the UGB, therefore this parcel is under the jurisdiction of Marion County.

- G. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.**

COMMENT:

The attached Preliminary Plat indicates that only one lot line will be created with the proposed partition, located between Parcel 1 and Parcel 2 (see Exhibit 3). The submitted plan demonstrates that the lot line runs at a right angle to Front Street NE as far as practicable, given the existing location of the UGB and city limits of Hubbard.

- H. Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.**

COMMENT:

The applicant is not proposing lot grading with this application, therefore these standards do not apply.

- I. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width of 12 feet (6 feet on each lot if located on a common lot line).**

COMMENT:

The attached Preliminary Plat and Topographic Survey demonstrate that proposed Parcel 1 and 2 have adequate frontage on Broadacres Road and Front Street. Therefore, utility easements are not required for the lots.

2.208.04: Standards for Blocks

- A. **General.** The length, width and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control and safety of street traffic including pedestrians and bicyclists; and recognition of limitations and opportunities of topography.
- B. **Sizes.** Blocks in residential and commercial districts shall not exceed 600 feet in length between street lines, except blocks adjacent to major arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. Blocks that exceed 600 feet in length shall be required to provide additional pedestrian and bikeway accesses.

COMMENT:

Currently, the block length between Broadacres Road and Front Street exceeds 600-feet. However, this is an existing condition for Parcel 1. As mentioned previously, the applicant is not currently proposing a land division within the City of Hubbard. As required, block lengths will meet City standards when a future development plan is submitted for Parcel 1.

2.208.05: Improvement Requirements

- A. **Partitions.** During the review of partition proposals, the City may require as a condition of approval, the improvement of:
 - 1. **Public streets upon which the property fronts to public standards per Section 2.201.03 of the Code.** Improvements may include: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities;

COMMENT:

As discussed above, the applicant is not proposing a land division within the City of Hubbard. The proposed partition will only create one lot, Parcel 1, within the city limits and UGB. Parcel 2 is located outside the UGB and is under Marion County jurisdiction. The land division will allow Parcel 1 to transition to an urban use in the future, while permitting Parcel 2 to be retained for farming purposes. Since this proposal does not include a development plan for Parcel 1, improvements to public streets which the lot fronts are not required. When a future land division and development application is submitted for Parcel 1, the applicant will provide public facility improvement plans which demonstrate compliance with Subsection 2.208.05.

- 2. Sidewalks, five feet in width, and bikeways along public street frontage per Section 2.201.03 of the Code; and**

COMMENT:

As discussed above, the applicant is not currently proposing a land division within the city limits of Hubbard. Therefore, sidewalk and bikeway improvements along Parcel 1 public street frontages are not required.

- 3. Private driveways serving flag lots, per the requirements of Section 2.202.07. All improvements required as a condition of approval of a partition shall be completed prior to the issuance of any building permits for the subject property.**

COMMENT:

The applicant is not proposing a flag lot with this Partition application, therefore these standards do not apply.

- B. All improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.**

COMMENT:

Since a land division within the city limits of Hubbard is not proposed, street improvements are not required for this application. Therefore, the above standards do not apply.

Subsection 2.209: Yard and Lot Standards

2.209.01: New Buildings Shall be on a Lot

Every building erected shall be located on a lot as herein defined.

COMMENT:

The applicant is not proposing the development of new buildings with this Partition application. The attached Preliminary Site Plan identifies the location of an existing dwelling and several accessory structures on Parcel 1 (see Exhibit 3).

2.209.02: Yards Apply Only to One Building

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

COMMENT:

The attached Preliminary Site Plan demonstrates that existing buildings and provided yards on Parcel 1 meet the standards of this section (see Exhibit 3).

2.209.07: Vision Clearance

Vision Clearance shall be maintained in clear vision areas on the corners of lots located at the intersection of public streets and at the intersections of a public street with a private street, alley, or driveway. No structure, object, or planting shall be permitted within a clear vision area that would impede visibility between a height of 36 inches and 9 feet above the curb grade or the intersecting streets. Clear vision areas shall extend a set distance as follows:

- C. Vision clearance for driveway approaches shall be a minimum of ten (10) feet.

COMMENT:

The attached Topographic Survey demonstrates that the existing driveway serving Parcel 1 meets the above vision clearance standards (see Exhibit 3).

Subsection 2.210: Requirements for Riparian Corridors

2.210.03: Identifying Riparian Areas and Establishing the Location of the Riparian Buffer

- A. The inventory of significant riparian areas contained in the Natural Resources Element of the Hubbard Comprehensive Plan lists which streams are fish-bearing and the stream-size category. Based on the classification contained in this inventory, the following

protected riparian corridors shall be established for stream segments listed as “significant”:

1. Mill Creek shall have a buffer of 50 feet from the top and on either side of bank except as identified below;
2. Little Bear Creek shall have a buffer of 50 feet from the top and on either side of bank except as identified below;
3. Where the riparian buffer includes all or portion of a significant wetland as identified in the Natural Resources Element of the Comprehensive Plan or by other means, such as a wetland delineation, the riparian buffer shall be at least 50 feet and shall include the upland edge of the wetland.
4. The measurement of the riparian buffer shall be measured from the top of the bank. The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.
5. The requirement to establish a riparian buffer applies to land inside city limits and to land outside the city limits and inside the UGB upon annexation of such land.
6. Water areas, wetlands, and significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe their properties lie outside the depicted riparian buffer can correct the map by submitting a survey, performed by a qualified surveyor (PLS), to the local governing body. The survey must show the normal high water line of the stream on a parcel base map. Where riparian corridors contain significant wetlands, the riparian buffer is measured from the upland edge of the wetland. Property owners can correct the map by submitting a wetland delineation, prepared by a qualified environmental consultant, that shows the wetland boundary. Wetland delineations must be first submitted to the

Oregon Division of State Lands for review and approval. The City will review the submitted map and wetland delineation report, if required, and determine if the parcel lies within the riparian buffer.

COMMENT:

The attached Preliminary Site Plan identifies the location Mill Creek and Little Bear Creek. Although the top of bank or ordinary high water marks have not been delineated, the submitted Topographic Survey demonstrates that the distance from riparian area and potential wetland areas near the streams are more than 50-ft. from the existing structures on Parcel 1.

2.210.04: Protecting Riparian Resource by Managing Activities in the Riparian Buffer

- A. The permanent alteration of the riparian buffer by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian area, and no other options or locations are feasible and any applicable state and/or federal permits are obtained as required in Section 2.210.06:

COMMENT:

The applicant is not proposing new development or grading activities with this Partition application. Therefore, this subsection does not apply.

Subsection 2.211: Requirements for Wetlands

2.211.03: Procedures for Identifying Significant Wetlands

The wetland regulations contained in this ordinance apply to those wetlands identified and mapped as significant in the City of Hubbard Local Wetlands Inventory, Wetland Functional Assessment, and Wetland Significance Determination. Significance determination is based on criteria contained in OAR 14 1-86-300 through 350 as adopted by the Division of State Lands. Precise wetland boundaries may vary from those shown on the map. For any proposed development impacting a significant wetland or within 25 feet of an identified significant wetland, the applicant shall conduct a wetland delineation. The purpose of this delineation is to determine the precise wetland boundary for application of the Removal-Fill Law, and if applicable, the nature and extent of development impacts on adjacent wetlands. The more precise boundary obtained through a wetland delineation can be identified, mapped,

and used for review and development without a change in the wetland inventory mapping. All developments proposed within a designated wetland area shall be subject to the provisions of this ordinance.

COMMENT:

Based on the site's topography, it is likely that wetlands are located on the site, adjacent to Little Bear Creek and Mill Creek (see Exhibit 3). As mentioned above, no new development is proposed and existing development is not located in the vicinity of the potential wetlands. As required, prior to the submittal of a development plan to the City of Hubbard, a wetland delineation will occur in accordance with the above standards.

Chapter 3: Application Requirements and Review Procedures

Subsection 3.101: Summary of Application Types and Review

3.101.01: Type I Action

- B. A Type I, Level 2, action is a limited land use decision in which the Planning Commission apply clear and objective standards. The Planning Commission makes a decision on the application but does not conduct a public hearing, unless specifically required by this Ordinance. Public notice is provided as required for a Type I Action, Section 3.201.01 if no public hearing is conducted. Public notice is provided as required by Section 3.202.02 if a public hearing is conducted. Appeal is to the City Council. The following actions are processed under the Type I, Level 2, procedure:

3. Partitions

COMMENT:

The applicant is requesting preliminary plat approval of a Partition application. As required, the application will follow the Type I, Level 2 procedure with a limited land use decision provided by the Planning Commission.

Subsection 3.106: Partitions

3.106.0: Area of Application

A partition is required for any land division, which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:

- A. Access. Each parcel shall meet the access

requirements of Subsection 2.208. Additionally, each lot in a minor partition shall have a minimum of twenty-five (25) feet of frontage on an existing state, county, city or public street; or, a constructed private easement being used for access, when said easement existed prior to the adoption of this Ordinance. A land division which requires the creation of a public or private street to provide access to new parcels shall be either a major partition or a subdivision.

COMMENT:

The attached Preliminary Plat indicates that a 2-lot partition is proposed for the subject site. The plan demonstrates that Parcel 1 has 1,199.77-ft. of frontage on Broadacres Road NE and Parcel 2 has 747.63-ft. of frontage on Front Street NE (see Exhibit 3). Since no new streets are created with the land division, this application is classified as a minor partition.

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

COMMENT:

The attached Cover Sheet/Site Map indicates that proposed Parcel 1 contains 2.31 acres of R-1 zoned land, 33.69 acres of R-2 land, and 19.90 acres of R-3 zoned property (see Exhibit 3). Based on these areas, an average lot width of 1,298-ft., and an average lot depth of 1,998-ft., Parcel 1 meets the minimum dimensional standards of the zoning districts. Parcel 2 is zoned EFU and is located in Marion County, therefore the parcel is not under City of Hubbard jurisdiction.

3.106.02: General Provisions

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.**
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.**
- C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting.**

COMMENT:

To facilitate urban development in the northern portion of the site, and to protect farm uses in the southern portion of the subject property, the applicant is proposing to partition the site into 2 lots. Proposed Parcel 1 is located in the northern portion of the site and includes 55.90 acres that are located within the city limits. Proposed Parcel 2 is located in southern portion of the site and contains 24.21 acres outside of the UGB.

Although a specific development plan has not been determined for Parcel 1, a General Master Plan has been submitted with this application (see Exhibit 3). As envisioned by the applicant, Parcel 1 will be designed as a planned unit development with a variety of housing types including single-family detached dwellings, attached townhomes, multi-family apartment units, and single-family 1-story cottage units geared towards seniors. To protect natural resources within riparian areas, and provide recreational amenities consistent with the Parks Master Plan, the General Master Plan illustrates where public parks with multi-use trails could be developed along Mill Creek and Little Bear Creek.

3.106.03: Submittal Requirements for Preliminary Review

- A. Applications for partitions shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.**

COMMENT:

As required, the applicant included the proper form and appropriate fee with this application. The Partition application packet has been submitted to City Recorder in accordance with the above standards.

- B. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:**
 - 1. name and address of the owner of the property to be divided;**
 - 2. legal description of the property, by Township, Range, Section and Tax Lot;**
 - 3. dimensions and size in square feet or acres of all proposed parcels;**
 - 4. individual parcel designation, e.g., Parcel I, Parcel II;**
 - 5. adjacent property under the same ownership;**
 - 6. north arrow and scale;**
 - 7. all adjacent roads, bikeways, and pedestrian facilities, public or private, existing and planned, including name and road width;**
 - 8. location and size of all existing and proposed utilities;**

9. comprehensive plan and zoning designations for the subject property;
10. all existing structures on the property and their setbacks;
11. slopes on the property exceeding ten (10) percent;
12. natural drainage ways, streams, wetlands or other significant natural features of the property, such as significant vegetative areas or specimen trees;
13. other pending applications, including building permits, on the subject property; and
14. all easements (existing or proposed).

COMMENT:

The attached Topographic Survey, Cover Sheet/Site Map, and Preliminary Plat includes all of the applicable information listed above. It is unknown if any wetlands exist on the site, however potential wetlands located on Parcel 1 will be delineated prior to the submittal of a development plan.

Subsection 3.106.04: Criteria for Preliminary Plat Approval

- A. In approving a preliminary partition plat, the Planning Commission shall find the following:
 1. The preliminary plat conforms with the dimensional standards as required by the underlying zone district.

COMMENT:

As mentioned above, the attached Cover Sheet/Site Map indicates that proposed Parcel 1 contains 2.31 acres of R-1 zoned land, 33.69 acres of R-2 land, and 19.90 acres of R-3 zoned property (see Exhibit 3). Based on these areas, an average lot width of 1,298-ft., and an average lot depth of 1,998-ft., Parcel 1 meets the minimum dimensional standards of the underlying zoning districts. Parcel 2 is zoned EFU and is located in Marion County, therefore the parcel is not under City of Hubbard jurisdiction.

2. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

COMMENT:

The attached Preliminary Plat indicates that adjacent parcels to the south of Parcel 2 are under the same ownership as the subject site. Tax Lots 600 and 700 are currently developed with single-family dwellings and cannot be partitioned or developed with additional dwellings under EFU zone standards. Tax Lots 400 and 500 are vacant and also cannot be partitioned under EFU zone standards. One dwelling could be developed on proposed Parcel 2 and on Tax Lots 400 and 500 if farm income standards are met. Since the existing and potential dwellings can all be accessed through an existing shared driveway on Tax Lots 600 and 700, the proposed partition will not impact the future development of property under the same ownership as the subject site.

- 3. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.**

COMMENT:

The attached Cover Sheet/Site Map demonstrates that adjacent parcels to the east of site are currently accessed from 4th Street, Lydia Loop, Walnut Court, and J Street (see Exhibit 3). The adjacent parcel to west is currently accessed from Broadacres Road. The adjacent parcels south of the subject property are currently accessed from a shared driveway that connects to Front Street NE. Therefore, the proposed partition will not prevent adjoining land from being developed or provided access.

- 4. The proposed street plan affords the best economic, safe and efficient circulation of traffic possible, under the circumstances.**

COMMENT:

The attached Preliminary Site Plan indicates that the applicant is not proposing the creation of new streets (see Exhibit 3). Access to the existing dwelling on Parcel 1 will be maintained through the driveway connection to Broadacres Road NE. Access for Parcel 2 will be provided through its Front Street NE frontage.

- 5. The proposed utility plan conforms with the applicable requirements as stated in this Code and any other applicable local, county, or state requirements.**

COMMENT:

The attached Topographic Survey indicates that the existing single-family dwelling on Parcel 1 is served with electrical and communication utilities from the Broadacres Road NE frontage (see Exhibit 3). Water is provided by an on-site well and an existing septic system serves the single-family use. Until proposed Parcel 1 transitions to an urban use, the 54.74 acre property will continue to be adequately served by existing private and franchise utilities in accordance with State standards.

- 6. Conditions necessary to satisfy the intent of this Code can be satisfied prior to final plat approval.**

COMMENT:

As required, the applicant will satisfy conditions for preliminary plat approval prior to final plat approval.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the City of Hubbard Development Code. Therefore, the applicant requests that the Partition application be approved.

VI. EXHIBITS

1. Application Form

2. Property Deed/Title Report

3. Preliminary Plans

Sheets 1-6:	Topographic Survey
Sheet P-1:	Cover Sheet/Site Map
Sheet P-2:	Northern Preliminary Plat
Sheet P-3:	Southern Preliminary Plat
Sheet P-4:	Preliminary Site Plan
Sheet P-5:	General Master Plan

APPLICATION FORM

PARTITION APPLICATION

CITY OF HUBBARD

3720 2nd Street (P.O. Box 380)

Hubbard, OR 97032

Phone: (503) 981-9633; Fax: (503) 981-8743

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: _____

DATE: _____

FEE: _____

RECEIPT NO: _____

APPLICANT: _____

PHONE: _____ EMAIL ADDRESS: _____

ADDRESS: _____

OWNER(S): _____

(If different from above)

PHONE: _____ EMAIL ADDRESS: _____

ADDRESS: _____

ENGINEER/SURVEYOR: _____

PHONE: _____ EMAIL ADDRESS: _____

ADDRESS: _____

OTHER DESIGN PROFESSIONAL: _____

PHONE: _____ EMAIL ADDRESS: _____

ADDRESS: _____

GENERAL INFORMATION:

ADDRESS: _____

TAX LOT NO: _____ ZONE: _____

CURRENT USE/STRUCTURES: _____ TOPOGRAPHY: _____

SURROUNDING USES: NORTH: _____ SOUTH: _____

EAST: _____ WEST: _____

SQUARE FOOTAGE OF SITE: _____ NO. OF PARCELS CREATED: _____

PARCEL NO. 1: _____ sq.ft. PARCEL NO. 2: _____ sq.ft. PARCEL NO. 3: _____ sq.ft.

NUMBER OF DWELLING UNITS: _____ UNITS PER ACRE: _____

SUBMITTAL REQUIREMENTS

Please submit one (1) paper copy and one (1) electronic copy (PDF format preferred) of the following application materials:

- ☐ 1. A current title report.
- ☐ 2. A copy of the most recent deed for the property.
- ☐ 3. A legible preliminary partition plan drawn to scale on 8 ½ x 11 or 11 x 17 inch paper or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
 - ☐ Name and address of the owner of the property to be divided;
 - ☐ Legal description of the property, by Township, Range, Section and Tax Lot;
 - ☐ Dimensions and size in square feet or acres of all proposed parcels;
 - ☐ Individual parcel designation, e.g., Parcel I, Parcel II;
 - ☐ Adjacent property under the same ownership;
 - ☐ North arrow and scale;
 - ☐ All adjacent roads, public or private, bikeways, and pedestrian facilities, including name and road width;
 - ☐ Location and size of all existing and proposed utilities;
 - ☐ Comprehensive plan and zoning designations for the subject property;
 - ☐ All existing structures on the property and their setbacks;
 - ☐ Slopes on the property exceeding ten (10) percent;
 - ☐ Natural drainage ways, streams, wetlands or other significant natural features of the property, such as significant vegetative areas or specimen trees;
 - ☐ Other pending applications, including building permits, on the subject property; and
 - ☐ All easements (existing or proposed).

Conformance with the Hubbard Development Code is required for final plat approval. Check with the staff regarding additional requirements for your project. You are encouraged to arrange a pre-application conference with staff prior to submittal.

I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)

_____ Date	_____ Applicant
_____ Date	_____ Owner(s)
_____ Date	_____ Owner(s)

PARTITION INFORMATION SHEET

Partitions are created when a tract of land is divided into two or three parcels within a calendar year, and when the tract of land existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

☒ PARTITION REGULATION

Partitions are regulated by State Law and by the City of Hubbard's Development Code. The City regulations mandate that the applicant provide improvements necessary to serve all the proposed parcels. These improvements will generally include streets, storm water facilities and provisions for sewer and water service. Additional improvements may be required. An applicant must document that adequate facilities exist or can be provided as part of the proposal.

☒ APPLICATION PROCESSING

Once an application is submitted, along with all pertinent filing information (e.g. preliminary plan map, site map, title report, supplementary materials, etc.), City staff will review it for completeness. If additional material is necessary, you will be contacted. Once the application is determined to be complete, staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

☒ EFFECTIVE DATE OF APPROVAL

The Planning Commission decision shall be effective 12 days after the date of the notice of the decision by the Planning Commission unless the decision is appealed to the City Council.

☒ WHAT TO DO AFTER PRELIMINARY PLAN APPROVAL

An approved or conditionally approved preliminary plan is valid for one year following the issuance of a preliminary approval letter. Within this year, the applicant must submit a Final Plat, which conforms to all the applicable provisions of State Law (ORS 92) and approval conditions of the tentative plan. The City will sign and release the map when all the necessary City requirements have been fulfilled. The applicant must then file the approved final plat with the Marion County Recorder and return a copy of the recorded documents to the City following recordation.

☒ PARCEL SALES

No parcels in a partition may be sold until the final map has been filed and acknowledged by the Marion County Recorder.

☒ ADDITIONAL INFORMATION

For additional information on partitions, call Hubbard City Hall at (503) 981-9633.

EXHIBIT A

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

as of 2/11/2020 (attachment to Resolution No. 686-2020)

Resolution No. 685-2020 requires land use applications to reimburse the City for the actual costs associated with their applications. The City requires a deposit for land use application as required in section 3.206.03 in the Hubbard Development Code. Staff collects the deposit at the time of application.

Costs and time are paid out of the deposit. If it appears the costs exceed the initial deposit, the Director of Administration/City Recorder may require an additional deposit for costs that may be incurred to complete the project. At the end of the project a final bill will be prepared, and the City will either request additional funds or issue a refund check.

The following are examples of the most common types of charges and amounts per hour that will be incurred for land use projects in the City. These rates are provided for example purposes only, and you will be charged the actual costs incurred by the City as required by Resolution 685-2020. These example rates will therefore be reviewed annually and updated as necessary. You may request a copy of the most recent example rates at any time by contacting the Director of Administration/City Recorder.

City Planner **\$85.00**

(The City Planner prepares staff reports, final actions, and makes presentations at Planning Commission and Council meetings.)

City Engineer **\$165.00**

(The City Engineer may be requested to investigate or review plans submitted by the applicant, and may make presentations at required meetings)

Director of Admin/Recorder **\$90.00**

Admin Assistant **\$45.00**

(The Planning Secretary prepares applicants files, prepares comments for other departments, prepares public hearing notices, posts and mails notices, answers applicants questions and attends all meetings)

Public Works Director/Superintendent **\$84.00**

Public Works Admin Manager **\$68.00**

Utility Worker II **\$58.00**

Utility Worker I **\$37.00**

Admin Assistant **\$20.00**

(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)

Police Chief **\$83.00**

(The Police Chief reviews plans and looks into safety concerns such as lighting and addressing issues)

City Attorney **\$235.00**

(Review of documents, negotiation of conflicts, litigation and enforcement issues)

Office Copies	(Black & White 8 ½ X 11)	.25 per page
	Color	.35 per page
	(Black & White 11X 17)	.50 per page
	Color	.70 per page

Long Distance Phone Calls **\$3.00 per call**

Fax **\$2.00 per fax + .50 per page**

I have read this information and understand that the land use fee is a deposit and the application may cost more or less.

Applicants Signature

Date

CERTIFICATION OF TRUST

The undersigned, having been duly sworn, hereby declare, certify, depose and say:

1. NAME. My or our names and current addresses are as follows:

West Coast Trust Company Inc., dba West Coast Trust

Now known As COLUMBIA TRUST company.

2. TRUSTEES. I am the sole current trustee, or we are all of the current trustees, of the trust (herein "the Trust") identified in this certification.

West Coast Trust Company Inc., dba West Coast Trust

3. NAME OF TRUST. The complete name of the Trust is The Frank J. Bronec Trust under the Trust Agreement dated 09/12/05.
4. DATE OF TRUST INSTRUMENT. The original date of execution of the Trust's trust instrument is September 12, 2005.
5. TRUST EXISTS. The Trust exists as of the date of this certification.
6. SETTLOR(S). The settlor or trustor (or settlors or trustors) of the Trust is or are:
- Frank J. Bronec
7. TRUST POWERS. The trustees of the Trust have trust powers that include at least all those trust powers contained in the Oregon Uniform Trust Code, set forth in Oregon Revised Statutes 130.001 to and including 130.910. The trustees have the authority to sign or otherwise authenticate documents on behalf of the Trust.
8. POWER TO REVOKE. At the date of this certification, the Trust is (mark one and fill in when appropriate):
- ☒ (a) Not Revocable
- ☐ (b) Revocable, and the following person or persons at the stated address(es) hold the power to revoke the Trust:
- _____
9. POWER TO AMEND. At the date of this certification, the Trust is (mark one and fill in when appropriate):
- ☒ (a) Not subject to a power to modify or amend the Trust.
- ☐ (b) Subject to a power to modify or amend the Trust, and the following person or persons at the stated address(es) hold the power to modify or amend the Trust:
- _____
10. MULTIPLE TRUSTEES. The following statement describes this trust (mark one and fill in when appropriate):
- ☒ (a) There is only one current trustee of the Trust.
- ☐ (b) There are two or more current trustees, and all trustees must join in the exercise of trust powers.
- ☐ (c) There are two or more current trustees of the Trust; all trustees need not join in the exercise of trust powers; and the number of trustees that must join in the exercise of trust powers is _____.
11. TRUST TAXPAYER IDENTIFICATION NUMBER. The last four digits of the Trust taxpayer identification ("TIN") are 8 1 5 6. The following statement describes this TIN (mark one and fill in when appropriate):
- ☒ (a) This is an employer identification number.
- ☐ (b) This is the trustor Social Security Number of _____.
12. TITLE TO TRUST ASSETS. The following is the manner in which title to assets of the Trust should be taken:

Frank J. Bronec Irrevocable Trust, Columbia
Trust Company, Trustee

CERTIFICATION OF TRUST

(continued)

13. SITUS OF TRUST. The Trust was established in the following state, country or other jurisdiction:

Oregon

14. STATEMENT REGARDING REVOCATION, MODIFICATION or AMENDMENT. The Trust has not been revoked, modified or amended in any manner that would cause the representations contained in this certification to be incorrect.

15. RELIANCE. The undersigned intend(s) that any person furnished with a copy of this certification rely on it and enjoy the full benefits and protections of Oregon Revised Statutes 130.860.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Frank J. Bronec Trust under the Trust Agreement dated 09/12/05

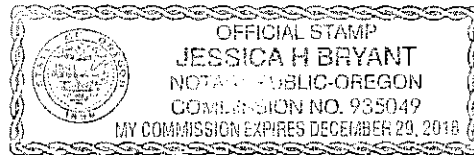
Helen Robinson, VP + Trust Officer
West Coast Trust Company Inc., dba West Coast Trust, Now known as Columbia Trust
Company.

State of Oregon
County of Multnomah

This instrument was acknowledged before me on December 27, 2017 by
Helen Robinson as Vice President of
Columbia Trust Company.

Jessica Bryant
Notary Public - State of Oregon

My Commission Expires: 12/29/2018



COLUMBIA TRUST COMPANY

SECRETARY'S CERTIFICATE

I hereby certify that I am the duly appointed Secretary of Columbia Trust Company, a trust company organized under the laws of the State of Oregon ("CTC").

I further certify that at a meeting of the Board of Directors of CTC held on April 25, 2018, the Board approved the Resolution of Authority of Officers attached hereto and that such resolutions have not been modified or amended, and they continue in full force and effect.

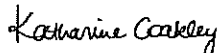
I further certify that as of the date of this certificate, the individuals listed below are duly elected and qualified officers and employees of CTC in the capacities set forth by their names, and that the signature appearing above each such individual's name is, to my knowledge, the signature of such individual.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of September, 2018.

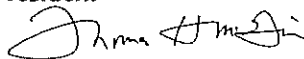


David Bell, Secretary

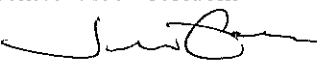
President, Senior Vice Presidents, Vice Presidents and Assistant Vice Presidents



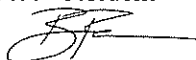
Katharine Coakley
President



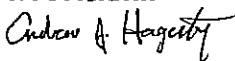
Thomas McGirr
Senior Vice President



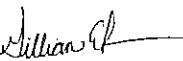
Julie Gerig
Vice President



Bryce Ralston
Vice President




Andrew Hagerty
Vice President



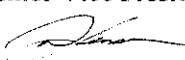
Gillian Eubanks
Assistant Vice President



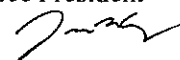
Rob Howell
Senior Vice President



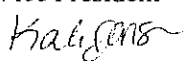
B. Edward Duvall
Senior Vice President



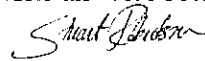
Debbie Jensen
Vice President



Jason McCrary
Vice President



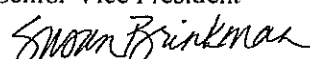
Kali Jensen
Assistant Vice President



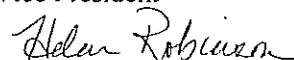
Stuart Robertson
Assistant Vice President



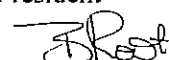
David Bell
Senior Vice President



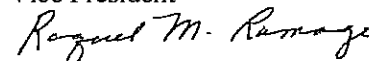
Susan Brinkman
Vice President



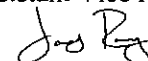
Helen Robinson
Vice President



Barbara Root
Vice President



Raquel Ramage
Assistant Vice President



James Rooney
Assistant Vice President

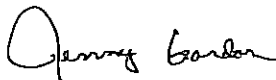
Operations Specialists & Trust Systems Analysts (Limited Authority)



Mike Jundt



Talina Zamarripa



Jenny Gordon



Sheila Walther

[AUTHORITY OF OFFICERS]

1. The Board wishes to ratify the authority of certain officers of CTC in the day-to-day operations of the company, and to that end, the President and each Senior Vice President, Vice President and Assistant Vice President ("Officer") of CTC is authorized and empowered to execute on behalf of CTC, in its fiduciary or other representative capacity, including as a nominee, custodian or otherwise, on behalf of customers or clients of CTC, all agreements, instruments, and other documents, including amendments and modifications thereto, relating to or affecting the property, business or affairs of CTC. Without limiting the generality of the foregoing, each Officer of CTC may execute on behalf of CTC, solely when acting in a fiduciary or other representative capacity for the benefit of clients or customers of CTC, the following:
 - a) Powers of attorney, contracts, bills of sale, endorsements, assignments, instructions, stock and bond powers, affidavits of domicile and other instruments to transfer, buy, sell, deliver, hypothecate and assign stocks, bonds, cash and cash equivalents, and other securities together with any related brokerage or account agreements and proxies, ballots, written consents, waivers, agreements, instruments and in CTC's representative capacity to vote its interest or otherwise act on its behalf as a stockholder in a corporation or as the owner of any other equity interest in any other entity;
 - b) Checks, drafts, wire transfer orders, and other instruments and orders directing the payment or disbursement of funds;
 - c) Purchase and sale agreements, orders, bills of sale, deeds, assignments, leases, subleases, licenses and other instruments of conveyance to purchase, sell, lease, sublease or license to or from a third party any real or personal property, or any interest therein;
 - d) Promissory notes, mortgages, deeds of trust, security agreements, financing statements and all and any other loan documents necessary to effect any loan for the benefit of matters undertaken by CTC solely in its fiduciary or other representative capacity;
 - e) Settlement agreements, offers in compromise, and other reconciliations relating to any asset, claim, defense or liability to be executed by CTC solely in its fiduciary or other representative capacity;
 - f) All agreements, affidavits, instruments and other documents to complete the closing of any sale or other disposition of any real or personal property held in any fiduciary or other representative capacity; any and all leases, subleases, rental agreements, licenses and other contracts or instruments required to complete or make effective any lease, sublease, rental or license of any such property either for or by CTC in such fiduciary or representative capacity; and any and all management agreements, construction contracts and other contracts required to be executed in the course of the management, maintenance, improvement and/or operation of any real or personal property owned, held or leased by CTC in its fiduciary or other representative capacity;
 - g) Cashier's checks, money orders, certificates of deposit, savings certificates, check certificates and other similar obligations;
 - h) Receipts for any funds or other property paid or delivered to CTC;
 - i) Instructions and agreements for the transfer, registration, modification or closure of annuities, insurance contracts, bank deposits, certificates of deposit or other forms of accounts and to make, execute and deliver with or without the corporate seal, any and all written instruments necessary or proper to effectuate the authority hereby conferred;
 - j) Guarantees of signatures, whether appearing as endorsements on bonds, certificates of stock, or other securities, including without limitation medallion guarantees provided in connection with the medallion stamp, or otherwise;

- k) Certifications of records, confirmations and affidavits;
 - l) Agreements, instruments and other documents establishing or relating to any deposit account or the collateralization thereof; and
 - m) Agreements and proposals to provide services to or receive services from third parties.
2. Each employee of CTC who has the job title of Trust Operations Specialist or Trust Systems Analyst shall have the limited authority to: a) sell, assign, transfer and deliver shares and units of those securities, including stocks, bonds, exchange traded funds and mutual funds, which are held in the name of CTC in its fiduciary capacity; and b) issue instructions for the transfer, registration, or closure of annuities, insurance contracts, bank deposits, certificates of deposit or other forms of accounts; and to make, execute and deliver any and all written instruments necessary or proper to effectuate the authority hereby conferred.

PROPERTY DEED AND TITLE REPORT

EXHIBIT A LEGAL DESCRIPTION

Frank Bronec Properties – Marion County

[PRIOR DEEDS 2543/394 and 2543/395]

1. TAX LOT 100, 76.87 ACRES, ACCOUNT R11419, MAP 041W33;
TAX LOT 100, 3.00 ACRES, ACCOUNT R11420, MAP 041W33
11984 BROADACRES RD NE, HUBBARD - FRANK'S PLACE

PARCEL I:

Beginning at a point 20.00 chains North and 11.60 chains East from the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian, in the County of Marion and State of Oregon, which point is in or near the center of Ferriers Creek, and 2.10 chains South of the line dividing the North and South half of the said claim, and running thence East 33.59 chains to within 30 feet of the center of the main tract of the O. & C. Railroad, thence Northeasterly along said tract parallel to and 30 feet from the center thereof to within 30 feet of the South line of Charles Hubbard Claim; thence West, parallel to and 30 feet from the South line of the said claim to a stake which stands 68 links Southwest from the Southwest corner of the said Hubbard claim; thence North parallel to the West line of said claim and 30 feet West therefrom 3.18 chains to a stake, thence East 30 feet to the West line of said claim; thence North along the said West line of the center of the county road, thence North 56.00° West 17.00 chains to where a soda bottle is deposited from which a fir tree 5 inches in diameter bears North 62½° East 40 links; thence North 76¾° West 2.25 chains to the center of Ferriers Creek; thence up said creek to point of beginning.

Except that particular tract which was formerly part of the above described premises, heretofore conveyed by Chas Lemboke and Elizabeth Lemboke, his wife, to Albert Johnson, recorded in Deed Book 95, Page 4, December 3, 1906, and described as follows: Beginning at the northwest corner of the J. H. Jessan two acre tract in Section 33, Township 4 South, Range 1 West of Willamette Meridian in the County of Marion, State of Oregon, thence running parallel with the Southern Pacific R. R. tract in a northeasterly direction 616 feet more or less to the Southeast corner of the Albert Jordan tract thence in a Westerly direction along the Southerly line of the said A. Jordan tract to the center of the county road leading from Hubbard, Oregon, to Woodburn, Oregon; thence, in a Southerly direction along center of said county road, to a point in the center of said county road, twenty feet West of a point of beginning, thence 20 feet East to point of beginning, all being situated in the County of Marion, State of Oregon.

PARCEL II:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Notification No. 1076, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, at which said point is a post on the line of the Oregon and California railroad from which a fir tree 4" in diameter bears North 3½ degrees West 21 links; thence West 32.5 rods which is the place of beginning of the tract to be described; thence South 13 rods; thence East 19.5 rods; thence South 42 degrees 0 minutes West 7.0521 chains; thence West 28.53 chains to the North bank of Ferrier's Creek, where is set a stake from which an ash tree 20 inches in diameter bears South 65 degrees 0 minutes East 12 links; thence down said creek to the line between W. T. Grimm and S. R. T. Jones where is set a witness post 25 links East of the true corner in the center of said creek, from which an ash stump 10

inches in diameter bears 77 degrees 0 minutes East 33 links; thence East from the true corner 23.255 chains to the place of beginning.

Together with the following described property:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence South 42 degrees West 17 rods 2½ feet; thence West 19½ rods; thence North 13 rods; thence East along the North line of said claim 32½ rods to the place of beginning.

Excepting therefrom the above described Parcels I and II, that portion deeded to Marion County, a political subdivision of the State of Oregon by Deed Recorded September 29, 1966 in Volume 591, Page 723.

2. TAX LOT 300, 20.04 ACRES, ACCOUNT R11393, MAP 041W33;
TAX LOT 300, 19.81 ACRES, ACCOUNT R11394, MAP 041W33
11484 BROADACRES RD NE, HUBBARD;
TAX LOT 400, 26.60 ACRES, ACCOUNT R12703, MAP 041W33;
TAX LOT 400, 18.00 ACRES, ACCOUNT R12702, MAP 041W33
17629 FRONT ST, NE, HUBBARD, FRANK'S PLACE

Beginning at the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence East along the South boundary of Section 33, to its intersection with the West boundary of the Southern Pacific Railroad track, 2680 links; thence North 42 degrees East along the said Railroad boundary 888 links; thence West 2848 links to the center of Farrier Creek; thence following center of channel to the intersection of the creek with the West boundary of aforesaid Section 33; thence South 368 links to the place of beginning.

Beginning at the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence East 26.94 chains to the West boundary of the right of way of the Oregon and California Railroad; thence South 41 degrees 15 minutes West along the boundary of said right of way, 5.74 chains; thence West 23.23 chains; thence North 4.38 chains to the point of beginning, being situated in Section 4, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Beginning at a point 6.06 chains North of the Southeast corner of the Donation Land Claim of Joseph Churchill and wife in Townships 4 and 5 South Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 8.54 chains; thence North 84 degrees 45 minutes West, 5.40 chains; thence South 30 degrees 0 minutes West, 10.30 chains; thence East 8.39 chains to the point of beginning.

Beginning in the center of County Road leading to Hubbard at a point 5.50 chains South from the Northeast corner of Joseph Churchill Donation Land Claim No. 56, Notification No. 798; thence South along the East line of said Claim No. 56, 19.15 chains; thence North 89 degrees 15 minutes West parallel with the North line of said Claim, 18.50 chains to the center of a County Road leading from Woodburn to Boone's Ferry; thence North 37 degrees 15 minutes East along the center of said road 25.10 chains to the center of a County Road leading from the above said road to Hubbard; thence South 72 degrees East 3.55 chains to the place of beginning, and being a part of the Joseph Churchill Donation Land Claim No. 56 in Section 32, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Beginning in the center of the County Road leading from Thomas Hunt's place to Pudding River; said road being the road leading West from the Town of Hubbard and past the South side of the Hubbard Cemetery at a point where said road crosses the East line of the Joseph Churchill Donation Land Claim No. 56 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South along the East line of said Donation Land Claim, 97 rods to the most Westerly Northwest corner of a tract of land conveyed by David E. McArthur and Ida E. McArthur, husband and wife, to James L. Hopkins and Mable Hopkins, husband and wife, said deed being dated February 7, 1934, recorded in Volume 218, Page 163, Deed Records for Marion County, Oregon; thence South 69 degrees 46 minutes East 495 feet to a stone which is the inner angle of Hopkins' land; thence North 1 degree 34 minutes East 1600.5 feet along Hopkins' West line to an iron pipe in the center of the road running between Hubbard and St. Paul; thence Westerly along the center of said road, 36 rods, more or less, to the place of beginning.

SAVE AND EXCEPT that portion conveyed to Marion County, a political subdivision of the State of Oregon, by deed recorded September 29, 1964, in Volume 591, Page 721, Deed Records for Marion County, Oregon.

And further covenants that grantor is the owner of the above described property free of all encumbrances except:

The existence of public roads across the herein described premises;

The lawful consequences of the fact that Parcel #4 of the above described premises is bounded on its Northwesterly side by Ferrier Creek;

Life estate of Joseph H. Bronec in Parcel #5 reserved in deed recorded May 5, 1959, in Volume 403, Page 533, Deed Records for Marion County, Oregon, and subsequent recorded Correction Deed.

Easement and/or right of way on Parcel #5 granted to Portland General Electric Company, an Oregon Corporation, by instrument recorded April 24, 1952, in Volume 439, Page 196, Deed Records for Marion County, Oregon.

3. TAX LOT 500, 3.19 ACRES, ACCOUNT R11417, MAP 041W33

Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41 degrees 15 minutes West and 9.553 chains South 89 degrees 47 minutes West from the Northwest corner of the Ewing Purvine Donation Land Claim No. 55 in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 4.873 chains to the North line of land conveyed to Mike and Mary E. Bronec on the 8th day of September, 1942, by deed recorded in Volume 276, Page 501, Deed Records for Marion County, Oregon; thence South 80 degrees 47 minutes West 7.186 chains; thence North 4.873 chains; thence North 89 degrees 47 minutes East 7.186 chains to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41 degrees 15 minutes West and 9.553 chains South 89 degrees 47 minutes West from the Northwest corner of the E. Purvine Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 111.49 feet; thence South 89 degrees 47 minutes West 122.97 feet; thence North 111.49 feet; thence North 89 degrees 47 minutes East 122.97 feet to the place of beginning.

SUBJECT TO the rights of the public in and to all roads and roadways.

4. TAX LOT 100, 100.72 ACRES, ACCOUNT R12692, MAP 051W05
17273 FRONT ST NE, WOODBURN 97071 - GRIMPS

Beginning at the Northwest corner of the John Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence running East 84.84 rods to an iron pipe on the line of the right-of-way of the Southern Pacific Railroad Company; thence in a Northeasterly direction along the right-of-way of the said Southern Pacific Railroad Company 101.81 rods, more or less, to an iron pipe or peg at the Southeast corner of the 2nd parcel described in deed to Mike Bronec, et ux, recorded in Volume 276, Page 501, Deed Records of Marion County, Oregon; thence West along the line of the Bronec land 129.09 rods to an iron pipe on the East line of a tract conveyed to George Grimps et ux by deed recorded in Volume 214, Page 489, Deed Records of Marion County, Oregon; thence South 16 degrees, 15minutes West 74.42 rods to the point of beginning

Beginning at the Northwest corner of the Donation Land Claim of John Purvine and wife, Notification No. 1075, Claim No. 60, Township 5 South, Range 1 West of the Willamette Meridian, running thence North 16 degrees and 15 minutes East 19.06 chains; thence West 1.73 chains; thence South 30 degrees West 7 chains; thence West 10.79 chains; thence South 46 degrees West 16 chains to the North boundary line of P. M. Gleason Donation Land Claim; thence East 18.25 chains to the Northeast corner of said P. M. Gleason Donation Land Claim; thence South 13.50 chains; thence East 4.15 chains; thence North 17.95 chains to the place of beginning.

Beginning at a point on the West line of the John Purvine Donation Land Claim in the County of Marion, State of Oregon, where the North line of the right-of-way of the Southern Pacific Railroad intersects said West line of said Donation Land Claim, said beginning point being 100 feet from and perpendicular to the center of the main tract of said railroad; thence North along the West line of the said Purvine Claim 322 feet to a stake; thence West 272 feet to the East line of the Donation Land Claim of Patrick M. Gleason; thence South along the West line of said Gleason Claim, 631 feet to the North line of the right-of-way of the Southern Pacific Railroad said North line of right-of-way being 100 feet perpendicular from the center of the main track of said railroad; thence along said North line of Southern Pacific right-of-way parallel with said track and 100 feet from the center thereof about 810 feet to the place of beginning. ALSO beginning on the West line of the Donation Land Claim of Rosaline Purvine in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and at the Southwest corner of a tract of land deeded to William H. Goudy and Rosaline Goudy, his wife, to John Knowles on November 19, 1935, deed recorded in Volume 24 of Deeds, Page 387, running thence East along the South line of the above named tract of land to the right-of-way of the Oregon and California Railroad Company; thence Southwesterly along said right-of-way to the intersection of said right-of-way with the West boundary line of the Rosaline Purvine Donation Land Claim; thence North along West line of said Donation Land Claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point in the center of the road leading from Hubbard to Woodburn along the Westerly line of the Southern Pacific Railroad right-of-way, said point being the most Southerly point of the lands described in that certain warranty deed, dated October 27, 1932, recorded December 6, 1932, Page 489, Volume 214, Deed Records of Marion County, wherein certain lands were deeded by C. W. Gillette and Eva Gillette to George Grimps and Louisa M. Grimps; thence running in a Northeasterly direction along the center of the said county road and parallel with the Southern Pacific Railroad Company right-of-way 766 feet; thence in a Westerly direction 514 feet, more or

less, to an iron pipe on the West line of the Grimps lands as described in deed hereinbefore mentioned; thence in a Southerly direction along the Westerly line of said Grimps land 569 feet to the point of beginning.

Beginning at the Northwest corner of the John Purvine Donation Land Claim, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 89 degrees 22 minutes East along the North line of said Claim a distance of 20.39 chains to an iron rod in the West line of the county road; thence South 41 degrees 59 minutes West, along the West line of said road 13.64 chains to an iron bar which is 10.25 chains South of when measured at right angles from the North line of said Donation Land Claim; thence North 89 degrees 22 minutes West 11.27 chains to an iron pipe in the West line of said claim; thence North 10.25 chains to the point of beginning.

SUBJECT TO:

- (1) The rights of the public in the existing road over and along the Southeasterly boundary;
- (2) Assessments, levies and easements of the Woodburn-Hubbard Drainage District; and
- (3) Easement and or right of way set forth in instrument to Portland General Electric Company, a corporation, dated March 28, 1952, recorded April 2, 1952, in Volume 438, Page 369, Deed Records of Marion County.

5. TAX LOT 1300, 17.50 ACRES, ACCOUNT R11383, MAP 041W32D
NEZHODA- BOONES FERRY ROAD

Beginning at a point 13.535 chains South 0 degrees 15 minutes West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; and on the East line of Joseph Churchill Donation Land Claim No. 56; thence North 88 degrees 45 minutes West 27.71 chains to the center of the county road; thence South 37 degrees 15 minutes West 6.3314 chains along the center of said county road; thence South 88 degrees 45 minutes East 31.79 chains to a point on the East line of the Joseph Churchill Donation Land Claim 18.56 chains from the quarter section corner between Sections 32 and 33; thence North 0 degrees 15 minutes East 5.025 chains to the place of beginning.

All of the South half of the following described tract of land, to-wit:

Beginning at a point North 88 degrees 45 minutes West 17.195 chains from a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, and 7.72 chains South 15 minutes West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian; thence North 88 degrees 45 minutes West 6.515 chains to the center of the County Road; thence South 37 degrees 15 minutes West 7.0586 chains along the center of the county road to a tract of land deeded by A. M. Berry to E.W. Wallace, thence South 88 degrees 45 minutes East 10.515 chains; thence North 15 minutes East 5.815 chains to the place of beginning; Save and Except therefrom a strip of land along the Northerly side of said tract 10 feet wide for road purposes.

6. TAX LOT 600, 58.55 ACRES, ACCOUNT R11027, MAP 041W21-PARDEY

A tract of land located in Sections 21 and 22, Township 4 South, Range 1 West of the Willamette Meridian, being a part of the Daniel St. John Claim No. 50; and being a part of the land described in a bargain and sale deed from Marvin O. Bolland et ux to Henry F. Pardey et ux, dated May 26, 1965, and recorded September 27, 1965, in Book 607 Page 202 of Record in Marion County, Oregon, Instrument No. 762751, more particularly described as follows: Beginning at a point on the South boundary line of the John W. Grim Claim No. 49, Township 4 South, Range 1 West of the Willamette Meridian from which point the Southwest corner thereof bears North 89 degrees 50 minutes West 1013.24 feet distant; thence along said South boundary line South 89 degrees 50 minutes East 2365.53 feet to an iron rod; thence South 00 degrees 17 minutes East 566.85 feet to an iron rod; thence North 89 degrees 50 minutes West 483.00 feet to an iron rod; thence South 00 degrees 17 minutes East 643.40 feet to an iron rod on the North right of way line of County Road No. 433; thence along said North right of way line North 89 degrees 47 minutes West 1882.53 feet to an iron rod; thence North 00 degrees 17 minutes West 1208.57 feet to the place of beginning.

An easement including the terms thereof, dated March 11, 1952 and recorded March 13, 1952 in Book 437, page 582, Deed Records, in favor of Portland General Electric Company for utility purposes over a 10 foot strip; except any liens or encumbrances made or permitted to be made by grantees herein subsequent to and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

7. TAX LOT 100, 13.36 ACRES, ACCOUNT R11388, MAP 041W32D - 17880
BOONES FERRY RD NE, HUBBARD;
TAX LOT 200, .05 ACRES, ACCOUNT R11391, MAP 041W32D;
TAX LOT 1100, 2.25 ACRES, ACCOUNT R11386, MAP 041W32D-FAGG

Beginning at a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, 45.00 links South 0 degrees 15 minutes West from the quarter section corner between Sections 32 and 33; thence North 89 degrees West 18.44 chains along the division line of the Joseph Churchill Claim to the center of the County Road; thence South 37 degrees 15 minutes West 8.90 chains along the center of said County Road; thence South 88 degrees 45 minutes East 23.71 chains to a point on the East line of the Joseph Churchill Claim 7.72 chains from the quarter section corner between Sections 32 and 33; thence North 0 degrees 15 minutes East 7.27 chains to the place of beginning, being situated in Marion County, Oregon.

SAVE AND EXCEPT: Beginning at a point in the center of the County Road (Boones Ferry Rd) in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; said point being 29.70 feet South 0 degrees 15 minutes West and North 89 degrees West 1217.04 feet from the quarter section corner between Sections 32 and 33; thence South 89 degrees 00 minutes 00 seconds East 319.00 feet to a 5/8" iron rod; thence South 01 degrees 00 minutes 00 seconds West 209.00 feet to a 5/8" iron rod; thence North 89 degrees 00 minutes 00 seconds West 209.00 feet West to a 5/8" iron rod; thence North 63 degrees 01 minutes 42 seconds West 215.82 feet to a point in the centerline of said County Road; thence North 37 degrees 16 minutes 30 seconds East along said centerline 142.00 feet to the place of beginning and containing 1.613 acres of land.

SUBJECT TO the rights of the public in and to that portion lying within the County Road.

All of the Northern half of the following described tract of land: Beginning at a point North 88 degrees 45 minutes West 17.195 chains from a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and 7.72 chains South 15 degrees West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian; thence North 88 degrees 45 minutes West 6.515 chains to the center of the County Road; thence South 37 degrees 15 minutes West 7.0586 chains along the center of the County Road to a tract of land deeded by A. M. Berry to E. W. Wallace; thence South 88 degrees 45 minutes East 10.515 chains; thence North 15 degrees East 5.815 chains to the place of beginning.

SUBJECT TO:

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. The rights of the public in and to that portion of the above property lying within the limits of roads and roadways.

SUBJECT TO AND EXCEPTING encumbrances incurred by act of Grantee subsequent to Grantee's possession of this real property.

8. TAX LOT 900, .99 ACRES, ACCOUNT R48643, MAP 051W04;
TAX LOT 1001, 30.76 ACRES, ACCOUNT R12600, MAP 051W04 -HWY 99E NE,
WOODBURN

Beginning 6.67 chains North 89° 22' West from the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, thence South 32°35' West along the West line of the State Highway 12.075 chains to an iron pipe; thence North 89°22' West 32.06 chains to an iron pipe in the East line of the right of way of the Southern Pacific Railroad Company, thence North 41°59' East along said East line 13.64 chains to an iron bar in the North line of the John Purvine Donation Land Claim; thence South 89°22' East along the North line of said John Purvine Donation Land Claim 29.42 chains to an iron rod in the point of beginning; in the John Purvine Donation Land Claim in Township 5 South, Range 1 West, Marion County, Oregon.

EXCEPTING THEREFROM: Beginning at an iron rod 440.22 feet North 89 degrees 22 minutes West from the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 32 degrees 35 minutes West along the West line of the State Highway 505.87 feet; thence North 89 degrees 24 minutes 35 seconds West 260.00 feet; thence South 02 degrees 03 minutes 29 seconds West 188.71 feet; thence South 61 degrees 39 minutes 11 seconds East 125.00 feet to an iron pipe; thence North 89 degrees 22 minutes West 2115.96 feet to an iron pipe in the East line of the right of way of the Southern Pacific Railroad Company; thence North 41 degrees 59 minutes East along the East line of said right of way 900.24 feet to an iron bar in the North line of the John Purvine Donation Land Claim; thence South 89 degrees 22 minutes East along the North line of said John Purvine Donation Land Claim 1941.72 feet to an iron rod in the point of beginning; in the John Purvine Donation Land Claim in the Township 5 South, Range 1 West, Marion County, Oregon.

ALSO INCLUDING, Beginning 25 feet South of the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 89°22' East parallel to the South line of said Purvine Donation Land Claim 21.60 chains to an iron pipe; thence South 28 feet West 9.88 chains to an iron pipe; thence North 89°22' West 33.62 chains to an iron pipe in the East line of the Pacific Highway; thence North 32°35' East along said East line 11.62 chains to an iron pipe; thence South 89°22' East 5.87 chains to the point of beginning, in the John Purvine Donation Land Claim in Township 5 South, Range 1 West, Marion County, Oregon.

The above described tract includes Lot 1 of Goudy Gardens, Marion County, Oregon.

SUBJECT TO: The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.

**9. TAX LOT 600, .31 ACRES, ACCOUNT R11418, MAP 041 W33
17625 FRONT ST NE, HUBBARD, OR 97032 / SIMONSEN**

Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41°15' West and 9.553 chains South 89°47' West from the Northwest corner of the E. Purvine Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 111.49 feet; thence South 89°47' West 122.97 feet; thence North 111.49 feet; thence North 89°47' East 122.97 feet to the place of beginning.

**10. TAX LOT 700, 3.12 ACRES, ACCOUNT R11416, MAP 041W3300700
17621 FRONT ST NE, HUBBARD, OR 97032 / GRIMM**

Approximately three acre tract of land. The East one-half of the following described premises: Beginning at a point on the West boundary of the Southern Pacific Company's railway right of way in Section 33, in Township 4 South, Range 1 West of Willamette Meridian, Marion County, Oregon, and which point bears East 26.80 chains and North 42° East 8.88 chains from the SW corner of said Sec. 33; thence West 28.48 chains to the center of Ferrier's Creek; thence down said creek to the South boundary of a piece of land deeded by Samuel R. T. Jones and wife to Elizabeth Eberhard; thence East 28.53 chains to aforesaid West boundary of the Southern Pacific Railway Co., right-of-way; thence South 42° West along said boundary to place of beginning, Marion County, State of Oregon,

Save and Except the following, to-wit: Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41°15' West and 9.553 chains South 89° 47' West from the Northwest corner of the Ewing Purvine Donation Land Claim #55 in T.4 S., R. 1 W. of the W.M., Marion County, Oregon; thence South 4.873 chains to the North line of land conveyed to Mike Bronec and Mary E. Bronec on the 8th day of September, 1942 by deed recorded in Vol. 276, Page 501 of Marion County, Oregon Deed Records; thence South 89° 47' West 7.186 chains; thence North 4.873 chains; thence North 89° 47' East 7.186 chains to the place of beginning, as described in deed given by Elmer E. Swearingen, a single man, and O. W. Swearingen, a single man, to Clarence G. Schneider and Mary E. Schneider, husband and wife, dated January 28, 1948 and recorded March 26, 1948 in Volume 385, Page 463, Deed Records for Marion County.

REEL: 4012

PAGE: 130

November 03, 2017, 02:48 pm.

CONTROL #: 482613

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 86.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.



Fidelity National Title*
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Randall S. Flynn Jr.



Fidelity National Title®

Company of Oregon

1433 SW 6th Ave, Portland, OR 97201
(503)646-4444 FAX (877)334-2996

PRELIMINARY REPORT

TITLE OFFICER: Tina Turner

ORDER NO.: 60221900055

TO: Fidelity National Title Company of Oregon
Samuel Goold
900 SW Fifth Avenue
Portland, OR 97204

OWNER/SELLER: Frank Bronec Trust/Columbia Trust

BUYER/BORROWER: To Follow

PROPERTY ADDRESS: 11984 Broadacres Road NE, Hubbard, OR 97032

EFFECTIVE DATE: January 7, 2019, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ 1.00	\$ 200.00
Owner's Standard		
Government Lien Search		\$ 20.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Columbia Trust Company, Trustee of The Frank J. Bronec QTIP Trust

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF HUBBARD, COUNTY OF MARION, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"

Legal Description

PARCEL 1:

Beginning 20.00 chains North and 11.60 chains East from the Southwest corner of Section 33, Township 4 South, Range 1 West of the Willamette Meridian in the County of Marion and State of Oregon, which point is in or near the center of Ferriers Creek and 2.10 chains South of the line dividing the North and South half of the said claim, and running thence East 33.59 chains to within 30 feet of the center of the main track of the O. & C. Railroad; thence Northeasterly, along said track, parallel to and 30 feet from the center thereof, to within 30 feet of the South line of Charles Hubbard Claim; thence West, parallel to and 30 feet from the South line of the said claim, to a stake which stands 68 links Southwest from the Southwest corner of the said Hubbard Claim; thence North, parallel to the West line of said claim and 30 feet West therefrom, 3.18 chains to a stake; thence East 30 feet to the West line of aid claim; thence North, along the said West line, to the center of the county road; thence North 56°00' West 17.00 chains to where a soda bottle is deposited, from which a fir tree 5 inches in diameter bears North 62-1/2° East 40 links; thence North 76-3/4° West 2.25 chains to the center of Ferriers Creek; thence up said creek to the point of beginning.

EXCEPTING THEREFROM that particular tract which was formerly part of the above described premises heretofore conveyed by Chas Lemboke and Elizabeth Lemboke, his wife, to Albert Johnson, recorded in Deed Book 95, page 4, December 3, 1906 and described as follows:

Beginning at the Northwest corner of the J.H. Jessan two acre tract in Section 33, Township 4 South, Range 1 West of the Willamette Meridian in the County of Marion, State of Oregon; thence running parallel with the Southern Pacific Railroad track, in a Northeasterly direction, 616 feet, more or less, to the Southeast corner of the Albert Jordan tract; thence in a Westerly direction along the Southerly line of the said A. Jordan tract, to the center of the county road leading from Hubbard, Oregon to Woodburn, Oregon; thence in a Southerly direction, along center of said county road, to a point in the center of said county road 20 feet West of the point of beginning; thence 20 feet East to the point of beginning.

EXCEPTING THEREFROM, that portion deeded to Marion County, a political subdivision of the State of Oregon by deed recorded September 29, 1966 in Volume 591, page 723, Marion County Deed Records.

PARCEL 2:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Notification No. 1076 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, at which said point is a post on the line of the Oregon and California railroad, from which a fir tree 4" in diameter bears North 3-1/2° West 21 links; thence West 32.5 rods which is the place of beginning of the tract to be described; thence South 13 rods; thence East 19.5 rods; thence South 42°0' West 7.0521 chains; thence West 28.53 chains to the North bank of Ferriers Creek, where is set a stake from which an ash tree 20 inches in diameter bears South 65°0' East 12 links; thence down said creek to the line between W.T. Grimm and S.R. T. Jones, where is set a witness post 25 links East of the true corner in the center of said creek, from which an ash stump 10 inches in diameter bears 77°0' East 33 links; thence East from the true corner 23.255 chains to the place of beginning.

TOGETHER WITH the following described property:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence South 42° West 17 rods 2-1/2 feet; thence West 19-1/2 rods; thence North 13 rods; thence East, along the North line of said claim, 32-1/2 rods to the place of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL 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. Any 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, which are 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 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.

SPECIFIC ITEMS AND EXCEPTIONS:

6. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$46,243.75

Account No.: R11419

7. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$1,095.89

Account No.: R11420

8. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: R11419 and R11420

9. City Liens, if any, in favor of the City of Hubbard. None found as of December 31, 2019.
10. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and/or highways.

11. Any adverse claim based upon the assertion that:

a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Mill Creek (aka Ferrier Creek), in the event the boundary of said Mill Creek (aka Ferrier Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Mill Creek (aka Ferrier Creek) is in its natural state.

b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.

c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Mill Creek (aka Ferrier Creek), or has been formed by accretion to any such portion.

12. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Mill Creek (aka Ferrier Creek).

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Mill Creek (aka Ferrier Creek).

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Qwest Communications Company, LLC

Purpose: telecommunications

Recording Date: September 10, 2013

Recording No: [Reel 3542, page 204](#)

Affects: Reference is hereby made to said document for full particulars

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Qwest Communications Company, LLC

Purpose: telecommunications

Recording Date: January 10, 2014

Recording No: [Reel 3574, page 405](#)

Affects: Reference is hereby made to said document for full particulars

15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

16. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

17. Any invalidity or defect in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

18. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:
- a) The rights of tenants holding under unrecorded leases or tenancies
 - b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
 - c) Any facts which would be disclosed by an accurate survey of the Land

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2018-2019
 Amount: \$8,753.31
 Levy Code: 01500110 (SPLIT CODE)
 Account No.: R11419
 Map No.: 041W33 00100

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2018-2019
 Amount: \$403.21
 Levy Code: 01511110 (SPLIT CODE)
 Account No.: R11420
 Map No.: 041W33 00100

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- C. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.

- D. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

- E. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Columbia Trust Company as Successor Trustee to Frank J. Bronec, Trustee of The Frank J. Bronec Trust UTD 09/12/05
 Grantee: Columbia Trust Company, Trustee of The Frank J. Bronec QTIP Trust
 Recording Date: November 3, 2017
 Recording No: Reel 4012, page 130

- F. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

G. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

H. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Marion	\$86.00	\$5.00
Benton	\$108.00	\$5.00
Polk	\$91.00	\$5.00
Linn	\$105.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:

Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

I. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

J. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

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

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - 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.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - 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;

- resulting in no loss or damage to the Insured Claimant;
 - 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
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - 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.
 - 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 fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - 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).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 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.
- 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.
- 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.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

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

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - 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.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - 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;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- 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 fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - 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.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 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.
- 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.
- 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.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:

<http://www.fbi.gov>

Internet Crime Complain Center:

<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Revised May 1, 2018

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see "**Choices With Your Information**" to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about you creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

OWNER'S POLICY OF TITLE INSURANCE

Issued By:

Policy Number:



Fidelity National Title*
Insurance Company

60221904496

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

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6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Issuing Office or Agent:


Fidelity National Title Company of Oregon

1433 SW 6th Ave

Portland, OR 97201

(503)646-4444 FAX (877)334-2996

Countersigned By:



Authorized Officer or Agent

Fidelity National Title Insurance Company



By:



President

Attest:



Secretary

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EXCLUSIONS FROM COVERAGE

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

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

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SCHEDULE A

Name and Address of Title Insurance Company: Fidelity National Title Insurance Company
c/o James Carter
Fidelity National Title Company of Oregon
1433 SW 6th Ave
Portland, OR 97201

Address Reference: A portion of Section 33, Township 4 South, Range 1 West, Hubbard, OR 97032

Date of Policy	Amount of Insurance	Premium
July 9, 2019 at 03:24 PM	\$100,000.00	\$338.00

1. Name of Insured:

Columbia Trust Company, Trustee of the Frank J. Bronec QTIP Trust

2. The estate or interest in the Land that is insured by this policy is:

A Fee

3. Title is vested in:

Columbia Trust Company, Trustee of the Frank J. Bronec QTIP Trust

4. The Land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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SCHEDULE B EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

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. Any 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, which are 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 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.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
7. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$46,243.75

Account No.: R11419

Affects: Includes Additional Property

8. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$1,095.89

Account No.: R11420

Affects: Includes Additional Property

9. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and/or highways.
10. City Liens, if any, in favor of the City of Hubbard. None due and payable as policy date.

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SCHEDULE B
EXCEPTIONS FROM COVERAGE
(continued)

END OF SCHEDULE B

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EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land in Section 33, Township 4 South, Range 1 West, in the County of Marion and State of Oregon, described as follows:

Beginning 30 feet South from the Southeast corner of Albert Jordan's land; thence West parallel to and 30 feet from the South line of Charles Hubbard's Claim in Township 4 South, Range 1 West to a stake which stands 68 links Southwest from the Southwest corner of said Claim; thence North parallel to the West line of said Claim and 30 feet therefrom 3.18 chains to a stake; thence East 30 feet to the West line of said Claim; thence South along said Claim line to the Southwest corner of said Charles Hubbard Claim; thence East along Claim line to the right of way of the O. & C. R. R.; thence Southerly to the place of beginning, all being situate in the County of Marion, and State of Oregon.

SAVE AND EXCEPT that portion conveyed to Albert Johnson by Deed recorded December 3, 1906 as Volume 95, Page 4, Marion County Deed Records.

ALSO EXCEPTING THEREFROM that portion lying in roads and roadways.

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CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

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(continued)

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) to pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

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(continued)

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by Ten percent (10%), and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. INTENTIONALLY DELETED**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

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(continued)

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Fidelity National Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

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RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

**THIS SPACE RESERVED FOR USE BY
THE COUNTY RECORDING OFFICE**

AFTER RECORDING RETURN TO:

Jennifer C. Paul

Saalfeld Griggs PC

PO Box 470

Salem, OR 97308-0470

REEL 4217 PAGE 63
MARION COUNTY
BILL BURGESS, COUNTY CLERK
07-09-2019 03:24 pm.
Control Number 558882 \$ 111.00
Instrument 2019 00031101

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

General Judgment

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Marjorie L. Cromwell, Joy M. Perry, Bruce S. Cromwell, Nanette D. Cromwell, Julie L. Palmer,
and all Unknown Heirs of Charles Lembcke

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Frank J. Bronec QTIP Trust, by and through Columbia Trust Company, FKA, West Coast Trust
Company, as Trustee

**4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) – Amount in dollars or other**

\$ _____ ☒ Other

5) SEND TAX STATEMENTS TO:

Columbia Trust Company

PO Box 1012

Salem, OR 97308

**6) SATISFACTION of ORDER or WARRANT
ORS 205.125(1)(e)**

CHECK ONE: ☐ FULL
(If applicable) ☐ PARTIAL

**7) The amount of the monetary
obligation imposed by the order
or warrant. ORS 205.125(1)(c)**

\$ _____

**8) If this instrument is being Re-Recorded, complete the following statement, in
accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____**

TO CORRECT _____

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE
NUMBER _____."

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF MARION

FRANK J. BRONEC QTIP TRUST, by and through
COLUMBIA TRUST COMPANY, FKA, WEST COAST TRUST
COMPANY, as Trustee,

Plaintiff,

v.

MARJORIE L. CROMWELL, an individual, and JOY
M. PERRY, an individual, and BRUCE S. CROMWELL,
an individual, and NANETTE D. CROMWELL, an
individual, and JULIE L. PALMER, an individual,
AND ALL UNKNOWN HEIRS OF CHARLES LEMBCKE,

Defendants.

CASE No. 19CV14008

GENERAL JUDGMENT

This matter came before this court on motion filed by PLAINTIFF, FRANK J. BRONEC QTIP TRUST, by and through COLUMBIA TRUST COMPANY, FKA, WEST COAST TRUST COMPANY, as Trustee (collectively "*Plaintiff*"), for Order Granting Judgment on the Pleadings.

Plaintiffs advise the Court of the following:

The complaint was filed on March 27, 2019, and all defendants were properly served. No defendant appeared in this case.

On June 25, 2019, the Court entered an Order Disposing of Marjorie L. Cromwell's Interest (Decedent), signed on June 24, 2019.

On June 3, 2019, the Court entered an Order of Default Against Defendant, Joy M. Perry, signed on May 31, 2019.

On May 13, 2019, the Court entered an Order of Default Against Defendant, Bruce S. Cromwell, signed on May 13, 2019.

1 On May 28, 2019, the Court entered an Order of Default Against Defendant, Nanette D.
2 Cromwell, signed on May 28, 2019.

3 On May 28, 2019, the Court entered an Order of Default Against Defendant, Julie L.
4 Palmer, signed on May 28, 2019.

5 On June 18, 2019, the Court entered an Order of Default Against Defendant, All
6 Unknown Heirs of Charles Lembcke, signed on June 14, 2019.

7 All defendants in this case have been properly served and defaulted.

8 No good cause exists for setting aside the interim orders entered in this case or setting
9 this case for trial.

10 Consistent with the Order Granting Judgment on the Pleadings, this case is now ready
11 for entry of General Judgment.

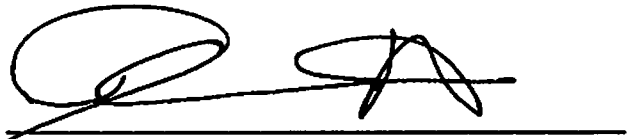
12 IT IS HEREBY ORDERED AND ADJUDGED:

- 13 1. Upon entry of this General Judgment, title is quieted, and Plaintiff is declared the fee
14 simple owner of the real property identified as the Strip and legally described in **Exhibit**
15 **1** attached hereto and incorporated herein by this reference, but for the exceptions
16 expressly described or referenced in the attached legal description.
- 17 2. Upon entry of this General Judgment, the legal description for the real property, owned
18 by Plaintiff, identified as Tax Lot 100, section one (1) of the vesting deed, further
19 identified as 11984 Broadacres Road NE, Hubbard, only, attached hereto as **Exhibit 2**
20 and incorporated herein by this reference, is by this judgment reformed to include the
21 Strip.
- 22 3. Upon entry of this General Judgment, the newly reformed legal description for Tax Lot
23 100, section one (1) of the vesting deed, further identified as 11984 Broadacres Road
24 NE, Hubbard, shall include the Strip as provided in **Exhibit 3** attached hereto and
25 incorporated herein by this reference. The rest and remainder of the subject vesting
26 deed, Exhibit 2, remains unchanged.

- 1 4. Plaintiff's adverse possession claim and/or quiet title suit is hereby granted in favor of
2 Plaintiff and against Defendants as further ordered.
3 5. All parties shall be responsible for their own attorney fees, costs and disbursements.
4
5
6

Signed: 7/3/2019 01:32 PM

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8
9
10



Circuit Court Judge Channing Bennett

11 Submitted By:

JENNIFER C. PAUL, OSB No. 104791

Saalfeld Griggs PC

P.O. Box 470

Salem, OR 97308-0470

Tel: (503) 399-1070

Fax: (503) 371-2927

Email: jpaul@sglaw.com

Of Attorneys for Plaintiff

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CERTIFICATE OF READINESS

I hereby certify, pursuant to UTCR 5.100 as of the 28th day of June, 2019, that:

All service requirements for service of the proposed Order or Judgment were satisfied because:

- ☒ The Order or Judgment is being presented in open court with all parties present; is being presented ex parte by law or rule; is being submitted as part of a default motion pursuant to ORCP 69; or as otherwise provided in UTCR 5.100(3). All parties have been defaulted.

The proposed Order is ready for judicial signature because:

- ☒ Service is not required pursuant to subsection (3) of this rule (UTC 5.100(3)), or by statute, rule, or otherwise.

SAALFELD GRIGGS PC

Bv s/ JENNIFER C. PAUL

JENNIFER C. PAUL, OSB No. 104791

Email: jpaul@sglaw.com

SARAH J. HOLMES, OSB No. 183673

Email: sholmes@sglaw.com

Phone: (503) 399-1070

Fax: (503) 371-2927

Of Attorneys for Plaintiff

4823-6359-2347, v. 2

Legal Description

A tract of land in Section 33, Township 4 South, Range 1 West, in the County of Marion and State of Oregon, described as follows:

Beginning 30 feet South from the Southeast corner of Albert Jordan's land; thence West parallel to and 30 feet from the South line of Charles Hubbard's Claim in Township 4 South, Range 1 West to a stake which stands 68 links Southwest from the Southwest corner of said Claim; thence North parallel to the West line of said Claim and 30 feet therefrom 3.18 chains to a stake; thence East 30 feet to the West line of said Claim; thence South along said Claim line to the Southwest corner of said Charles Hubbard Claim; thence East along said Claim line to the right of way of the O. & C. R. R.; thence Southerly to the place of beginning, all being situate in the County of Marion, and State of Oregon.

SAVE AND EXCEPT that portion conveyed to Albert Johnson by Deed recorded December 3, 1906 as Volume 95, Page 4, Marion County Deed Records.

ALSO EXCEPTING THEREFROM that portion lying in roads and roadways.

AFTER RECORDING RETURN TO:

Gretchen S. Barnes
Cable Huston LLP
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204

REEL 4012 PAGE 130
MARION COUNTY
BILL BURGESS, COUNTY CLERK
11-03-2017 02:48 pm.
Control Number 482613 \$
86.00
Instrument 2017 00057697

UNTIL A CHANGE IS REQUESTED, ALL TAX
STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

Columbia Trust Company
Trust Operations
P.O. Box 1012
Salem, OR 97308

STATUTORY BARGAIN AND SALE DEED

COLUMBIA TRUST COMPANY, AS SUCCESSOR TO FRANK J. BRONEC AS TRUSTEE OF THE FRANK J. BRONEC TRUST UTD 09/12/05, Grantor, conveys to **COLUMBIA TRUST COMPANY, TRUSTEE OF THE FRANK J. BRONEC QTIP TRUST**, Grantee, the real property legally described in Exhibit A attached hereto and incorporated herein by reference (the "Property"). Grantor conveys the Property with all (and only) the warranties received by Grantor in the conveyance through which Grantor acquired title.

The true and actual consideration for this conveyance consists of or includes other property or other value given or promised, which is the whole consideration. The purpose of this conveyance is to vest title to the Property in the successor trustee of the herein described trust.

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 October 31, 2017

COLUMBIA TRUST COMPANY,
as Successor to Frank J. Bronec
as Trustee of the Frank J. Bronec Trust UTD 09/12/05

By:

B. Edward Duvall, Senior Vice President

STATE OF OREGON)

) ss

COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on October 31, 2017 by B. Edward Duvall, Senior Vice President of Columbia Trust Company, as Trustee of the Frank J. Bronec Trust UTD 09/12/05, on behalf of said trust.



Tanya Bettineski
Notary Public for Oregon 7/31/2020

**EXHIBIT A
LEGAL DESCRIPTION**

**Frank Bronec Properties – Marion County
[PRIOR DEEDS 2543/394 and 2543/395]**

1. TAX LOT 100, 76.87 ACRES, ACCOUNT R11419, MAP 041W33;
TAX LOT 100, 3.00 ACRES, ACCOUNT R11420, MAP 041W33
11984 BROADACRES RD NE, HUBBARD - FRANK'S PLACE

PARCEL I:

Beginning at a point 20.00 chains North and 11.60 chains East from the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian, in the County of Marion and State of Oregon, which point is in or near the center of Ferriers Creek, and 2.10 chains South of the line dividing the North and South half of the said claim, and running thence East 33.59 chains to within 30 feet of the center of the main tract of the O. & C. Railroad, thence Northeasterly along said tract parallel to and 30 feet from the center thereof to within 30 feet of the South line of Charles Hubbard Claim; thence West, parallel to and 30 feet from the South line of the said claim to a stake which stands 68 links Southwest from the Southwest corner of the said Hubbard claim; thence North parallel to the West line of said claim and 30 feet West therefrom 3.18 chains to a stake, thence East 30 feet to the West line of said claim; thence North along the said West line of the center of the county road, thence North 56.00° West 17.00 chains to where a soda bottle is deposited from which a fir tree 5 inches in diameter bears North 62½° East 40 links; thence North 76¾° West 2.25 chains to the center of Ferriers Creek; thence up said creek to point of beginning.

Except that particular tract which was formerly part of the above described premises, heretofore conveyed by Chas Lemboke and Elizabeth Lemboke, his wife, to Albert Johnson, recorded in Deed Book 95, Page 4, December 3, 1906, and described as follows: Beginning at the northwest corner of the J. H. Jessan two acre tract in Section 33, Township 4 South, Range 1 West of Willamette Meridian in the County of Marion, State of Oregon, thence running parallel with the Southern Pacific R. R. tract in a northeasterly direction 616 feet more or less to the Southeast corner of the Albert Jordan tract thence in a Westerly direction along the Southerly line of the said A. Jordan tract to the center of the county road leading from Hubbard, Oregon, to Woodburn, Oregon; thence, in a Southerly direction along center of said county road, to a point in the center of said county road, twenty feet West of a point of beginning, thence 20 feet East to point of beginning, all being situated in the County of Marion, State of Oregon.

PARCEL II:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Notification No. 1076, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, at which said point is a post on the line of the Oregon and California railroad from which a fir tree 4" in diameter bears North 3½ degrees West 21 links; thence West 32.5 rods which is the place of beginning of the tract to be described; thence South 13 rods; thence East 19.5 rods; thence South 42 degrees 0 minutes West 7.0521 chains; thence West 28.53 chains to the North bank of Ferrier's Creek, where is set a stake from which an ash tree 20 inches in diameter bears South 65 degrees 0 minutes East 12 links; thence down said creek to the line between W. T. Grimm and S. R. T. Jones where is set a witness post 25 links East of the true corner in the center of said creek, from which an ash stump 10

inches in diameter bears 77 degrees 0 minutes East 33 links; thence East from the true corner 23.255 chains to the place of beginning.

Together with the following described property:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence South 42 degrees West 17 rods 2½ feet; thence West 19½ rods; thence North 13 rods; thence East along the North line of said claim 32½ rods to the place of beginning.

Excepting therefrom the above described Parcels I and II, that portion deeded to Marion County, a political subdivision of the State of Oregon by Deed Recorded September 29, 1966 in Volume 591, Page 723.

2. TAX LOT 300, 20.04 ACRES, ACCOUNT R11393, MAP 041W33;
TAX LOT 300, 19.81 ACRES, ACCOUNT R11394, MAP 041W33
11484 BROADACRES RD NE, HUBBARD;
TAX LOT 400, 26.60 ACRES, ACCOUNT R12703, MAP 041W33;
TAX LOT 400, 18.00 ACRES, ACCOUNT R12702, MAP 041W33
17629 FRONT ST, NE, HUBBARD, FRANK'S PLACE

Beginning at the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence East along the South boundary of Section 33, to its intersection with the West boundary of the Southern Pacific Railroad track, 2680 links; thence North 42 degrees East along the said Railroad boundary 888 links; thence West 2848 links to the center of Farrier Creek; thence following center of channel to the intersection of the creek with the West boundary of aforesaid Section 33; thence South 368 links to the place of beginning.

Beginning at the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence East 26.94 chains to the West boundary of the right of way of the Oregon and California Railroad; thence South 41 degrees 15 minutes West along the boundary of said right of way, 5.74 chains; thence West 23.23 chains; thence North 4.38 chains to the point of beginning, being situated in Section 4, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Beginning at a point 6.06 chains North of the Southeast corner of the Donation Land Claim of Joseph Churchill and wife in Townships 4 and 5 South Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 8.54 chains; thence North 84 degrees 45 minutes West, 5.40 chains; thence South 30 degrees 0 minutes West, 10.30 chains; thence East 8.39 chains to the point of beginning.

Beginning in the center of County Road leading to Hubbard at a point 5.50 chains South from the Northeast corner of Joseph Churchill Donation Land Claim No. 56, Notification No. 798; thence South along the East line of said Claim No. 56, 19.15 chains; thence North 89 degrees 15 minutes West parallel with the North line of said Claim, 18.50 chains to the center of a County Road leading from Woodburn to Boone's Ferry; thence North 37 degrees 15 minutes East along the center of said road 25.10 chains to the center of a County Road leading from the above said road to Hubbard; thence South 72 degrees East 3.55 chains to the place of beginning, and being a part of the Joseph Churchill Donation Land Claim No. 56 in Section 32, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Beginning in the center of the County Road leading from Thomas Hunt's place to Pudding River; said road being the road leading West from the Town of Hubbard and past the South side of the Hubbard Cemetery at a point where said road crosses the East line of the Joseph Churchill Donation Land Claim No. 56 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South along the East line of said Donation Land Claim, 97 rods to the most Westerly Northwest corner of a tract of land conveyed by David E. McArthur and Ida E. McArthur, husband and wife, to James L. Hopkins and Mable Hopkins, husband and wife, said deed being dated February 7, 1934, recorded in Volume 218, Page 163, Deed Records for Marion County, Oregon; thence South 69 degrees 46 minutes East 495 feet to a stone which is the inner angle of Hopkins' land; thence North 1 degree 34 minutes East 1600.5 feet along Hopkins' West line to an iron pipe in the center of the road running between Hubbard and St. Paul; thence Westerly along the center of said road, 36 rods, more or less, to the place of beginning.

SAVE AND EXCEPT that portion conveyed to Marion County, a political subdivision of the State of Oregon, by deed recorded September 29, 1964, in Volume 591, Page 721, Deed Records for Marion County, Oregon.

And further covenants that grantor is the owner of the above described property free of all encumbrances except:

The existence of public roads across the herein described premises;

The lawful consequences of the fact that Parcel #4 of the above described premises is bounded on its Northwesterly side by Ferrier Creek;

Life estate of Joseph H. Bronec in Parcel #5 reserved in deed recorded May 5, 1959, in Volume 403, Page 533, Deed Records for Marion County, Oregon, and subsequent recorded Correction Deed.

Easement and/or right of way on Parcel #5 granted to Portland General Electric Company, an Oregon Corporation, by instrument recorded April 24, 1952, in Volume 439, Page 196, Deed Records for Marion County, Oregon.

3. TAX LOT 500, 3.19 ACRES, ACCOUNT R11417, MAP 041W33

Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41 degrees 15 minutes West and 9.553 chains South 89 degrees 47 minutes West from the Northwest corner of the Ewing Purvine Donation Land Claim No. 55 in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 4.873 chains to the North line of land conveyed to Mike and Mary E. Bronec on the 8th day of September, 1942, by deed recorded in Volume 276, Page 501, Deed Records for Marion County, Oregon; thence South 80 degrees 47 minutes West 7.186 chains; thence North 4.873 chains; thence North 89 degrees 47 minutes East 7.186 chains to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41 degrees 15 minutes West and 9.553 chains South 89 degrees 47 minutes West from the Northwest corner of the E. Purvine Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 111.49 feet; thence South 89 degrees 47 minutes West 122.97 feet; thence North 111.49 feet; thence North 89 degrees 47 minutes East 122.97 feet to the place of beginning.

SUBJECT TO the rights of the public in and to all roads and roadways.

**4. TAX LOT 100, 100.72 ACRES, ACCOUNT R12692, MAP 051W05
17273 FRONT ST NE, WOODBURN 97071 - GRIMPS**

Beginning at the Northwest corner of the John Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence running East 84.84 rods to an iron pipe on the line of the right-of-way of the Southern Pacific Railroad Company; thence in a Northeasterly direction along the right-of-way of the said Southern Pacific Railroad Company 101.81 rods, more or less, to an iron pipe or peg at the Southeast corner of the 2nd parcel described in deed to Mike Bronec, et ux, recorded in Volume 276, Page 501, Deed Records of Marion County, Oregon; thence West along the line of the Bronec land 129.09 rods to an iron pipe on the East line of a tract conveyed to George Grimps et ux by deed recorded in Volume 214, Page 489, Deed Records of Marion County, Oregon; thence South 16 degrees, 15minutes West 74.42 rods to the point of beginning

Beginning at the Northwest corner of the Donation Land Claim of John Purvine and wife, Notification No. 1075, Claim No. 60, Township 5 South, Range 1 West of the Willamette Meridian, running thence North 16 degrees and 15 minutes East 19.06 chains; thence West 1.73 chains; thence South 30 degrees West 7 chains; thence West 10.79 chains; thence South 46 degrees West 16 chains to the North boundary line of P. M. Gleason Donation Land Claim; thence East 18.25 chains to the Northeast corner of said P. M. Gleason Donation Land Claim; thence South 13.50 chains; thence East 4.15 chains; thence North 17.95 chains to the place of beginning.

Beginning at a point on the West line of the John Purvine Donation Land Claim in the County of Marion, State of Oregon, where the North line of the right-of-way of the Southern Pacific Railroad intersects said West line of said Donation Land Claim, said beginning point being 100 feet from and perpendicular to the center of the main tract of said railroad; thence North along the West line of the said Purvine Claim 322 feet to a stake; thence West 272 feet to the East line of the Donation Land Claim of Patrick M. Gleason; thence South along the West line of said Gleason Claim, 631 feet to the North line of the right-of-way of the Southern Pacific Railroad said North line of right-of-way being 100 feet perpendicular from the center of the main track of said railroad; thence along said North line of Southern Pacific right-of-way parallel with said track and 100 feet from the center thereof about 810 feet to the place of beginning. ALSO beginning on the West line of the Donation Land Claim of Rosaline Purvine in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and at the Southwest corner of a tract of land deeded to William H. Goudy and Rosaline Goudy, his wife, to John Knowles on November 19, 1935, deed recorded in Volume 24 of Deeds, Page 387, running thence East along the South line of the above named tract of land to the right-of-way of the Oregon and California Railroad Company; thence Southwesterly along said right-of-way to the intersection of said right-of-way with the West boundary line of the Rosaline Purvine Donation Land Claim; thence North along West line of said Donation Land Claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point in the center of the road leading from Hubbard to Woodburn along the Westerly line of the Southern Pacific Railroad right-of-way, said point being the most Southerly point of the lands described in that certain warranty deed, dated October 27, 1932, recorded December 6, 1932, Page 489, Volume 214, Deed Records of Marion County, wherein certain lands were deeded by C. W. Gillette and Eva Gillette to George Grimps and Louisa M. Grimps; thence running in a Northeasterly direction along the center of the said county road and parallel with the Southern Pacific Railroad Company right-of-way 766 feet; thence in a Westerly direction 514 feet, more or

less, to an iron pipe on the West line of the Grimps lands as described in deed hereinbefore mentioned; thence in a Southerly direction along the Westerly line of said Grimps land 569 feet to the point of beginning.

Beginning at the Northwest corner of the John Purvine Donation Land Claim, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 89 degrees 22 minutes East along the North line of said Claim a distance of 20.39 chains to an iron rod in the West line of the county road; thence South 41 degrees 59 minutes West, along the West line of said road 13.64 chains to an iron bar which is 10.25 chains South of when measured at right angles from the North line of said Donation Land Claim; thence North 89 degrees 22 minutes West 11.27 chains to an iron pipe in the West line of said claim; thence North 10.25 chains to the point of beginning.

SUBJECT TO:

- (1) The rights of the public in the existing road over and along the Southeasterly boundary;
- (2) Assessments, levies and easements of the Woodburn-Hubbard Drainage District; and
- (3) Easement and or right of way set forth in instrument to Portland General Electric Company, a corporation, dated March 28, 1952, recorded April 2, 1952, in Volume 438, Page 369, Deed Records of Marion County.

**5. TAX LOT 1300, 17.50 ACRES, ACCOUNT R11383, MAP 041W32D
NEZHODA- BOONES FERRY ROAD**

Beginning at a point 13.535 chains South 0 degrees 15 minutes West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; and on the East line of Joseph Churchill Donation Land Claim No. 56; thence North 88 degrees 45 minutes West 27.71 chains to the center of the county road; thence South 37 degrees 15 minutes West 6.3314 chains along the center of said county road; thence South 88 degrees 45 minutes East 31.79 chains to a point on the East line of the Joseph Churchill Donation Land Claim 18.56 chains from the quarter section corner between Sections 32 and 33; thence North 0 degrees 15 minutes East 5.025 chains to the place of beginning.

All of the South half of the following described tract of land, to-wit:

Beginning at a point North 88 degrees 45 minutes West 17.195 chains from a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, and 7.72 chains South 15 minutes West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian; thence North 88 degrees 45 minutes West 6.515 chains to the center of the County Road; thence South 37 degrees 15 minutes West 7.0586 chains along the center of the county road to a tract of land deeded by A. M. Berry to E.W. Wallace, thence South 88 degrees 45 minutes East 10.515 chains; thence North 15 minutes East 5.815 chains to the place of beginning; Save and Except therefrom a strip of land along the Northerly side of said tract 10 feet wide for road purposes.

6. TAX LOT 600, 58.55 ACRES, ACCOUNT R11027, MAP 041W21-PARDEY

A tract of land located in Sections 21 and 22, Township 4 South, Range 1 West of the Willamette Meridian, being a part of the Daniel St. John Claim No. 50; and being a part of the land described in a bargain and sale deed from Marvin O. Bolland et ux to Henry F. Pardey et ux, dated May 26, 1965, and recorded September 27, 1965, in Book 607 Page 202 of Record in Marion County, Oregon, Instrument No. 762751, more particularly described as follows: Beginning at a point on the South boundary line of the John W. Grim Claim No. 49, Township 4 South, Range 1 West of the Willamette Meridian from which point the Southwest corner thereof bears North 89 degrees 50 minutes West 1013.24 feet distant; thence along said South boundary line South 89 degrees 50 minutes East 2365.53 feet to an iron rod; thence South 00 degrees 17 minutes East 566.85 feet to an iron rod; thence North 89 degrees 50 minutes West 483.00 feet to an iron rod; thence South 00 degrees 17 minutes East 643.40 feet to an iron rod on the North right of way line of County Road No. 433; thence along said North right of way line North 89 degrees 47 minutes West 1882.53 feet to an iron rod; thence North 00 degrees 17 minutes West 1208.57 feet to the place of beginning.

An easement including the terms thereof, dated March 11, 1952 and recorded March 13, 1952 in Book 437, page 582, Deed Records, in favor of Portland General Electric Company for utility purposes over a 10 foot strip; except any liens or encumbrances made or permitted to be made by grantees herein subsequent to and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

**7. TAX LOT 100, 13.36 ACRES, ACCOUNT R11388, MAP 041W32D - 17880
BOONES FERRY RD NE, HUBBARD;
TAX LOT 200, .05 ACRES, ACCOUNT R11391, MAP 041W32D;
TAX LOT 1100, 2.25 ACRES, ACCOUNT R11386, MAP 041W32D-FAGG**

Beginning at a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, 45.00 links South 0 degrees 15 minutes West from the quarter section corner between Sections 32 and 33; thence North 89 degrees West 18.44 chains along the division line of the Joseph Churchill Claim to the center of the County Road; thence South 37 degrees 15 minutes West 8.90 chains along the center of said County Road; thence South 88 degrees 45 minutes East 23.71 chains to a point on the East line of the Joseph Churchill Claim 7.72 chains from the quarter section corner between Sections 32 and 33; thence North 0 degrees 15 minutes East 7.27 chains to the place of beginning, being situated in Marion County, Oregon.

SAVE AND EXCEPT: Beginning at a point in the center of the County Road (Boones Ferry Rd) in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; said point being 29.70 feet South 0 degrees 15 minutes West and North 89 degrees West 1217.04 feet from the quarter section corner between Sections 32 and 33; thence South 89 degrees 00 minutes 00 seconds East 319.00 feet to a 5/8" iron rod; thence South 01 degrees 00 minutes 00 seconds West 209.00 feet to a 5/8" iron rod; thence North 89 degrees 00 minutes 00 seconds West 209.00 feet West to a 5/8" iron rod; thence North 63 degrees 01 minutes 42 seconds West 215.82 feet to a point in the centerline of said County Road; thence North 37 degrees 16 minutes 30 seconds East along said centerline 142.00 feet to the place of beginning and containing 1.613 acres of land.

SUBJECT TO the rights of the public in and to that portion lying within the County Road.

All of the Northern half of the following described tract of land: Beginning at a point North 88 degrees 45 minutes West 17.195 chains from a point on the East line of the Joseph Churchill Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and 7.72 chains South 15 degrees West from the quarter section corner between Sections 32 and 33 in Township 4 South, Range 1 West of the Willamette Meridian; thence North 88 degrees 45 minutes West 6.515 chains to the center of the County Road; thence South 37 degrees 15 minutes West 7.0586 chains along the center of the County Road to a tract of land deeded by A. M. Berry to E. W. Wallace; thence South 88 degrees 45 minutes East 10.515 chains; thence North 15 degrees East 5.815 chains to the place of beginning.

SUBJECT TO:

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. The rights of the public in and to that portion of the above property lying within the limits of roads and roadways.

SUBJECT TO AND EXCEPTING encumbrances incurred by act of Grantee subsequent to Grantee's possession of this real property.

8. TAX LOT 900, .99 ACRES, ACCOUNT R48643, MAP 051W04;
TAX LOT 1001, 30.76 ACRES, ACCOUNT R12600, MAP 051W04 -HWY 99E NE,
WOODBURN

Beginning 6.67 chains North 89° 22' West from the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, thence South 32°35' West along the West line of the State Highway 12.075 chains to an iron pipe; thence North 89°22' West 32.06 chains to an iron pipe in the East line of the right of way of the Southern Pacific Railroad Company, thence North 41°59' East along said East line 13.64 chains to an iron bar in the North line of the John Purvine Donation Land Claim; thence South 89°22' East along the North line of said John Purvine Donation Land Claim 29.42 chains to an iron rod in the point of beginning; in the John Purvine Donation Land Claim in Township 5 South, Range 1 West, Marion County, Oregon.

EXCEPTING THEREFROM: Beginning at an iron rod 440.22 feet North 89 degrees 22 minutes West from the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 32 degrees 35 minutes West along the West line of the State Highway 505.87 feet; thence North 89 degrees 24 minutes 35 seconds West 260.00 feet; thence South 02 degrees 03 minutes 29 seconds West 188.71 feet; thence South 61 degrees 39 minutes 11 seconds East 125.00 feet to an iron pipe; thence North 89 degrees 22 minutes West 2115.96 feet to an iron pipe in the East line of the right of way of the Southern Pacific Railroad Company; thence North 41 degrees 59 minutes East along the East line of said right of way 900.24 feet to an iron bar in the North line of the John Purvine Donation Land Claim; thence South 89 degrees 22 minutes East along the North line of said John Purvine Donation Land Claim 1941.72 feet to an iron rod in the point of beginning; in the John Purvine Donation Land Claim in the Township 5 South, Range 1 West, Marion County, Oregon.

ALSO INCLUDING, Beginning 25 feet South of the Southwest corner of the Ewing Purvine Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 89°22' East parallel to the South line of said Purvine Donation Land Claim 21.60 chains to an iron pipe; thence South 28 feet West 9.88 chains to an iron pipe; thence North 89°22' West 33.62 chains to an iron pipe in the East line of the Pacific Highway; thence North 32°35' East along said East line 11.62 chains to an iron pipe; thence South 89°22' East 5.87 chains to the point of beginning, in the John Purvine Donation Land Claim in Township 5 South, Range 1 West, Marion County, Oregon.

The above described tract includes Lot 1 of Goudy Gardens, Marion County, Oregon.

SUBJECT TO: The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.

**9. TAX LOT 600, .31 ACRES, ACCOUNT R11418, MAP 041 W33
17625 FRONT ST NE, HUBBARD, OR 97032 / SIMONSEN**

Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41°15' West and 9.553 chains South 89°47' West from the Northwest corner of the E. Purvine Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 111.49 feet; thence South 89°47' West 122.97 feet; thence North 111.49 feet; thence North 89°47' East 122.97 feet to the place of beginning.

**10. TAX LOT 700, 3.12 ACRES, ACCOUNT R11416, MAP 041W3300700
17621 FRONT ST NE, HUBBARD, OR 97032 / GRIMM**

Approximately three acre tract of land. The East one-half of the following described premises: Beginning at a point on the West boundary of the Southern Pacific Company's railway right of way in Section 33, in Township 4 South, Range 1 West of Willamette Meridian, Marion County, Oregon, and which point bears East 26.80 chains and North 42° East 8.88 chains from the SW corner of said Sec. 33; thence West 28.48 chains to the center of Ferrier's Creek; thence down said creek to the South boundary of a piece of land deeded by Samuel R. T. Jones and wife to Elizabeth Eberhard; thence East 28.53 chains to aforesaid West boundary of the Southern Pacific Railway Co., right-of-way; thence South 42° West along said boundary to place of beginning, Marion County, State of Oregon,

Save and Except the following, to-wit: Beginning at a point which is 6.59 chains South and 0.41 chains West and 11.34 chains South 41°15' West and 9.553 chains South 89° 47' West from the Northwest corner of the Ewing Purvine Donation Land Claim #55 in T.4 S., R. 1 W. of the W.M., Marion County, Oregon; thence South 4.873 chains to the North line of land conveyed to Mike Bronec and Mary E. Bronec on the 8th day of September, 1942 by deed recorded in Vol. 276, Page 501 of Marion County, Oregon Deed Records; thence South 89° 47' West 7.186 chains; thence North 4.873 chains; thence North 89° 47' East 7.186 chains to the place of beginning, as described in deed given by Elmer E. Swearingen, a single man, and O. W. Swearingen, a single man, to Clarence G. Schneider and Mary E. Schneider, husband and wife, dated January 28, 1948 and recorded March 26, 1948 in Volume 385, Page 463, Deed Records for Marion County.

REEL: 4012

PAGE: 130

November 03, 2017, 02:48 pm.

CONTROL #: 482613

**State of Oregon
County of Marion**

**I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:**

FEE: \$ 86.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

PARCEL I:

Beginning at a point 20.00 chains North and 11.60 chains East from the Southwest corner of Section 33 in Township 4 South, Range 1 West of the Willamette Meridian, in the County of Marion and State of Oregon, which point is in or near the center of Ferriers Creek and 2.10 chains South of the line dividing the North and South half of the said claim, and running thence East 33.59 chains to within 30 feet of the center of the main tract of the O. & C. Railroad; thence Northeasterly, along said track, parallel to and 30 feet from the center thereof, to within 30 feet of the South line of Charles Hubbard Claim; thence West, parallel to and 30 feet from the South line of the said claim, to a stake which stands 68 links Southwest from the Southwest corner of the said Hubbard claim; thence North parallel to the West line of said claim and 30 feet West therefrom, 3.18 chains to a stake; thence East 30 feet to the West line of said claim; thence North, along the said West line, to the center of the county road; thence North 56.00° West 17.00 chains to where a soda bottle is deposited, from which a fir tree 5 inches in diameter bears North 62-1/2° East 40 links; thence North 76-3/4° West 2.25 chains to the center of Ferriers Creek; thence up said creek to point of beginning.

EXCEPTING THEREFROM that particular tract which was formerly part of the above described premises heretofore conveyed by Chas Lembcke and Elizabeth Lembcke, his wife, to Albert Johnson, recorded in Deed Book 95, Page 4, December 3, 1906, and described as follows:

Beginning at the Northeast corner of the J. H. Jessan two acre tract in Section 33, Township 4 South, Range 1 West of Willamette Meridian in the County of Marion, State of Oregon; thence running parallel with the Southern Pacific Railroad track, in a Northeasterly direction, 616 feet, more or less, to the Southeast corner of the Albert Jordan tract; thence in a Westerly direction along the Southerly line of the said A. Jordan tract, to the center of the county road leading from Hubbard, Oregon to Woodburn, Oregon; thence in a Southerly direction, along center of said county road, to a point in the center of said county road 20 feet West of the point of beginning, thence 20 feet East to the point of beginning, all being situated in the County of Marion, State of Oregon.

EXCEPTING THEREFROM that portion deeded to Marion County, a political subdivision of the State of Oregon by Deed Recorded September 29, 1966 in Volume 591, Page 723, Marion County Deed Records.

PARCEL II:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Notification No. 1076 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, at which said point is a post on the line of the Oregon and California railroad, from which a fir tree 4" in diameter bears North 3-1/2° West 21 links; thence West 32.5 rods which is the place of beginning of the tract to be described; thence South 13 rods; thence East 19.5 rods; thence South 42°0' West 7.0521 chains; thence West 28.53 chains to the North bank of Ferrier's Creek, where is set a stake from which an ash tree 20 inches in diameter bears South 65°0' East 12 links; thence down said creek to the line between W. T. Grimm and S. R. T. Jones, where is set a witness post 25 links East of the true corner in the center of said creek, from which an ash stump 10 inches in diameter bears 77°0' East 33 links; thence East from the true corner 23.255 chains to the place of beginning.

TOGETHER WITH the following described property:

Beginning at a point 6.59 chains South, 41 links West of the Northwest corner of the Ewing Purvine Donation Land Claim No. 55, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence South 42° West 17 rods 2-1/2 feet; thence West 19-1/2 rods; thence North 13 rods; thence East, along the North line of said claim, 32-1/2 rods to the place of beginning.

EXCEPTING THEREFROM that portion deeded to Marion County, a political subdivision of the State of Oregon by Deed Recorded September 29, 1966 in Volume 591, Page 723, Marion County Deed Records.

Parcel III:

A tract of land in Section 33, Township 4 South, Range 1 West, in the County of Marion and State of Oregon, described as follows:

Beginning 30 feet South from the Southeast corner of Albert Jordan's land; thence West parallel to and 30 feet from the South line of Charles Hubbard's Claim in Township 4 South, Range 1 West to a stake which stands 68 links Southwest from the Southwest corner of said Claim; thence North parallel to the West line of said Claim and 30 feet therefrom 3.18 chains to a stake; thence East 30 feet to the West line of said Claim; thence South along said Claim line to the Southwest corner of said Charles Hubbard Claim; thence East along Claim line to the right of way of the O. & C. R. R.; thence Southerly to the place of beginning, all being situate in the County of Marion, and State of Oregon.

SAVE AND EXCEPT that portion conveyed to Albert Johnson by Deed recorded December 3, 1906 as Volume 95, Page 4, Marion County Deed Records.

ALSO EXCEPTING THEREFROM that portion lying in roads and roadways.

REEL: 4217

PAGE: 63

July 09, 2019, 03:24 pm.

CONTROL #: 558882

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

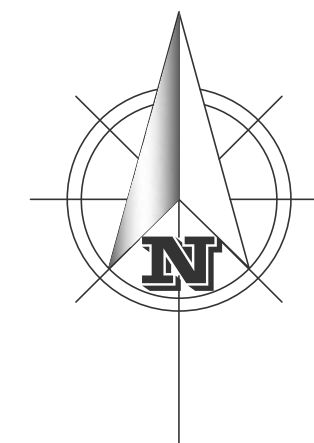
FEE: \$ 111.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

PRELIMINARY PLANS

TOPOGRAPHIC SURVEY



ABBREVIATIONS

ASPH	ASPHALT	IRR	IRRIGATION
AD	AREA DRAIN	INV	INVERT
ASSY	ASSEMBLY	JB	JUNCTION BOX
BLDG, BLD	BUILDING	LP	LIGHT POLE
BW	BOTTOM OF WALL	M	METER, MAIN
CATV	CABLE TELEVISION	MB	MAILBOX
CB	CATCH BASIN	MH	MANHOLE
CO	CLEAN-OUT	OH	OVER-HEAD
CONC	CONCRETE	P/L	PROPERTY LINE
CL	CENTERLINE	PP	POWER POLE
DIP	DUCTILE IRON PIPE	PVC	POLYVINYL CHLORIDE
EG	EDGE OF GRAVEL	PWR	POWER
EOP, EP	EDGE OF PAVEMENT	R, RAD	RADIUS
ELEV	ELEVATION	ROW, R/W	RIGHT-OF-WAY
EX, EXIST	EXISTING	SS	SANITARY SEWER
FDC	FIRE DEPT. CONNECTOR	SD	STORM DRAIN
FT	FEET	SVC	SERVICE
FF	FINISH FLOOR	SWK, S/W	SIDEWALK
FG	FINISH GRADE	TC	TOP OF CURB
PH	FIRE HYDRANT	TEL	TELEPHONE
FI	FIELD INLET	TRANS	TRANSFORMER
FM	FORCE MAIN	TS	TRAFFIC SIGNAL
GRAV	GRAVEL	TW	TOP OF WALL
GM	GAS METER	TYP	TYPICAL
GP	GATE POST	UG, U/G	UNDER GROUND
GS	GROUND SHOT	UTIL	UTILITY
GV	GAS VALVE	W/	WITH
HC	HANDICAP	WM	WATER METER
HYD	HYDRANT	WLM	WETLANDS MARKER
IR	IRON ROD	YPC	YELLOW PLASTIC CAP
IP	IRON PIPE		

SYMBOLS

AD	AREA DRAIN	SP	SIGN POST
CB or	CATCH BASIN	PE	PEDESTAL
CO	CLEANOUT	MB	MAIL BOX
PH	FIRE HYDRANT	IR	IRRIGATION VALVE
GV	GAS VALVE	LP	LIGHT POLE
WM	WATER VALVE	UP	UTILITY/POWER POLES
GPW	GAS/POWER/WATER METER	TP	TEST PIT
DSO	DOWN SPOUT	MF	MONUMENT FOUND
MT	MANHOLE TELEPHONE		
MSD	MANHOLE STORM DRAIN		
MS	MANHOLE SANITARY SEWER		
TS	TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)		
	NOTE: DIAMETER MEASURED AT BREAST HEIGHT		

LINE TYPES

CATV LINE	CATV	CATV	CATV	CATV	CATV	CATV	CATV	CATV	CATV
COMMUNICATION LINE	COM	COM	COM	COM	COM	COM	COM	COM	COM
EASEMENT LINE									
FENCE LINE									
FIBER OPTIC LINE	FOC	FOC	FOC	FOC	FOC	FOC	FOC	FOC	FOC
GAS LINE	GAS	GAS	GAS	GAS	GAS	GAS	GAS	GAS	GAS
OVERHEAD LINE	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES
PHONE LINE	PH	PH	PH	PH	PH	PH	PH	PH	PH
POWER LINE	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC
SANITARY SEWER LINE	SS	SS	SS	SS	SS	SS	SS	SS	SS
STORM DRAIN LINE	SD	SD	SD	SD	SD	SD	SD	SD	SD
WATER LINE	W	W	W	W	W	W	W	W	W



SHEET INDEX:

SHEET 1 - COVER SHEET
SHEET 2 - NORTH OVERALL CONTOURS
SHEET 3 - SOUTH OVERALL CONTOURS
SHEET 4 - BROADACRES RD
SHEET 5 - BROADACRES RD & HOME SITE
SHEET 6 - 4TH ST

DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY, NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.

SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

TEMPORARY BENCHMARK UTILIZED:
BSC # 29 MAG NAIL

ELEV: 161.85' NGVD 29

SURVEY MAG NAIL POINT # 29 LOCATED APPROXIMATELY 18.5' SOUTH OF THE BASE OF THE DRIVEWAY FOR THE HOME SITE ON SUBJECT PROPERTY. ALSO BEING APPROXIMATELY 36.7' SOUTHEAST OF A POWER POLE WHICH IS LOCATED NORTHWEST OF THE AFOREMENTIONED DRIVEWAY.

ELEVATIONS ARE BASED ON GPS OBSERVATIONS
A VERTCON SHIFT OF -3.41' WAS APPLIED TO REACH NGVD 29.



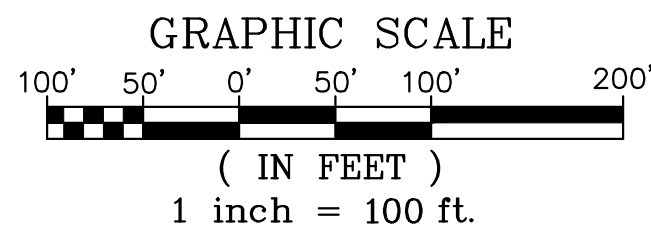
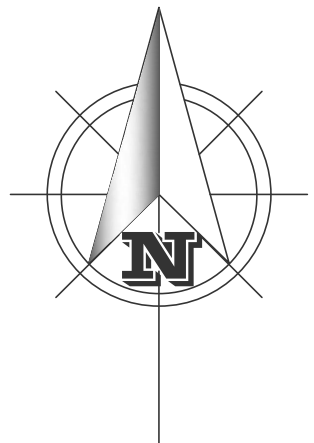
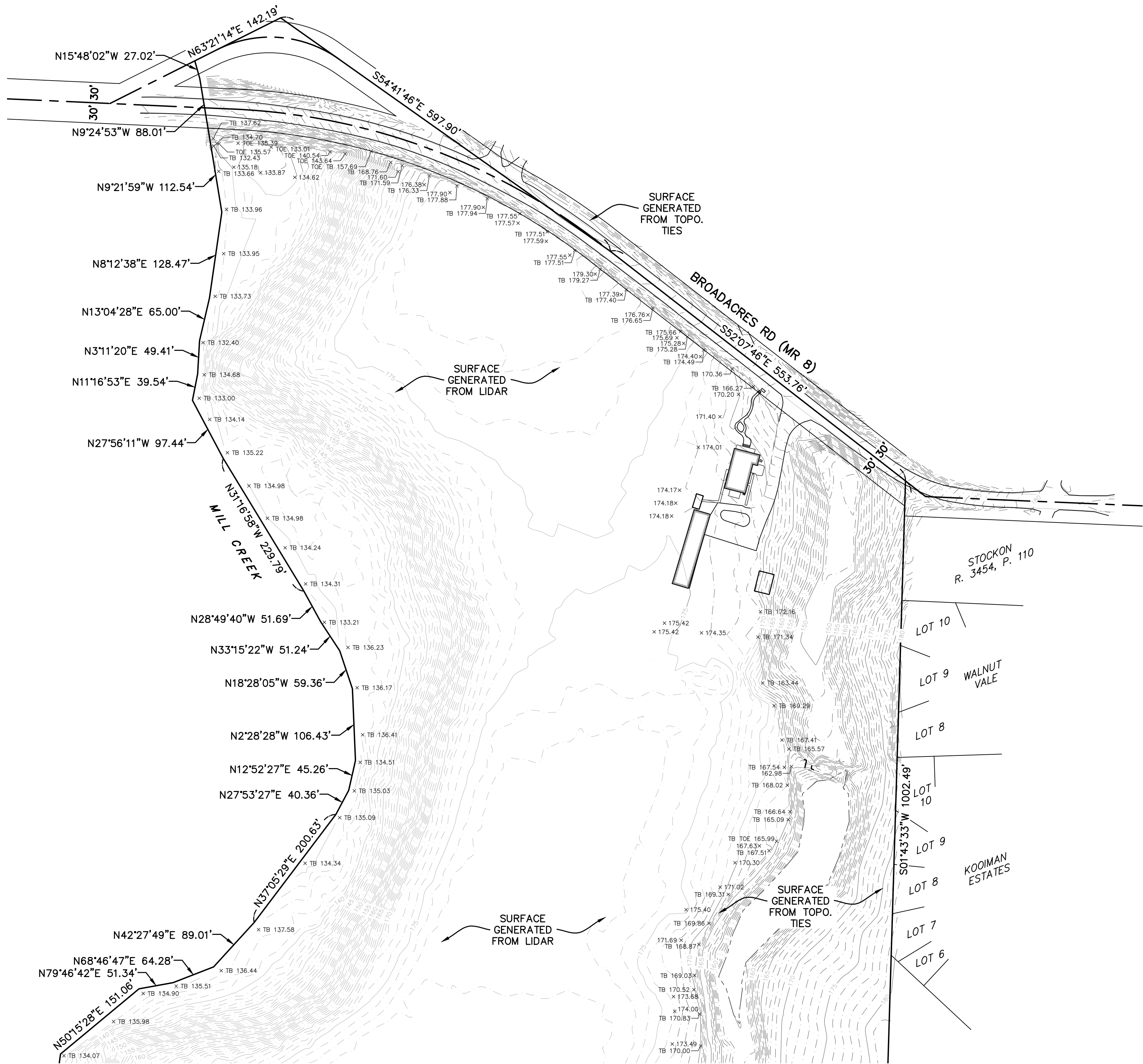
BARKER
SURVEYING

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Janison Best
OREGON
JULY 12, 2016
JAMISON L. BEST
85112

EXPIRATION DATE: 12/31/2019

SURVEY FOR	COLUMBIA TRUST COMPANY
LOCATION:	11984 BROADACRES NE
SECTION 33 T7S, R2W, W.M.	CITY OF HUBBARD MARION COUNTY, OREGON
SCALE: 1" = 300'	BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800 FAX (503) 363-2469 EMAIL: INFO@BARKERWILSON.COM
DATE: 12/17/2018	SHEET 1 OF 6
DRAWN BY: R.J.C.	JOB NUMBER: 41119

TOPOGRAPHIC SURVEY



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SEE SHEET 3



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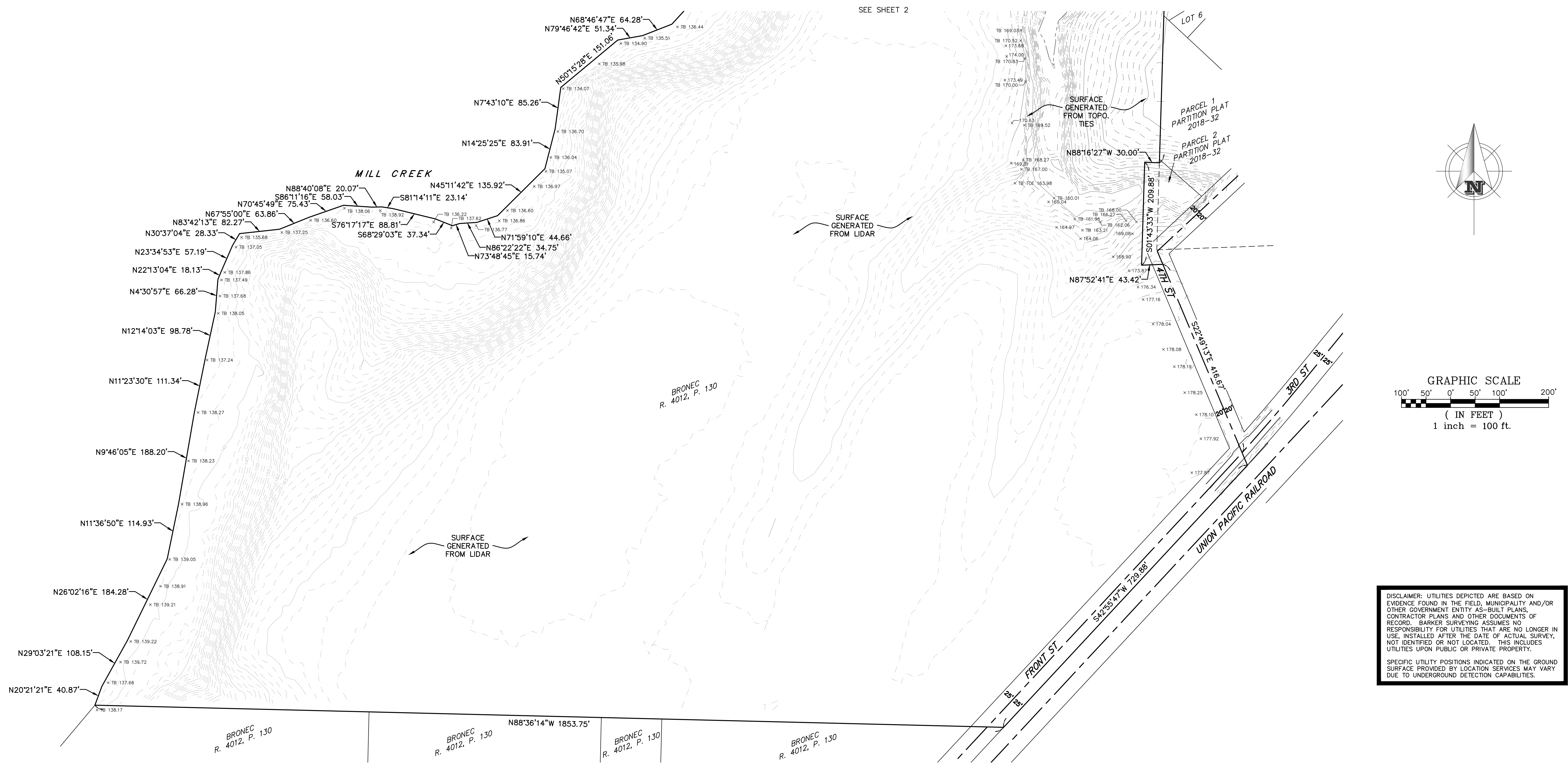
REGISTERED
PROFESSIONAL
LAND SURVEYOR

O R E G O N
JULY 12, 2016
JAMISON L. BEST
85112

EXPIRATION DATE: 12/31/2019

SURVEY FOR	COLUMBIA TRUST COMPANY
LOCATION:	11984 BROADACRES NE
SECTION 33 T7S, R2W, W.M.	MARION COUNTY, OREGON
SCALE: 1"=100'	BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800 FAX (503) 363-2469 EMAIL: INFO@BARKERWILSON.COM
DATE: 12/17/2018	SHEET 2 OF 6
DRAWN BY: R.J.C.	JOB NUMBER: 41119

TOPOGRAPHIC SURVEY



DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN PLACE, INSTALLED AFTER THE DATE OF THE FINAL SURVEY, NOT IDENTIFIED OR NOT UTILIZED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.

SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

BARKER
SURVEYING

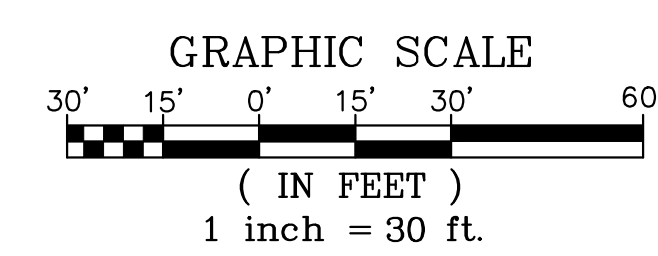
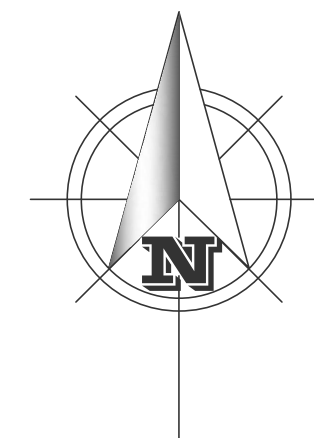
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jamison Best
OREGON
JULY 12, 2016
JAMISON L. BEST
85112

EXPIRATION DATE: 12/31/2019

SURVEY FOR		COLUMBIA TRUST COMPANY	
LOCATION:		11984 BROADACRES NE	
SECTION 33, T7S, R2W, W.M.		MARION COUNTY, OREGON	
SCALE:	"1"=100'	BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-4600 FAX (503) 363-2469	SHEET 3 OF 6
DATE:	12/17/2018	EMAIL: INFO@BARKERWILSON.COM	JOB NUMBER: 41119
DRAWN BY: R.J.C.			

TOPOGRAPHIC SURVEY



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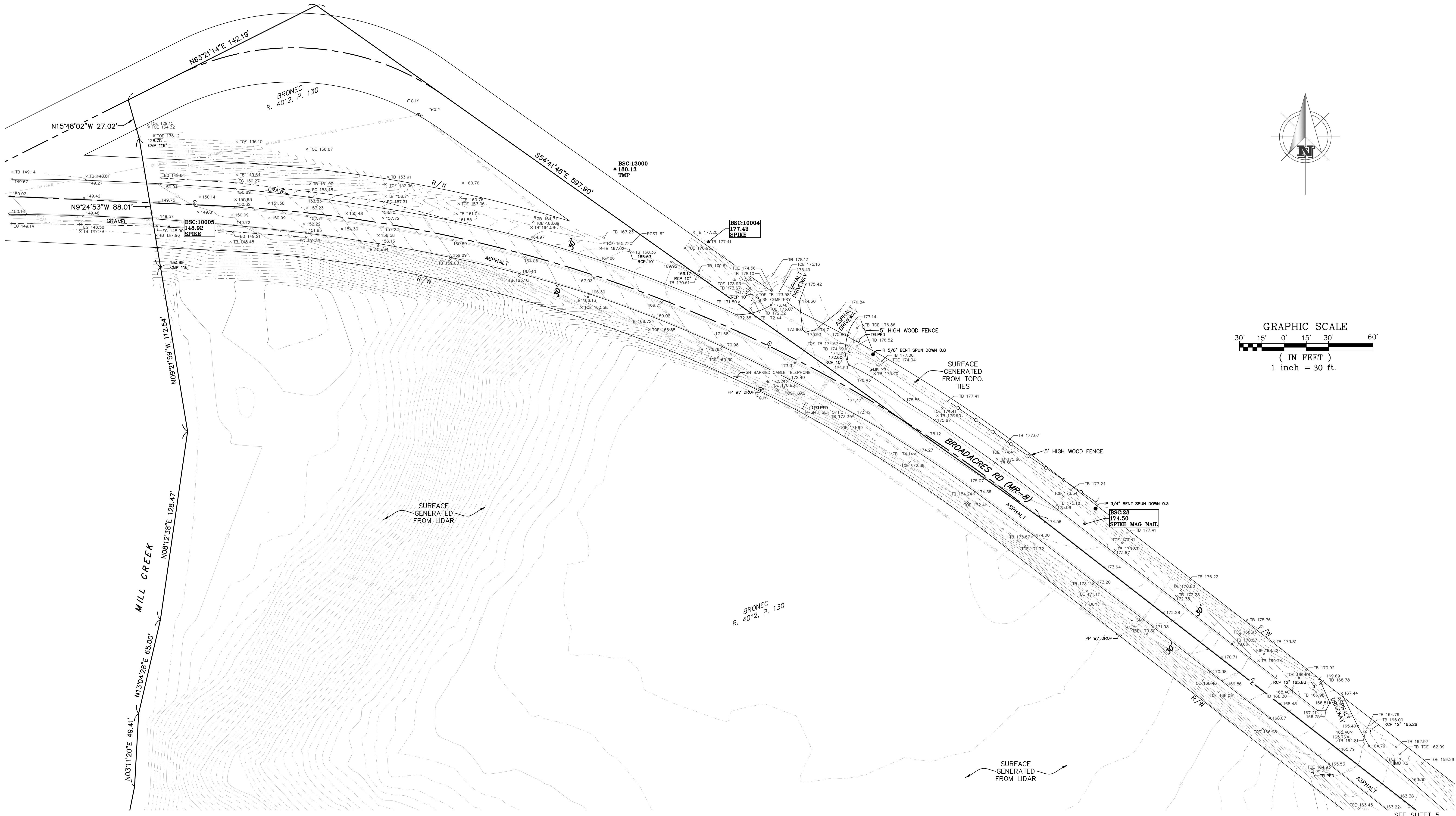
REGISTERED
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Janison Best

O R E G O N
JULY 12, 2016
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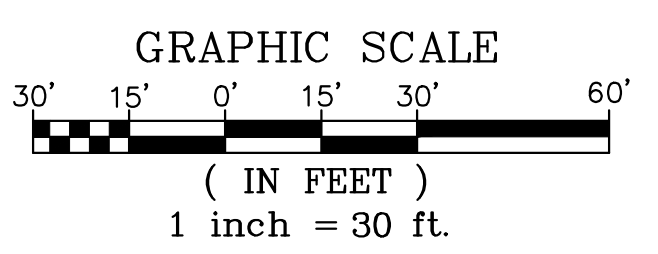
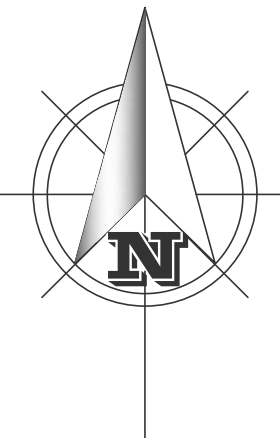
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SURVEY FOR	COLUMBIA TRUST COMPANY
LOCATION:	11984 BROADACRES NE
SECTION 33 T7S, R2W, W.M.	MARION COUNTY, OREGON
SCALE: 1"=30'	BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800 FAX (503) 363-2469 EMAIL: INFO@BARKERWILSON.COM
DATE: 12/17/2018	SHEET 4 OF 6
DRAWN BY: R.J.C.	JOB NUMBER: 41119



SEE SHEET 5

TOPOGRAPHIC SURVEY



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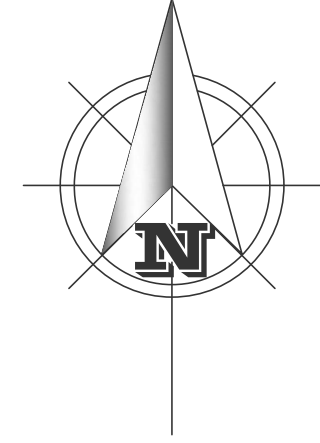
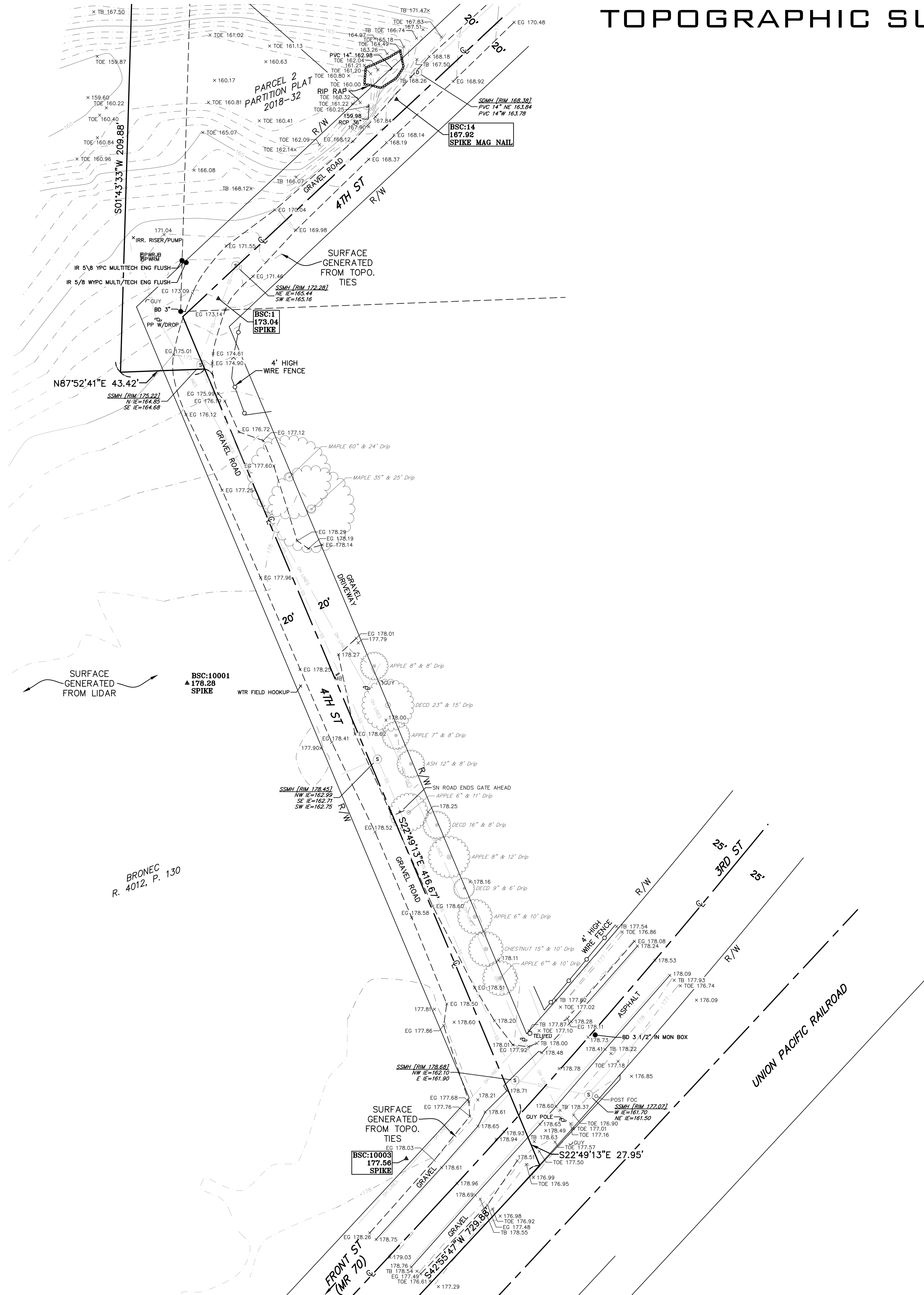
Jamison Best

OREGON
JULY 12, 2016
JAMISON L. BEST
85112

EXPIRATION DATE: 12/31/2019

SURVEY FOR	COLUMBIA TRUST COMPANY
LOCATION:	11984 BROADACRES NE
SECTION 33 T7S, R2W, W.M.	MARION COUNTY, OREGON
SCALE: 1"=30'	BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800 FAX (503) 363-2469 EMAIL: INFO@BARKERWILSON.COM
DATE: 12/17/2018	SHEET 5 OF 6
DRAWN BY: R.J.C.	JOB NUMBER: 41119

TOPOGRAPHIC SURVEY



GRAPHIC SCALE

30' 15' 0' 15' 30' 60'

(IN FEET)

1 inch = 30 ft.

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BARKER
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jamison Best
OREGON
JULY 12, 2016
JAMISON L. BEST
85112

EXPIRATION DATE: 12/31/2019

SURVEY FOR COLUMBIA TRUST COMPANY

LOCATION:	11984 BROADACRES NE
-----------	---------------------

SECTION 33
T7S, R2W, W.M.

SCALE: 1"=30'

DATE: 12/17/2018

DATE: 12/17/2018

MARION CO

BARKER SURVEYING 3657 KASHMIR WAY SE	
--	--

3657 KASHMIR WAY SE SALEM, OREGON 97317	SHEI
--	------

PHONE (503) 588-8800	
FAX (503) 363-2469	

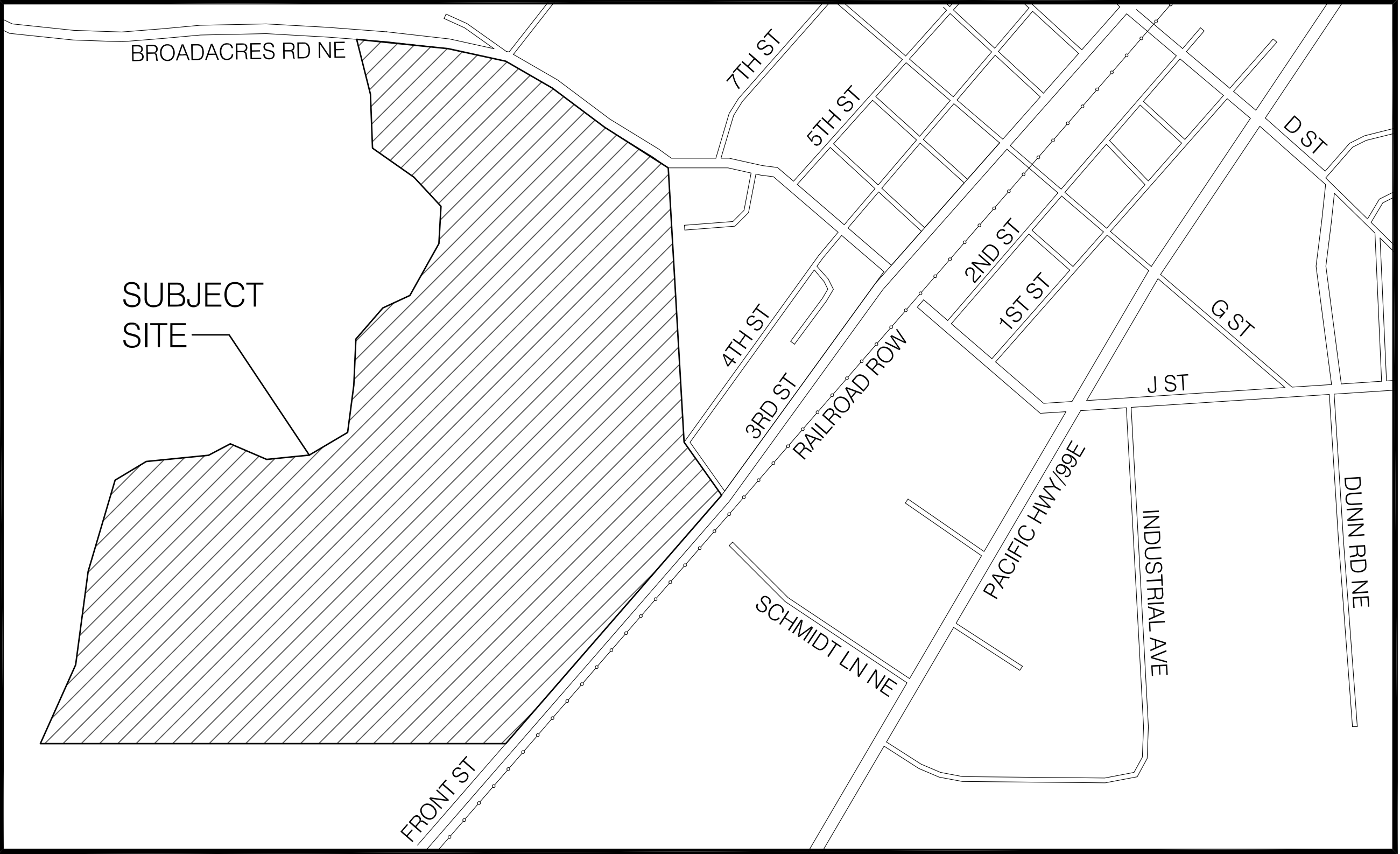
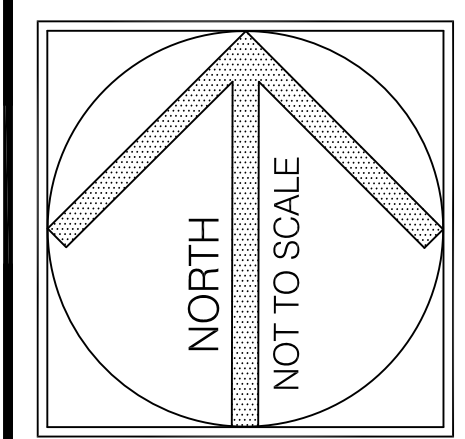
CLATSOP COUNTY, OREGON

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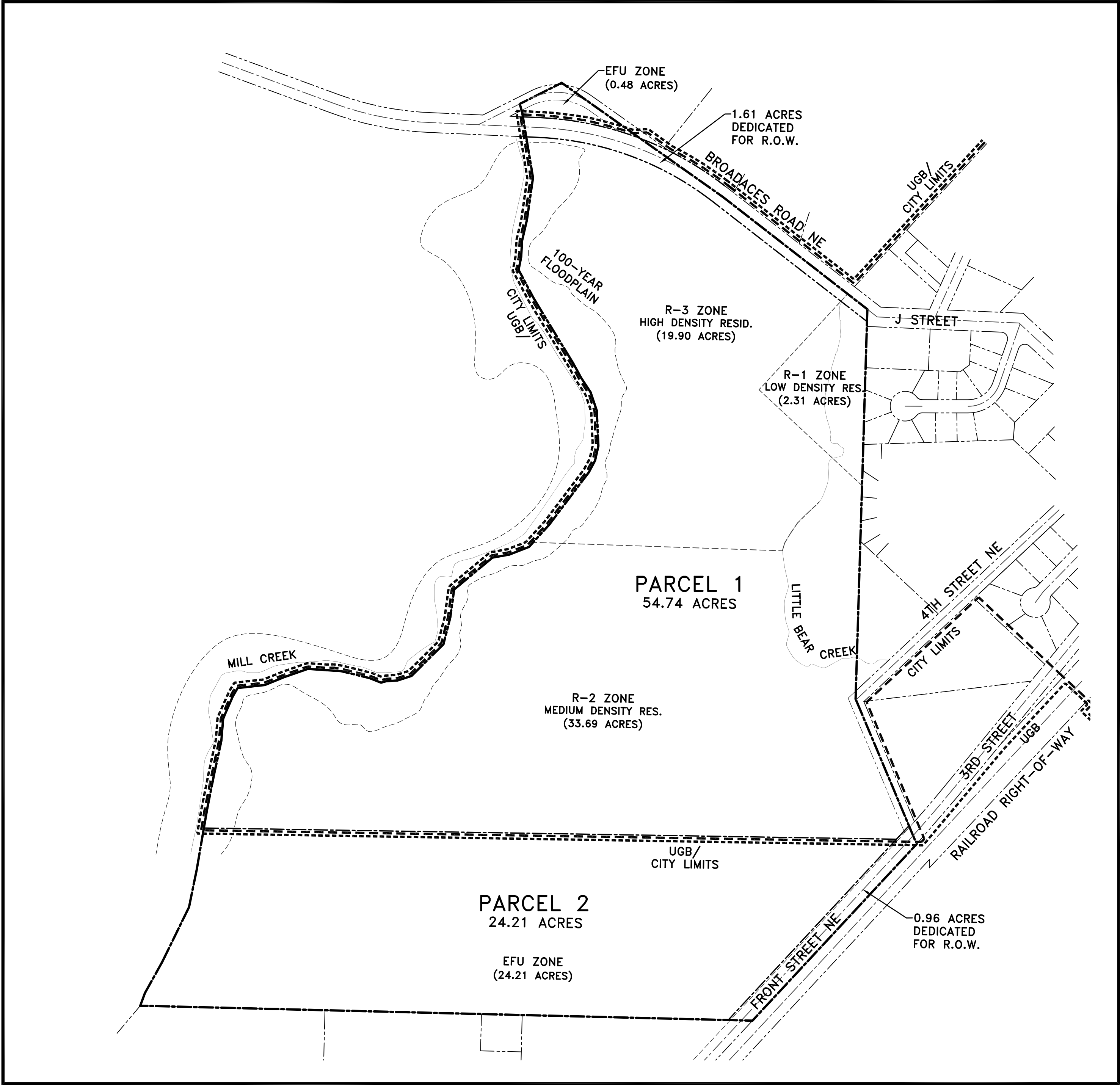
SHEET 6 OF 6

BROADACRES ROAD PARTITION

HUBBARD, ORE.



VICINITY MAP



SITE MAP

INDEX OF DRAWINGS

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P-3	SOUTHERN PRELIMINARY PLAT
P-4	PRELIMINARY SITE PLAN
P-5	GENERAL MASTER PLAN

APPLICANT / PROPERTY OWNER

FRANK J. BRONEC QTIP TRUST AND
COLUMBIA TRUST COMPANY TRE
PO BOX 1012
SALEM, OR 97308
503-577-8891
CONTACT: HELEN ROBINSON

APPLICANT'S REPRESENTATIVE

CASCADIA PLANNING + DEVELOPMENT SERVICES
PO BOX 1920
SILVERTON, OR 97038
503-804-9294
CONTACT: STEVE KAY, AICP

LAND SURVEYOR

BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OR 97317
503-588-8800
CONTACT: GREG WILSON, PLS

CITY OF HUBBARD LAND USE APPLICATION
BROADACRES ROAD PARTITION
T.L. 100 OF T.M. 041W33
MARION COUNTY, OREGON
11984 BROADACRES ROAD NE
HUBBARD, OR 97032

COVER SHEET/
SITE MAP

APRIL 17, 2020
REVISIONS

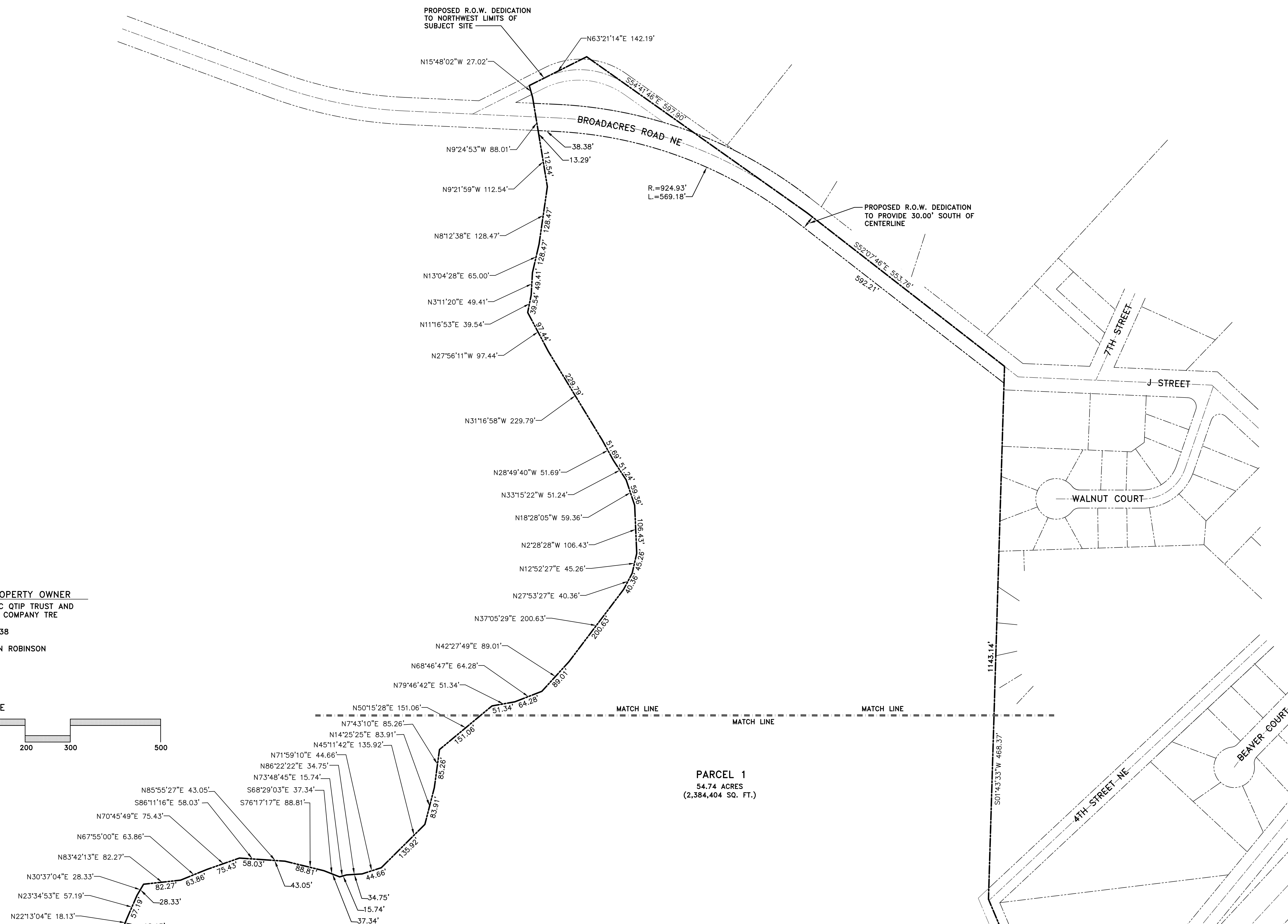
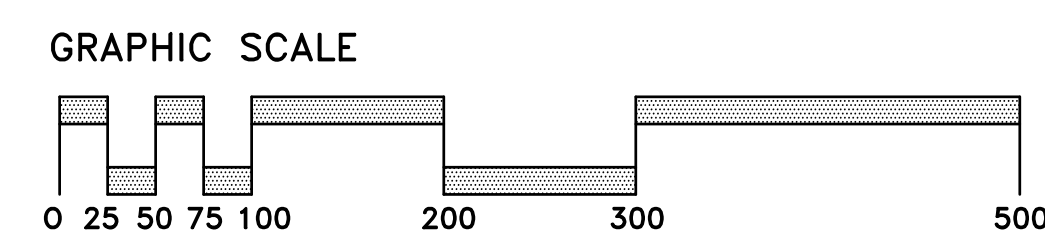


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NORTHERN
PRELIMINARY
PLAT

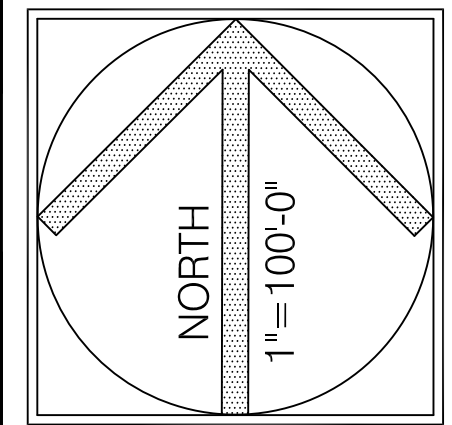
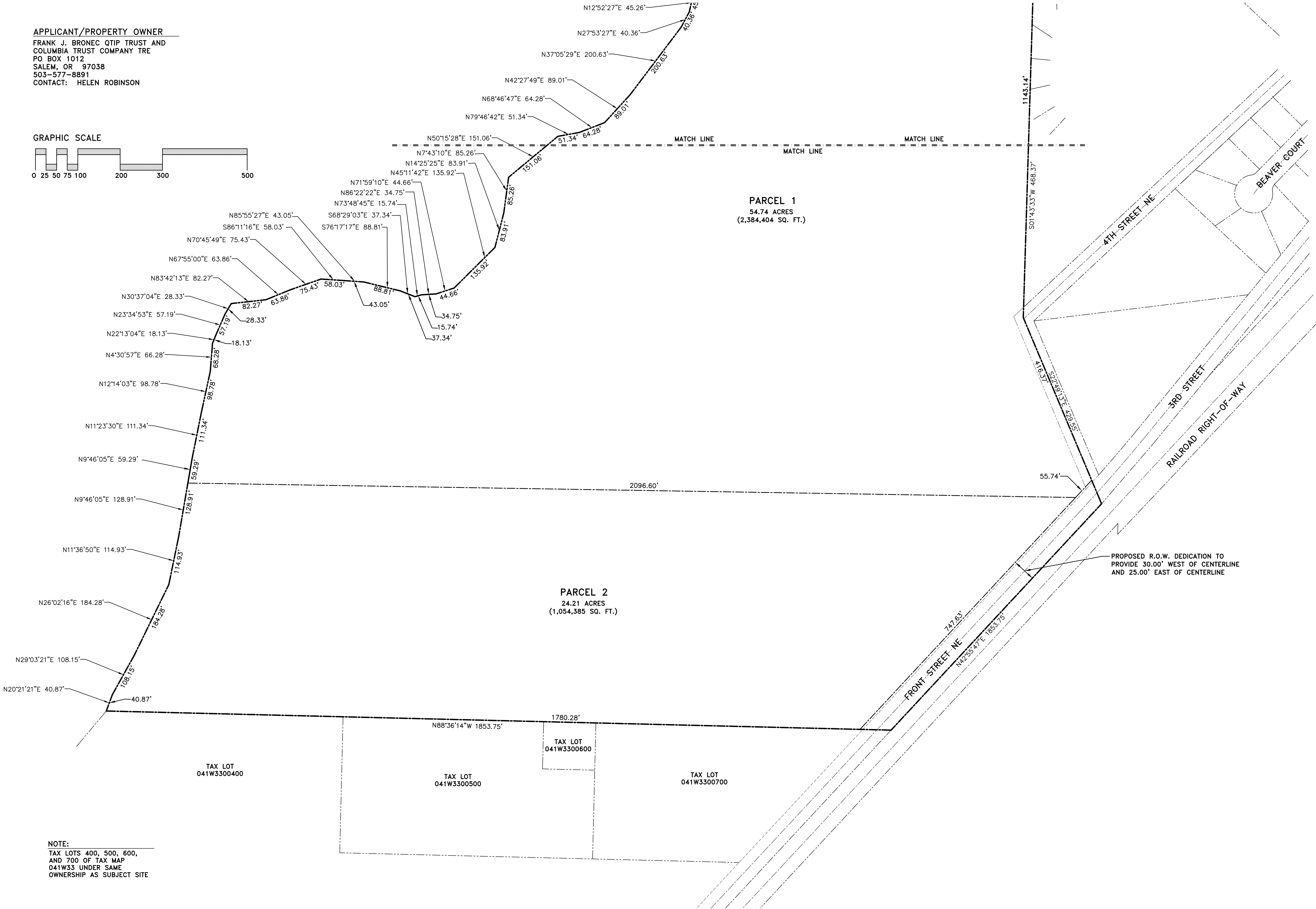
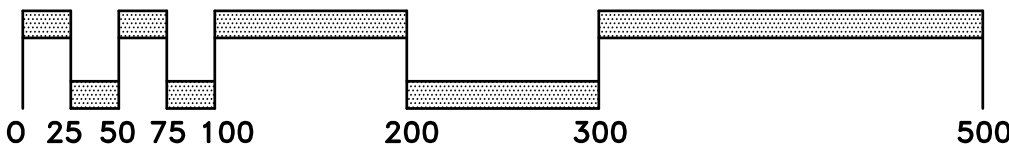
REVISIONS

SHEET 2 OF 5



APPLICANT/PROPERTY OWNER
FRANK J. BRONEC QTIP TRUST AND
COLUMBIA TRUST COMPANY TRE
PO BOX 1012
SALEM, OR 97038
503-577-8891
CONTACT: HELEN ROBINSON

GRAPHIC SCALE



CITY OF HUBBARD LAND USE APPLICATION

BROADACRES ROAD PARTITION

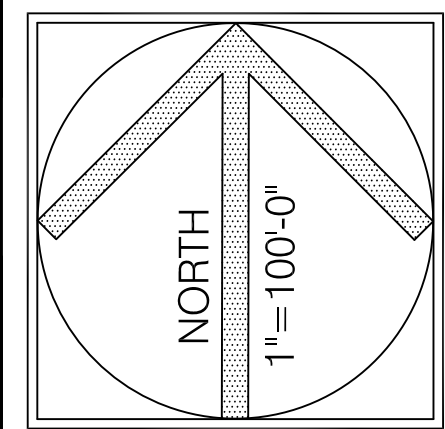
T.L. 100 OF T.M. 041W33
MARION COUNTY, OREGON

11984 BROADACRES ROAD NE
HUBBARD, OR 97032

**SOUTHERN
PRELIMINARY
PLAT**

APRIL 17, 2020
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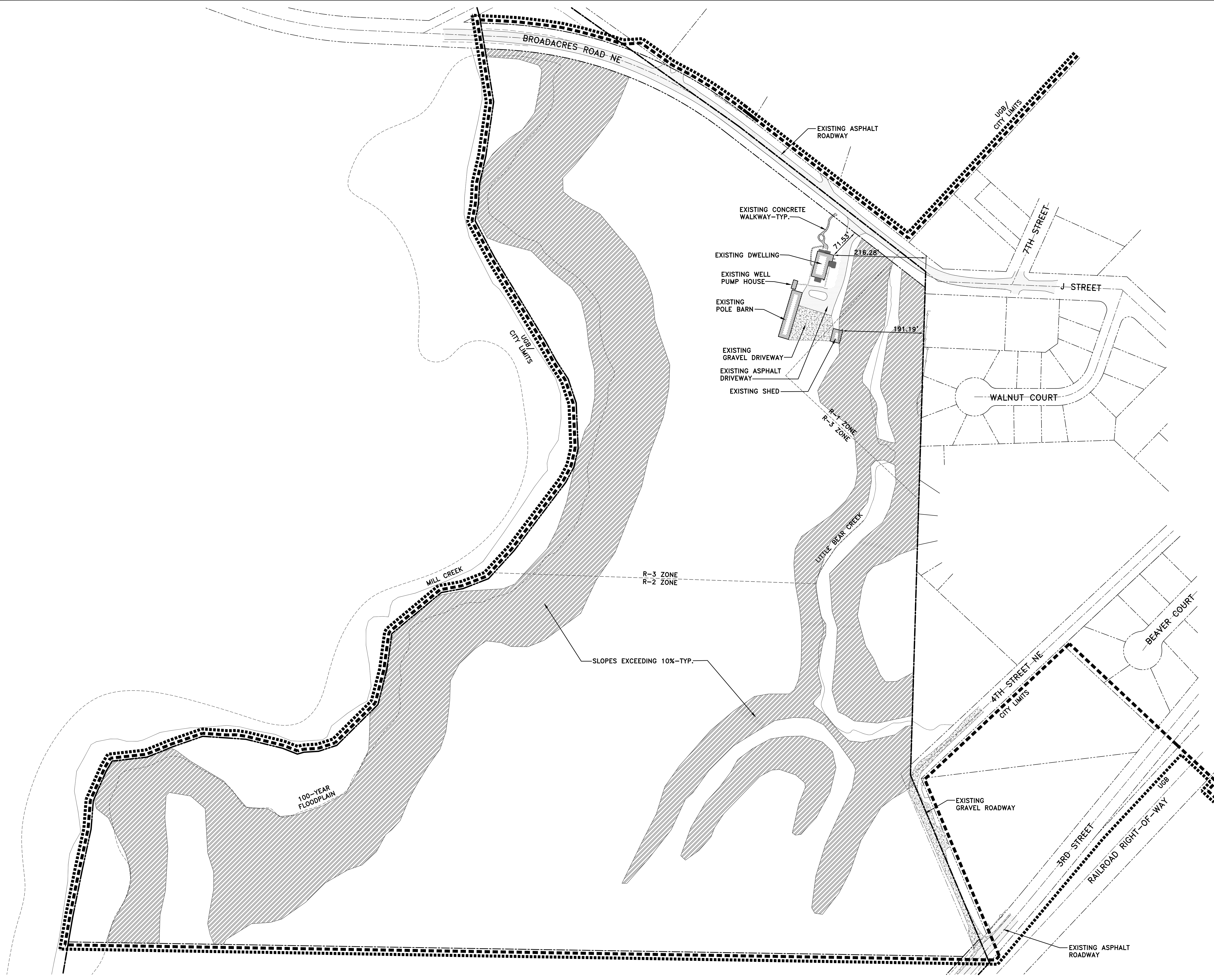
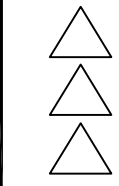


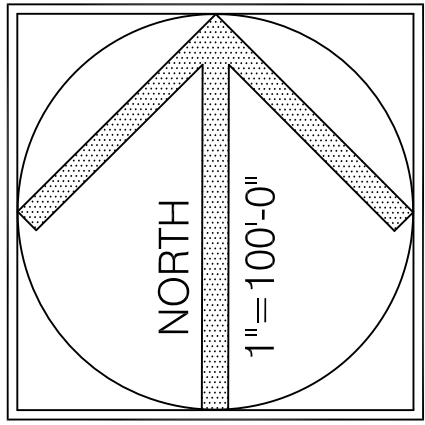


CITY OF HUBBARD LAND USE APPLICATION
BROADACRES ROAD PARTITION
T.L. 100 OF T.M. 041W33
MARION COUNTY, OREGON

PRELIMINARY
SITE PLAN

APRIL 17, 2020
REVISIONS





CITY OF HUBBARD LAND USE APPLICATION
BROADACRES ROAD PARTITION
T.L. 100 OF T.M. 041W33
MARION COUNTY, OREGON
11984 BROADACRES ROAD NE
HUBBARD, OR 97032

GENERAL
MASTER PLAN

APRIL 17, 2020
REVISIONS



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SHEET 4 OF 5

