

# RIVERFRONT MASTER PLAN ANNEXATIONS

GOEDEL  
BAKER  
STONEBRINK  
CITY OF NEWBERG

June 23, 2021

## **PROJECT DESCRIPTION**

### **INTRODUCTION**

The owners of the subject properties, Goedel, Baker, Stonebrink, and City of Newberg, proposes an Annexation of 29.38 acres comprising 5 parcels. The subject properties are located at 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and two parcels south of E Fourteenth Street which have no address. The Tax Map and Parcel numbers are:

R3230-00401  
R3230-00100  
R3230-00200  
R3229-02700  
R3229-02800

The subject properties are located inside the City of Newberg Urban Growth Boundary. The existing City of Newberg city limits are adjacent to the subject properties to the west off of NE Waterfront Street.

The properties have an existing Comprehensive Plan designation of MDR/RD (R3230-00401), COM/RD and P/RD (R3230-00100), COM/RD (R3230-00200), and P/RD (R3229-02700, R3229-02800) (Exhibit A). This Application requests the subject property be zoned R-2 (R3230-00401), C-4/RD and CF/RD (R3230-00100), C-4/RD (R3230-00200) and CF/RD (R3229-02700 and R3229-02800) upon annexation (Exhibit B).

Per Section 15.250.080.B. of the Newberg Community Development Code, the proposed R-2 zoning designation (R3230-00401) matches the MDR/RD Comprehensive Plan designation. The C-4/RD and CF/RD (R3230-00100) matches the COM/RD and P/RD Comprehensive Plan designations. The C-4/RD (R3230-00200) matches the COM/RD Comprehensive Plan designation. The CF/RD (R3229-02700 and R3229-02800) matches the P/RD Comprehensive Plan designation.

State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed Annexation's compliance with these standards is further addressed via this narrative and supporting documentation

### **EXISTING CONDITIONS**

The subject properties slope from north to south. There are natural resources on R3230-00100, R3229-02700, R3229-02800 identified on the subject properties. These properties have a portion or the entirety of the parcels designated with a Stream Corridor Overlay or Flood Hazard Overlay (Exhibit C). There is an existing single-family detached dwelling on R3230-00401 and R3230-00200. Existing vegetation on the subject properties is a mixture of trees, understory vegetation, and pasture grass with the existing uses.

The subject properties currently have a County zoning designation of VLDR-5 Very Low Density Residential (R3230-00401), HI Heavy Industrial and MR-2 Mineral Resource (R3230-00100), VLDR-5 Very Low Density Residential (R3230-00200), and PWS Public Works/Safety District (R3229-02700 and R3229-

02800). The County Comprehensive Plan Designation are VLDR - Very Low Density Residential) (R3230-00401), I - Industrial and Q - Quarry (R3230-00100), VLDR - Very Low Density Residential (R3230-00200), and P - Public Facility (R3229-02700 and R3229-02800).

### **ADJACENT PARCELS**

To the north of the subject properties is the Newberg-Dundee Bypass and an undeveloped area of the former mill site (R3229-02600 and R3219-00190). These properties are currently outside of the city limits but are being annexed through a separate application. To the east is Rogers Landing Park located outside of the city limits but within the Urban Growth Boundary. To the southwest is the former Newberg Landfill outside of the city limits but within the Urban Growth Boundary. Directly west is an approved subdivision under City review for Public Improvement Permits off of NE Waterfront Street.

### **TRANSPORTATION AND ACCESS**

The subject properties have frontage on the NE Waterfront Street and E Fourteenth Street both under the jurisdiction of Yamhill County. In the Newberg Transportation System Plan (TSP) NE Waterfront Street is a local residential street and E Fourteenth Street is a Minor Collector street. The City's TSP identifies E Fourteenth Street as Project # P09 as a Likely funded project for sidewalk improvements.

S River Street to the northeast of the subject annexation is classified as a Major Collector. The City's Transportation System Plan includes Aspirational Project # S22 to reconstruct S River Street between E First Street and Rogers Landing Road to major collector street standards, including bicycle lanes and sidewalks on each side of S River Street. It also has Project S44 between the Bypass and Rogers Landing Road for enhanced cross-section improvements as Aspirational. S River Street also has Project #I18 for rail crossing improvements as an Aspirational project. The intersection of S River Street/Rogers Landing Road/E Fourteenth Street has Project # I19 for intersection improvement evaluation as Aspirational.

S College Street to the north of E Fourteenth Street in the TSP is Aspirational Project #S43 for roadway improvements including sidewalks. S College Street also has Project # I17 for rail crossing improvements as Aspirational.

The TSP also has Project #P49 for the Esplanade on the north side of the annexation area. This is an Aspirational project. There is also Project #CH07 for trails in the TSP which are Aspiration and within the proposed annexation area.

Finally, the proposed Urban Renewal Plan has identified transportation and trail improvements for E Fourteenth Street, S River Street, S College Street and the Esplanade.

Annexation of the subject properties will result in the City regulating future development, including future improvements to E Fourteenth Street and NE Waterfront Street. The future development of the subject properties will warrant right-of-way dedication, and public improvements to the E Fourteenth Street and NE Waterfront Street public right-of-way, thus supporting the City's Transportation System Plan's intent to improve the roadways to urban standards. E Fourteenth Street will include bicycle lanes and sidewalks (between S College Street and S River Street. An Esplanade is also identified in the TSP along the top of the bluff south of E Fourteenth Street and NE Waterfront Street.

### **PUBLIC UTILITIES, SERVICES AND AMENITIES**

Public utilities, including water, sanitary sewer, and stormwater water are available in the S River Street and S College Street public right-of-way, and can be extended at the time of the future development of

the subject properties. Additionally, development has been approved to the east of R3230-00401. This development will provide water and wastewater abutting up to the property line. All public and private utilities warranted by the future development of the subject properties will be financed by the developer at the time of future development. The City is also working on an Urban Renewal Plan that covers the subject properties. If adopted this would provide addition funding options for the S River Street, E Fourteenth Street and S College Street transportation corridors to serve the subject properties.

### **WASTEWATER (SANITARY)**

There is an existing 8 inch sanitary main located at the intersection of E Weatherly Way and S College Street. The City's 2018 Wastewater Master Plan and Addendum Riverfront Master Plan 2021 identifies a new pump station and force main north of the Bypass that will serve a portion of the proposed annexation area. A gravity wastewater line was modeled in NE Waterfront Street that would connect to the new pump station. Access to the wastewater system is available within the immediate vicinity.

### **WATER**

There is an existing 8 inch water main located at the intersection of E Weatherly Way and S College Street. From the railroad tracks south to E Fourteenth Street there is an existing 6 in water line. There is a 2 inch water line extending south of the E Weatherly Way and S College Street intersection that serves R3230-00401, R3230-00100 and R3230-00200. This line would need to be upsized as part of future development. Access to the water system is available within the immediate vicinity.

The 2017 Water Master Plan and Addendum Riverfront Master Plan 2021 identifies a series of water line improvements. A new 12 inch line from the Water Treatment Plant to S Rivers Street and in E Fourteenth Street between S River Street and S College Street, an 8 inch line in NE Waterfront Street to the west that will loop under the Bypass, and an 8 inch line in S College Street from E Fourteenth Street to E Weatherly Way.

Access to the water system is available within the immediate vicinity.

### **STORMWATER**

There is an existing stormwater system at the intersection of S College Street/ E Fourteenth Street and NE Waterfront Street consisting of 12 inch and 18 inch pipes. There is also an 18 inch and 24 inch storm line to the east of R3229-02700 and R3229-02800.

Access to the storm system is available within the immediate vicinity.

### **FRANCHISE UTILITIES**

Franchise utilities are available north of the Newberg-Dundee Bypass on S College Street and on S River Street north of the railroad tracks. Services can be extended by franchise utilities to serve the annexed properties in the future.

### **FIRE**

The subject properties are served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E Second Street approximately 1.1-miles from the subject annexation properties. During the review of this requested Annexation Application, the City will request comments from TVF&R, prior to issuance of a Staff Report, to ensure adequate services are available to serve the future development of the subject properties.



**POLICE**

The Newberg-Dundee Police Department at 401E Third Street is located approximately 1.1-mile from the subject property. During the review of this requested Annexation Application, the City will request comments from the Newberg-Dundee Police Department, prior to issuance of a Staff Report, to ensure adequate services are available to serve the future development of the subject Property.

**SCHOOL**

The subject properties are currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. Edwards Elementary School at 715 E Eighth Street is located 0.5-miles from the subject properties. Mountainview Middle School at 2015 N Emery Drive is located 2.5- miles from the subject properties. Newberg High School at 400 Douglas Avenue is located 2.2-miles from the subject properties.

It should be noted that the City of Newberg does not conduct future planning for the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

**TRANSIT**

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1210 S College Street adjacent to the Woodview Apartments, approximately 0.2-miles walking distance to the north of the subject properties.

**PARKS**

Scott Leavitt Park at 1000 S Columbia Street is located 0.4-miles walking distance to the northeast of the subject properties. Scott Leavitt Park includes amenities such as a basketball court, playground, and picnic tables.

Ewing Young Park at 1201 S Blaine Street is located 0.7-miles walking distance to the northwest of the subject properties. Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, and a frisbee golf course.

Rogers Landing Park is located immediately to the east of the subject annexation area. It is primarily for boat launching but also has restroom facilities and picnic tables.

It should be noted that the City of Newberg does not conduct future planning for CPRD or Yamhill County. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

**LAND USE APPLICATION REQUEST- ANNEXATION**

This Application requests the Annexation of 29.38 acres identified as R3230-00401, R3230-00100, R3230-00200, R3229-02700, and R3229-02800. As per Section 15.100.050.B.9., this Annexation Application shall be processed through a Type III review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of Section 15.100.210 Mailed Notice, Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing, and Section 15.100.240 Additional Notice for Type III Quasi-Judicial Hearing for Annexations. A draft public notice is provided as Exhibit D, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit E.

#### **COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE**

After reviewing the City of Newberg Municipal Code, this Application found provisions of the following Sections to be applicable to the proposed Land Use Action.

##### *Title 15 Development Code*

##### *Chapter 15.100 Land Use Processes and Procedures*

*15.100.050 Type III procedure- Quasi-judicial hearing*

*15.100.090 Development permit application.*

*15.100.200 Compliance required.*

*15.100.210 Mailed notice.*

*15.100.230 Additional notice procedures for Type III quasi-judicial hearing.*

*15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.*

*15.100.260 Procedure for posted notice for Type II and III procedures.*

*15.100.270 Procedure for published notice on Type III and Type IV procedures.*

##### *Chapter 15.250 Annexations*

*15.250.020 Conditions for annexation*

*15.250.030 Quasi-judicial criteria*

*15.250.040 Quasi-judicial procedures*

*15.250.050 Application requirements for quasi-judicial annexations*

*15.250.080 Comprehensive plan and zoning designations.*

*15.250.090 Coordination*

#### **CITY OF NEWBERG MUNICIPAL CODE**

##### *Title 15 Development Code*

##### *Chapter 15.100 Land Use Processes and Procedures*

*15.100.050 Type III procedure-Quasi-judicial hearing*

*A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.*

*B. Type III actions include, but are not limited to:*

*9. Annexation: This action is a recommendation to the city council.*

**RESPONSE:** As per Section 15.100.050.B.9 the proposed Annexation shall be processed through a Type III review procedure. This Application acknowledges the applicable provisions of Section 15.100.050.C through Section 15.100.050.H regarding a Type III review procedure.

These criteria are satisfied.

*15.100.090 Development permit application.*

*Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:*

*A. A completed development permit application form.*

*B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.*

*C. Other information required by this code.*

*D. The applicable fees. [Ord. 2451, 12-2-96. Code 2001 § 151.040.]*

**RESPONSE:** In satisfaction of Section 15.100.090, a completed Land Use Application forms are provided as Exhibit F, proof of ownership is provided as Exhibit F, and all other applicable information required by the City of Newberg Municipal Code and Comprehensive Plan is included with this Application. All applicable fees have been remitted with this Application.

These criteria are satisfied.

*15.100.200 Compliance required.*

*Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]*

**RESPONSE:** As per Section 15.100.200, the provisions of this Article are applicable to the proposed development.

*15.100.210 Mailed notice.*

*Mailed notice shall be provided as follows:*

*B. Type II and Type III Actions. The applicant shall provide public notice to:*

- 1. The owner of the site for which the application is made; and*
- 2. Owners of property within 500 feet of the entire site for which the application is made.*

*The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.*

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of Section 15.100.210 Mailed Notice. A draft public notice is provided as Exhibit D, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit E. This Application acknowledges the applicable provisions of Section 15.100.210.C. through Section 15.100.210.J. regarding noticing requirements.

These criteria are satisfied.

*15.100.230 Additional notice procedures for Type III quasi-judicial hearing.*

*In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following: A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;*

*B. State the date, time and location of the hearing;*

*C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;*

*D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;*

*E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]*

**RESPONSE:** Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing. A draft public notice is provided as Exhibit D, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit E.

These criteria are satisfied.

*15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.  
In addition to notice requirements in NMC 15.100.210 and 15.100.230, annexations are required to be published each week for two consecutive weeks prior to the day of the first new hearing before the city council, in a newspaper of general circulation in the city, and shall also be noticed by posting notice of the hearing in four public places in the city for a like period. [Ord. 2451, 12-2-96. Code 2001 § 151.074.]*

**RESPONSE:** This Application acknowledges the applicable provisions of Section 15.100.240 Additional Notice for Type III Quasi-Judicial Hearing for Annexations. All applicable provisions regarding public notice will be satisfied prior to approval of this Application. The two notice requirement applies for the City Council hearing and will be met.

This criterion will be satisfied.

*15.100.260 Procedure for posted notice for Type II and III procedures.  
[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges all applicable provisions of Section 15.100.260 Procedure for Posted Notice for Type II and III Procedures. All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

*15.100.270 Procedure for published notice on Type III and Type IV procedures.  
[Detailed Provisions Omitted for Brevity]*

**RESPONSE:** This Application acknowledges all applicable provisions of Section 15.100.270 Procedure for Published Notice for Type III and IV Procedures. All applicable provisions will be satisfied prior to approval of this Application.

*Chapter 15.250 Annexations*

*15.250.020 Conditions for annexation.*

*The following conditions must be met prior to or concurrent with city processing of any annexation request:*

*A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.*

**RESPONSE:** In satisfaction of Section 15.250.020.A. the subject properties are located within the City of Newberg Urban Growth Boundary.

This criterion is satisfied.

*B. The subject site must be contiguous to the existing city limits. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.261.]*

**RESPONSE:** In satisfaction of Section 15.250.020.B. the western boundary of the subject properties are contiguous to the existing City limits.

This criterion is satisfied.

*15.250.030 Quasi-judicial annexation criteria*

*Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:*

*A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.*

**RESPONSE:** The subject properties currently have a County zoning designation of VLDR-5 Very Low Density Residential (R3230-00401), HI Heavy Industrial and MR-2 Mineral Resource (R3230-00100), VLDR-5 Very Low Density Residential (R3230-00200), and PWS Public Works/Safety District (R3229-02700, R3229-02800). The County Comprehensive Plan Designations are VLDR Very Low Density Residential (R3230-00401), I - Industrial and Q - Quarry (R3230-00100), VLDR Very Low Density Residential (R3230-00200), and P - Public Facility (R3229-02700, R3229-02800).

The properties have an existing Newberg Comprehensive Plan designation of MDR/RD, COM/RD and P/RD, (COM/RD), and P/RD (Exhibit A). This Application requests the subject properties be zoned R-2 (R3230-00401), C-4/RD and CF/RD (R3230-00100), C-4/RD (R3230-00200) and CF/RD (R3229-02700, R3229-02800) upon annexation (Exhibit B).

Per Section 15.250.080.B. of the Newberg Community Development Code, the proposed R-2 zoning designation (R3230-00401) matches the MDR/RD Comprehensive Plan designation. The C-4/RD and CF/RD (R3230-00100) matches the COM/RD and P/RD Comprehensive Plan designation. The C-4/RD (R3230-00200) matches the COM/RD Comprehensive Plan designation. The CF/RD (R3229-02700, R3229-02800) matches the P/RD Comprehensive Plan designation. This application requests the corresponding City zoning designation to the Comprehensive Plan designation.

This criterion is satisfied.

*1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicants shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multifamily housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.*

*For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10 percent of the net size of the application.*

**RESPONSE:** The subject property R3230-00401 is the only property with a MDR or HDR designation and it is 2.52 acres, under the 15 net acre threshold and is not applicable to this criterion.

*B. An adequate level of urban services must be available, or made available, within three years ' time of annexation, except as noted in subsection (E) of this section. An "adequate level of urban services" shall be defined as:*

*1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*

**RESPONSE:** As noted in the Water and Wastewater sections above on Page 3 has adequate urban services identified in the Master Plans and with planned improvements.

This criterion is met.

*2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.*

**RESPONSE:** As noted in the Transportation section above on Page 2 has adequate urban services identified in the Transportation System Plan for the planned improvements.

This criterion is met.

*C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.*

**RESPONSE:** The availability of police, fire, parks and school facilities are addressed above on Pages 3 and 4 of this narrative. During the review of this requested Annexation Application, the City will request comments from Tualatin Valley Fire and Rescue and Newberg-Dundee Police Department, among other agencies, prior to issuance of a Staff Report.

Other private service providers, including garbage, telephone, television, and postal and internet services and facilities required to serve the future development of the subject property will be determined by the City at the time of development permit review and approval.

There is no information to suggest that city services could not support the addition of the 29.38 acres of property, plus the area of the adjacent public right-of-way, to the city limits. In fact, future development of the subject property helps fund these city services and other System Development Charge or permit fee funded services, such as the School District and the Chehalem Park and Recreation District (CPRD).

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary

expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

This criterion is satisfied.

*D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.*

**RESPONSE:** This Application acknowledges applicable criterion of this Section.

*E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available. [Ord. 2826 § 1 (Exh. A), 5-7-18; Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]*

**RESPONSE:** The annexation of the subject properties is to advance the implementation of the Riverfront Master Plan accepted by City Council in September 2019 by Resolution No. 2019-3596. The proposed Comprehensive Plan and Zoning designations were established through the Riverfront Master Plan and then further implement by CPTA20-0001/CPMA20-0002/DCA20-0001/ZMA20-0002 adopted by Ordinance No. 2020-2868. The annexation proposal additionally supports the in process Newberg Urban Renewal Plan scheduled for City Council consideration on August 2, 2021 through a legislative hearing process.

*15.250.040 Quasi-judicial annexation procedures.*

*All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222.*

*A. Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even-numbered years. Applications for annexation shall be filed with the planning division before 5:00 p.m. on October 1st for a primary ballot election in May and before 5:00 p.m. on April 1st for a general ballot election in November. An applicant may request that the city council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This subsection does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.*

*B. The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the director receives a completed application for annexation, the director shall schedule a recommendation hearing before the planning commission. The planning commission shall make a recommendation to the city council as to whether or not the application meets the criteria contained in NMC 15.250.030. This decision shall be a quasi-judicial determination and not a legislative determination.*

*The planning commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*C. Following the planning commission hearing, the director shall schedule a city council hearing to consider the request. The city council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in NMC 15.250.030. The hearing at the city council shall be considered a new hearing. If additional testimony is submitted, the city council may, at its own discretion, return the application to the planning commission for further review and recommendation. The city council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*D. If the city council approves the annexation request, the proposal may, at the city council's sole discretion, be placed before the voters of the city as follows:*

- 1. The biennial primary or general elections which are held in May and November of even numbered years; or*
- 2. An available special election.*

*E. If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.*

*F. The city shall place a notice of the annexation election in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one-quarter-page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.*

*G. The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within 10 days following the election day.*

*H. In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.*

*I. Should this annexation request be approved by a majority vote of the electorate of the city at the election date as identified by resolution of the city council, the property shall be annexed and the following events shall occur:*

- 1. The property shall be ordered and declared annexed and withdrawn from the Newberg rural fire protection district.*
- 2. The territory will be changed from a county zone to a city zoning designation as indicated in NMC 15,250.080. The Newberg, Oregon, zoning map shall be amended to indicate this change.*
- 3. The recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County elections officer, and the assessor of Yamhill County a certified copy of the following documents:*

*a. A copy of the approved ordinance.*

*b. A map identifying the location of said territory.*



*J. If the city council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the city council to refer the annexation to the voters at a subsequent election, subject to the following:*

- 1. The petition shall include a fee in an amount determined by resolution of the city council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.*
- 2. The applicant may only petition the city council once for resubmittal to place the annexation on the ballot in any 12-month period.*
- 3. The city council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with NMC 15.100.270.*
- 4. After hearing the petition, the city council may decide any of the following:*
  - a. The city council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 12-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.*
  - b. The city council may deny the petition.*
  - c. If conditions affecting the original criteria for the approval of the annexation by the city council have changed significantly, the city council may require the applicant to resubmit the annexation application for consideration by the city council and to pay a new annexation application fee. The city council also may direct that the resubmitted application be referred to the planning commission for recommendation. If there is a period of more than five years between the city council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.*
- 5. The city council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.*
- 6. Where an annexation has been initiated by the city council, the city council may refer the annexation to a subsequent election upon its own motion. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2683 § 1, 11-5-2007; Ord. 2501, 12-7-98; Ord. 2451, 12-2-96. Code 2001 § 151.263].*

**RESPONSE:** The passage and adoption of Oregon Senate Bill 1573 added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed annexation satisfies these criteria.

*15.250.050 Application requirements for quasi-judicial annexations.*

*Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:*

*A. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.*

**RESPONSE:** Land Use Application forms signed by the owners of the subject properties is provided as Exhibit F. Annexation Consent Forms are provided as Exhibit F. Measure 49 Waivers are provided as Exhibit F. This criterion is satisfied.

The passage and adoption of Oregon Senate Bill 1573 added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed annexation satisfies these criteria.

*B. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.*

**RESPONSE:** Legal descriptions and boundary surveys certified by a registered land surveyor of the properties to be annexed is provided as Exhibit F. The legal descriptions of the area to be annexed includes the adjacent NE Waterfront Street and E Fourteenth Street public right-of-way, which provides for future continuity of the city limits.

This criterion is satisfied.

*C. Vicinity map and map of the area to be annexed including adjacent city territory.*

**RESPONSE:** An aerial of the subject properties and surrounding properties is provided in Exhibit G. A Map and Legal Description of the properties to be annexed is provided as Exhibit F. The area to be annexed includes the adjacent NE Waterfront Street and E Fourteenth Street public right-of-way, which provides for future continuity of the city limits. This criterion is satisfied.

*D. General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.*

**RESPONSE:** A copy of the Riverfront Master Plan can be accessed at [https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord\\_2868.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord_2868.pdf) that responds to the requirements of 15.250.050D and meets the requirement.

*E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.*

**RESPONSE:** A copy of the Riverfront Master Plan can be accessed at [https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord\\_2868.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord_2868.pdf) that responds to the requirements of 15.250.050E and meets the requirement.

*F. Annexation fees, as set by city council resolution.*

**RESPONSE:** The City is sponsoring the annexation of these properties as part of implementation of the Riverfront Master Plan. Funds have budgeted in the Planning Division budget for the application costs. This criterion is satisfied.

*G. Statement outlining method and source of financing to provide additional public facilities.*

**RESPONSE:** The extension of public infrastructure and street improvements necessary to serve the future development of the subject properties will be financed through a combination of System Development Charges determined at the time of building permit applications, on-site improvements constructed by developer as conditioned via the appropriate land use review process, or through Tax Increment Financing a proposed by the Newberg Urban Renewal Plan.

*H. Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part and proposed actions to mitigate such effects.*

**RESPONSE:** A copy of the Riverfront Master Plan can be accessed at [https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord\\_2868.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/16201/ord_2868.pdf) that responds to the requirements of 15.250.050H and meets the requirement. In addition the property has an existing Comprehensive Plan designation of MDR/RD, COM/RD and P/RD, (COM/RD), and P/RD (Exhibit A). This Application requests the subject property be zoned R-2 (R3230-00401), C-4/RD and CF/RD (R3230-00100), C-4/RD (R3230-00200) and CF/RD (R3229-02700, R3229-02800) upon annexation (Exhibit B).

#### Positive Effects

At a macro level, the annexation of the subject properties into the City of Newberg will add new land for medium density residential development, commercial development and add park and open space areas consistent with the Riverfront Master Plan.

The annexation and development of the subject properties will also increase the City's jurisdiction for tax purposes and development review. Future development of the property will be required to be reviewed and approved through the City's Development process ensuring it meets applicable site development and zoning requirements.

At a micro level, the annexation and development of the subject properties will be consistent with the development pattern identified in the Riverfront Master Plan. Furthermore, development will be harmonious and beneficial to the City's future plan for a pedestrian and bicycle-friendly, mixed use environment within the Riverfront District.

Annexation of the subject property will result in the City regulating future development, including future improvements to the E Fourteenth Street and NE Waterfront Street public right-of-way. The future development of the subject properties will warrant right-of-way dedication, and public improvements to the E Fourteenth Street and NE Waterfront Street public right-of-way, thus supporting the City's Transportation System Plan's. Furthermore, the future development of the subject properties will help fund city services and other System Development Charges or permit fee funded services, such as the Newberg School District and the Chehalem Park and Recreation District (CPRD).

#### Negative Effects

An increase in population in the area with a new residential commercial development will put an increased demand on infrastructure and city services. Traffic in the immediate vicinity will increase and new residents will add to the school population. Additionally, the development will require water and wastewater services to the subject property.

### Mitigation

In order to mitigate the effects of annexation of the properties, applicable City code and development standards will condition needed infrastructure improvements. Any required future infrastructure improvements for the subject properties will be reviewed and determined through future land use processes. Anticipated improvements will include the extension of water, wastewater and stormwater facilities to the subject properties, and street improvements.

### Wastewater

There is an existing 8 inch sanitary main located at the intersection of E Weatherly Way and S College Street. The City's 2018 Wastewater Master Plan and Addendum 2021 Riverfront Master Plan identifies a new pump station and force main north of the Bypass that will serve a portion of the proposed annexation area. A gravity wastewater line was modeled in NE Waterfront Street that would connect to the new pump station. Access to the wastewater system is available within the immediate vicinity.

### Water

There is an existing 8 inch water main located at the intersection of E Weatherly Way and S College Street. From the railroad tracks south to E Fourteenth Street there is an existing 6 in water line. There is a 2 inch water line extending south of the E Weatherly Way and S College Street intersection that serves R3230-00401, R3230-00100, and R3230-00200. This line would need to be upsized to as part of future development. Access to the water system is available within the immediate vicinity.

### Streets and Pedestrian Connections

Following approval of the proposed Annexation, the future development of the subject properties will warrant roadway frontage improvements, including the dedication of any additional right-of-way along the subject properties frontage on E Fourteenth Street and NE Waterfront Street would be to City standards.

### Schools

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. It should be noted that the City of Newberg does not conduct future planning for the School District. However, the city coordinates with the School District on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

### Conclusion

The annexation of the subject property will provide the City of Newberg the ability to regulate the type of development that occurs on the subject properties. It will increase the amount of residential and commercial acreage within the City; meeting goals of the Comprehensive Plan. The positive benefits of this annexation clearly outweigh the negative effects. Furthermore, any negative effects of future development to the community will be mitigated for as warranted.

*1. Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:*

- 1. A planned unit development approved through a Type III procedure.*
- 2. A development agreement approved by the city council.*

3. A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the city council in order to use the contract annexation process. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2693 § 1 (Exh. A(4)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.264.]

**RESPONSE:** This Application requests the Annexation of the subject properties. Future development on the subject properties will undergo the appropriate land use review process for the type of proposed development. There is no need at this time to assign to a development review type.

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

<i>Newberg Comprehensive Plan Classification</i>	<i>Appropriate Zoning Classification</i>
<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2, R-4</i>
<i>HDR</i>	<i>R-3, R-4</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the director</i>
<i>IND</i>	<i>M-1, M-2, M-3, M-4, or AI</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P</i>	<i>CF</i>

**RESPONSE:** The application is requesting the corresponding zone classification to the Comprehensive Plan designation.

R-2 zoning designation (R3230-00401) matches the MDR/RD Comprehensive Plan designation.  
 The C-4/RD and CF/RD (R3230-00100) matches the COM/RD and P/RD Comprehensive Plan designation.  
 The C-4/RD (R3230-00200) matches the COM/RD Comprehensive Plan designation.  
 The CF/RD (R3229-02700 and R3229-02800) matches the P/RD Comprehensive Plan designation.  
 These criteria are met.

C. If a zoning classification is requested by the applicant for other than that described in subsection (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

*D. In the event that the annexation request is denied, the zone change request shall also be denied. [Ord. 2747 § 1 (Exh. A § 6), 9-6-11; Ord. 2720 § 1(9), 11-2-09; Ord. 2451, 12-2-96. Code 2001 § 151.267.]*

**RESPONSE:** A different zoning classification is not being requested. These criteria are not applicable.

*15.250.090 Coordination*

*Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]*

**RESPONSE:** This Application acknowledges the provisions of this criterion. The City will conduct the appropriate coordination activities.

**CONCLUSION**

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the City of Newberg Community Development Code and Comprehensive Plan. The Applicant thereby respectfully requests approval of this Annexation request.

Exhibit A – Comprehensive Plan Map Designation

Exhibit B – Proposed Zoning Designation

Exhibit C - Natural Resources

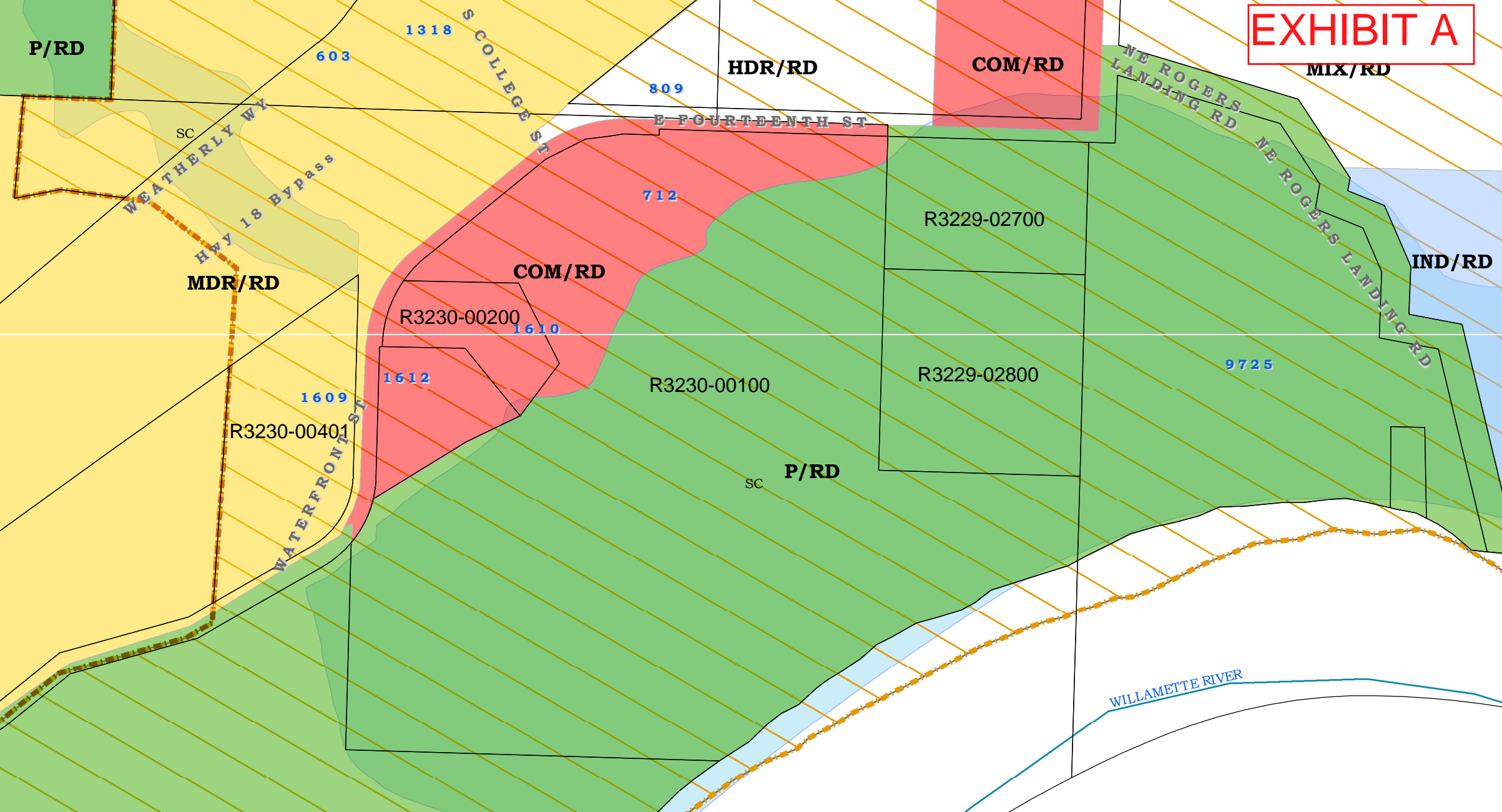
Exhibit D - Draft public notice

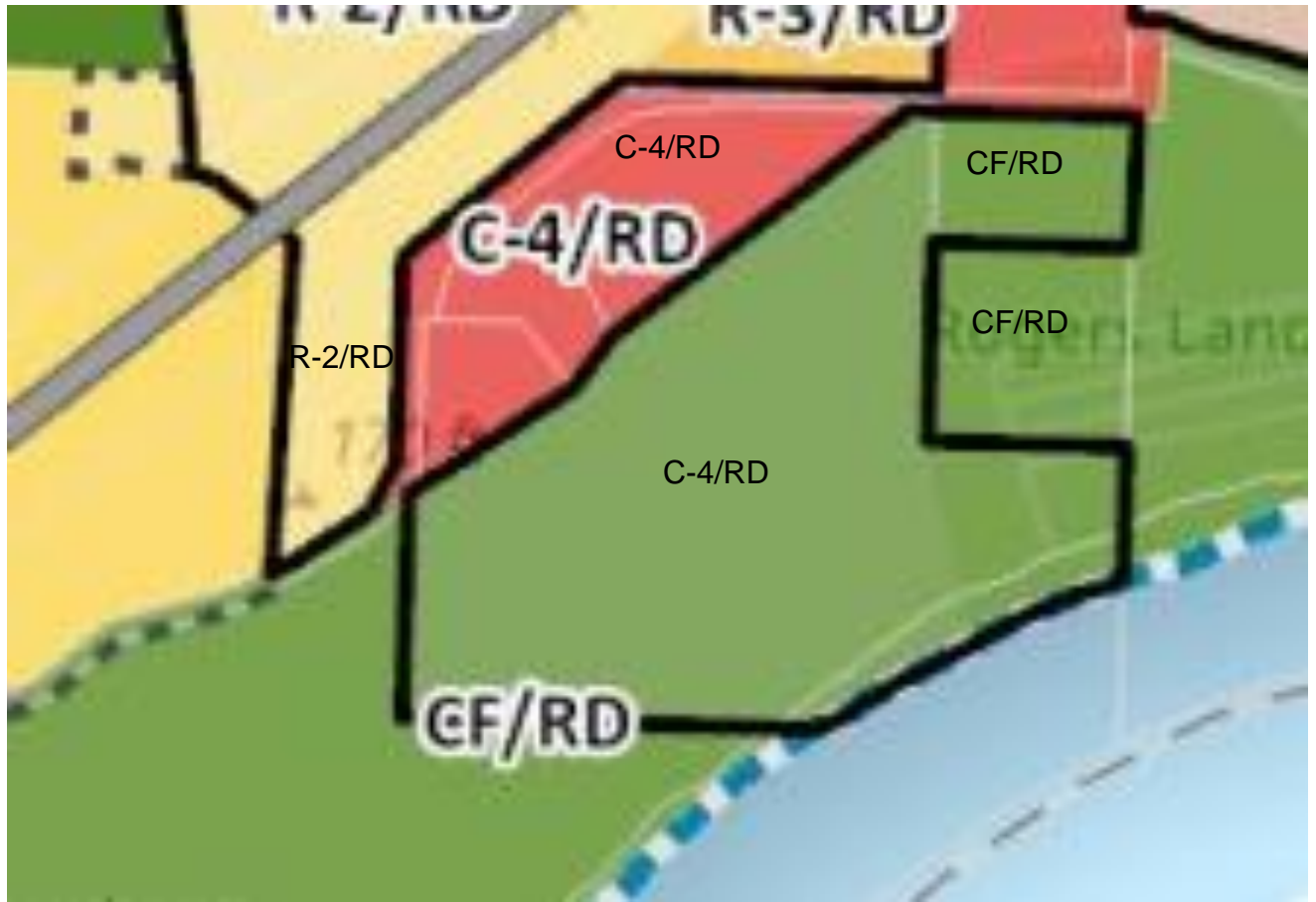
Exhibit E - Mailing List

Exhibit F - Application Packet (includes Consent, Measure 49 Waiver, Ownership, and Legal Descriptions & Maps)

Exhibit G – Aerial Photo

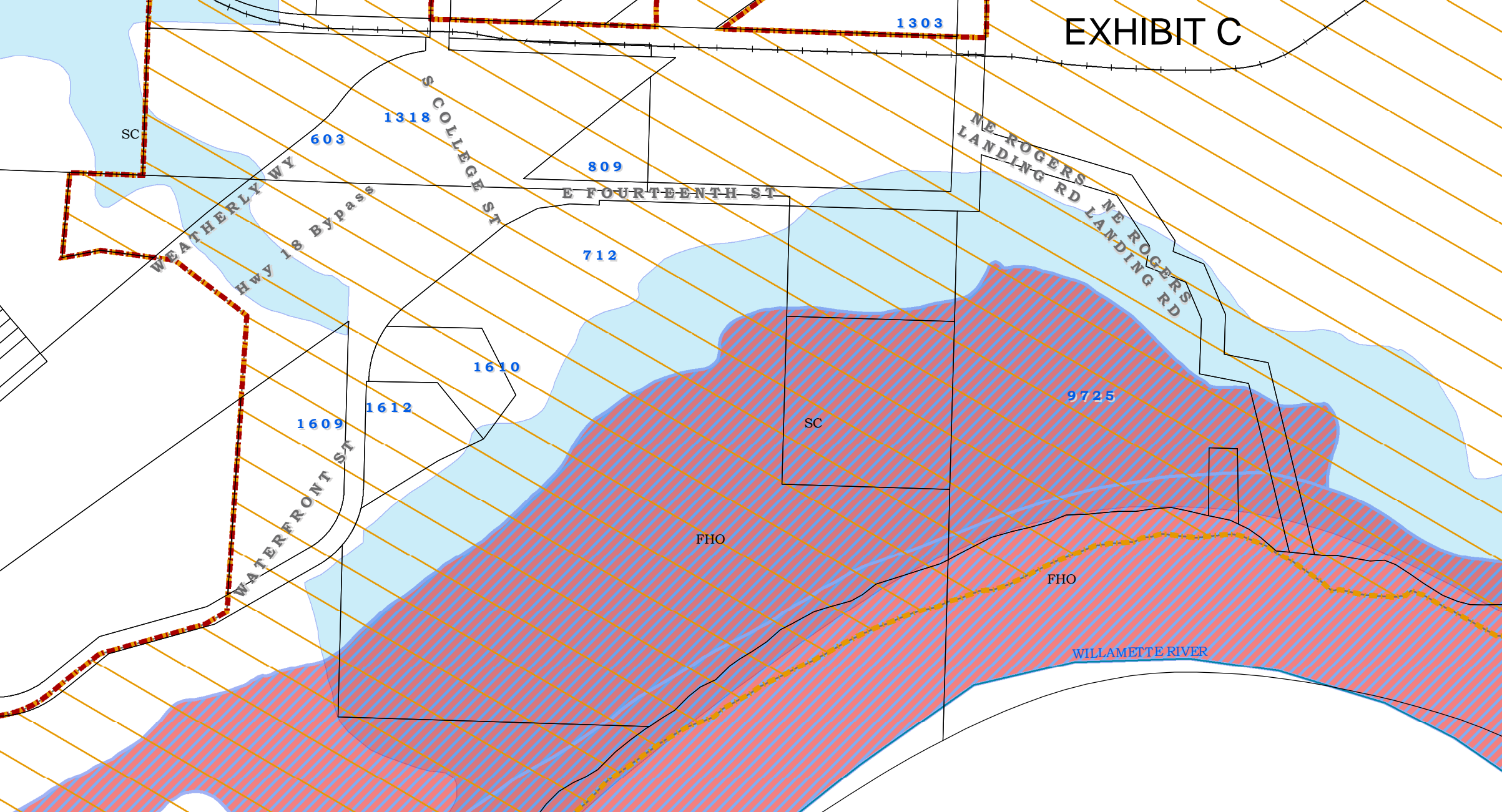
# EXHIBIT A

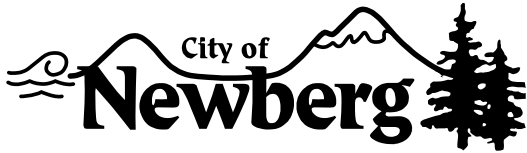






# EXHIBIT C





Community Development Department

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

**WE WANT YOUR COMMENTS**

**ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD**

A property owner in your neighborhood submitted an application to the City of Newberg to annex five (5) lot(s). A public hearing will be held by the Planning Commission of the City of Newberg, on September 9, 2021 at 7 p.m. via Zoom [redacted] to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would expand the City limits by 29.38 acres for medium density residential (2.52 ac), commercial (4.4 ac), and park land (22.46 ac). The area is a mix of rural residential development on two parcels, shops on another parcel, undeveloped on the fourth parcel, and improvements that include parking for Rogers Landing Park of the fifth parcel. Existing right-of-way abuts four of the five parcels with the fifth parcel land locked (City owned). No development is immediately planned for the annexed area.

APPLICANT: Goedel, Baker, Stonebrink,  
 City of Newberg

TELEPHONE: 503-537-1240

PROPERTY OWNER: Tamera Goedel

LOCATION: 1609 NE Waterfront Street

PROPERTY OWNER: Gary T Baker Revocable Trust

LOCATION: 712 NE Fourteenth Street

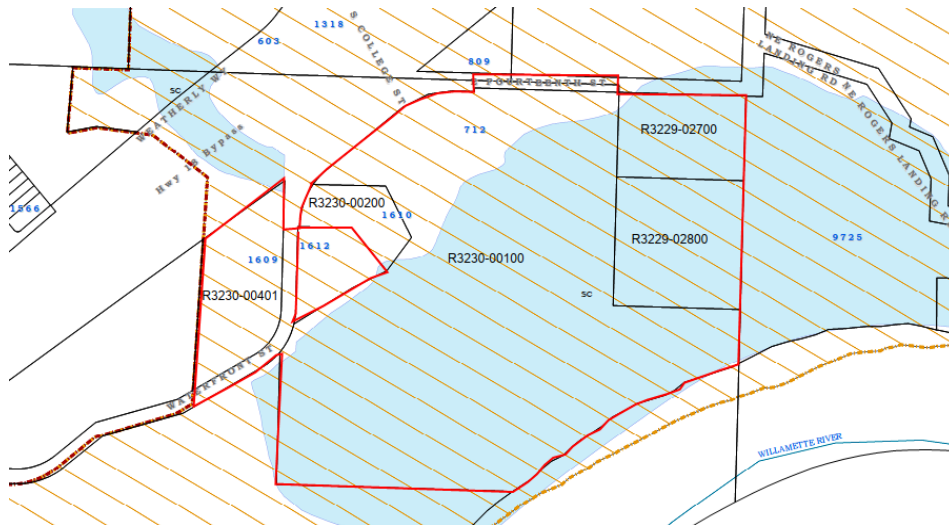
PROPERTY OWNER: Earl & Nancy Stonebrink

LOCATION: 1610 NE Waterfront Street

PROPERTY OWNER: City of Newberg

LOCATION: No address

TAX LOT NUMBER: R3230-00401, R3230-00100, R3230-00200, R3229-02700, R3229-02800



We are mailing you information about this project because you own land within 500 feet of the proposed annexation sites. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else.

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

Written Comments: File No. ANX21-0002  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E First Street. The application can be reviewed at [REDACTED]. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at (503) 537-1240.

All written comments must be turned in by 5:00 p.m. on ***(enter date seven days from date of the hearing.)***

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for an annexation is found in Newberg Development Code Section 15.250.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

A recommendation will be made by the City Planning Commission to the City Council at the end of the initial hearing. A new evidentiary hearing will then be scheduled before the City Council. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***

**ACCOMODATION OF PHYSICAL IMPAIRMENTS:**

*In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.*

# EXHIBIT E

R3230 00401  
GOEDEL TAMERA L  
1609 NE WATERFRONT ST  
NEWBERG OR 97132

R3219 00191  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3229 02800  
NEWBERG CITY OF  
535 NE 5TH ST  
MCMINNVILLE OR 97128

R3229 02201  
WESTROCK NORTHWEST LLC  
1000 ABERNATHY RD NE  
ATLANTA GA 30328

R3230 00300  
OLVERA EFRAIN  
1612 NE WATERFRONT ST  
NEWBERG OR 97132

R3229 02700  
NEWBERG CITY OF  
535 NE 5TH ST  
MCMINNVILLE OR 97128

R3219DD 01500  
HUTCHISON JOYCE  
1301 S COLLEGE ST  
NEWBERG OR 97132

R3219DD 01400  
WOODVIEW 70 LLC  
29100 SW TOWN CENTER LOOP W  
STE 100  
WILSONVILLE OR 97070

R3229 02500  
RIVERLANDS SUBDIVISION LLC  
500 E HANCOCK ST  
NEWBERG OR 97132

R3229 02600  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3219 00190  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3230 00404  
OREGON STATE OF DEPT OF  
TRANSPORTATION  
RIGHT OF WAY SECTION 4040 FAIRVIEW  
SALEM OR 97302

R3230 00402  
OREGON STATE OF DEPT OF  
TRANSPORTATION  
RIGHT OF WAY SECTION 4040 FAIRVIEW  
SALEM OR 97302

R3219 00300  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3230 00403  
RIVERRUN SUBDIVISION LLC  
PO BOX 3189  
NEWBERG OR 97132

R3230 01600  
YAMHILL COUNTY  
434 NE EVANS ST  
MCMINNVILLE OR 97128

R3230 00200  
STONEBRINK EARL L TRUSTEE  
641 N MORTON ST  
NEWBERG OR 97132

R3230 00100  
BAKER GARY T REVOCABLE TRUST  
21880 SW FARMINGTON RD  
BEAVERTON OR 97007

R3219 00301  
CHEHALEM PARK AND RECREATION  
DISTRICT  
1802 HAWORTH AVE  
NEWBERG OR 97132

R3219 00200  
RICHARDS JUDY E  
PO BOX 748  
NEWBERG OR 97132

R3229 02200  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3229 02200  
NEWBERG OR LLC  
1515 DES PERES RD STE 300  
ST LOUIS MO 63131

R3230AB 00100  
RESIDENT  
1566 GIA COURT  
NEWBERG OR 97132

R3230AB 00200  
RESIDENT  
1562 GIA COURT  
NEWBERG OR 97132

EXHIBIT F

APPLICATIONS/CONSENTS/MEASURE 49 WAIVERS/OWNERSHIP/LEGAL DESCRIPTIONS & MAPS



TYPE III APPLICATION - 2020
(QUASI-JUDICIAL REVIEW)

File #: ANX21-0002

TYPES - PLEASE CHECK ONE:

- X Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Tamera L. Goedel
ADDRESS: 1609 NE Waterfront Street
EMAIL ADDRESS:
PHONE: MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: N/A PHONE: N/A
ADDRESS: N/A

GENERAL INFORMATION:

PROJECT NAME: N/A PROJECT LOCATION: 1609 NW Waterfront Street
PROJECT DESCRIPTION/USE: Annexation
MAP/TAX LOT NO. (i.e.3200AB-400): R3230 00401 ZONE: N/A SITE SIZE: 2.16 SQ. FT. ACRE
COMP PLAN DESIGNATION: MDR/RD TOPOGRAPHY: Flat
CURRENT USE: Residential
SURROUNDING USES:
NORTH: Newberg-Dundee Bypass SOUTH: Closed landfill
EAST: Residential WEST: Filbert Orchard

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation .....p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) .....p. 19
Conditional Use Permit .....p. 21
Historic Landmark Modification/Alteration .....p. 23
Planned Unit Development .....p.26

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

Tamera L. Goedel 12/9/2020
Applicant Signature Date

Tamera L. Goedel 12/9/2020
Owner Signature Date

Tamera L. Goedel
Print Name

Tamera L. Goedel
Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

**ANNEXATION CONSENT**

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Tamera L. Goedel

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 1609 NE Waterfront Street and (tax lot) R3230 00401, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

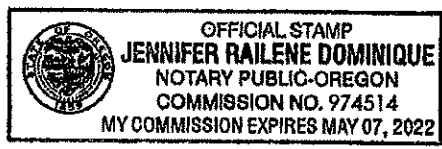
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 9th day of December, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF Oregon, County of Yamhill ss 12 / 9 / 2020  
Month / day / year

Personally appeared the above named Tamera L. Goedel

and acknowledged the foregoing instrument to be annexation voluntary act and deed.



Before me:  
Jennifer Raïlene Dominique  
Notary Public for Self  
My commission expires 5/7/2022

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned  
Tamera L Goedel

\_\_\_\_\_ as  
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which  
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-  
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some  
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the  
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

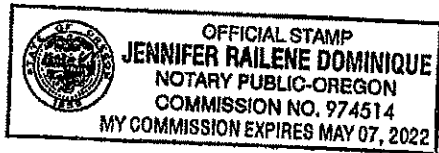
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 9th day  
of December, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF Oregon County of Yamhill ss 12/9/2020  
month/day/year

Personally appeared the above named Tamera L. Goedel

and acknowledged the foregoing instrument to be Annexation voluntary act and deed.



Before me:  
Jennifer Railese Dominique  
Notary Public for:  
Self  
My commission expires:  
5/7/2022



**AFTER RECORDING RETURN TO:**  
City of Newberg  
Community Development Department  
PO Box 970 – (414 E. First Street)  
Newberg, OR 97132

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## COVENANT OF WAIVER OF RIGHTS AND REMEDIES

### Recitals

- 1) The undersigned, TAMERAL GOEDEL and \_\_\_\_\_ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to ANNEXATION for the real property described in Exhibit A which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of Ballot Measure 49 (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

**NOW THEREFORE**, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: ANNEXATION, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

Jameroad L. Goedel

\_\_\_\_\_

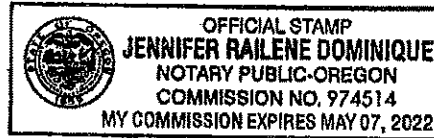
STATE OF OREGON )

County of Yamhill )

) ss.  
)

This instrument was acknowledged before me on this 9th day of December, 2020, by Tamera L. Goedel and \_\_\_\_\_.

Jennifer Raïlene Dominique  
Notary Public for Oregon  
My Commission expires: 5/7/2022



CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
Sue Ryan, City Recorder

\_\_\_\_\_  
Bill Monahan, Outside Counsel for City of Newberg

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City of Newberg  
Community Development Department  
PO Box 970 – (414 E. First Street)  
Newberg, OR 97132

---

**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**Recitals**

- 1) The undersigned, TAMERA L. GOEDEL and \_\_\_\_\_ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to ANNEXATION, \_\_\_\_\_ for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
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- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
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**NOW THEREFORE**, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: ANNEXATION, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

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- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

Tamera L. Goedel

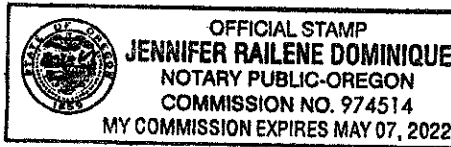
\_\_\_\_\_

STATE OF OREGON )

County of Yamhill ) ss.

This instrument was acknowledged before me on this 9<sup>th</sup> day of December, 2020, by Tamera L. Goedel and \_\_\_\_\_.

Jennifer Raïlene Dominique  
 Notary Public for Oregon  
 My Commission expires: 5/7/2022



CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
 Sue Ryan, City Recorder

\_\_\_\_\_  
 Bill Monahan, Outside Counsel for City of Newberg

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## EXHIBIT 'A'

City of Newberg  
Proposed Annexation  
June 17, 2021

Tax Map 3-2-30  
Tax Lot 00401

A tract of land situated in the northeast one quarter of Section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to Tamera L. Goedel in Instrument number 2014-11065, Yamhill County Deed Records and a portion of Waterfront Street (County Road Number 65), being described as follows.

Beginning at a 5/8" iron rod set in survey number 6371, Yamhill County Survey Records at the southwest corner of said tract of land conveyed by deed in instrument number 2014-11065;

Thence North 02°45'14" East 412.15 feet along the westerly line of said tract conveyed by deed in instrument number 2014-11065 to the southeasterly line of that tract of land conveyed by deed in instrument number 2014-03054 and re-recorded as instrument number 2014-11220;

Thence leaving said westerly line North 53°02'53" East 238.80 feet along said southeasterly line;

Thence continuing along said southeasterly line North 49°23'56" East 13.68 feet to the westerly right of way line of Waterfront Street (County Road Number 65);

Thence leaving said southeasterly line South 00°00'00" East 121.88 feet along said westerly line;

Thence leaving said westerly line South 89°57'52" East 40.00 feet to the easterly right of way line of said Waterfront Street;

Thence South 00°00'00" East 226.57 feet along said easterly line;

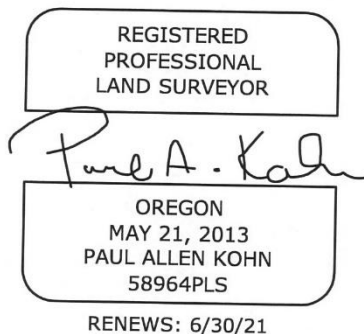
Thence 189.18 feet along the arc of a 184.77 foot radius curve concave northwesterly with a central angle of 58°39'41" which the long chord bears South 29°18'40" West 181.02 feet;

Thence South 58°21'33" West 205.33 feet along the southerly right of way line of said Waterfront Street

Thence North 02°45'14" East 49.97 feet to the Point of Beginning.

Contains 2.52 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

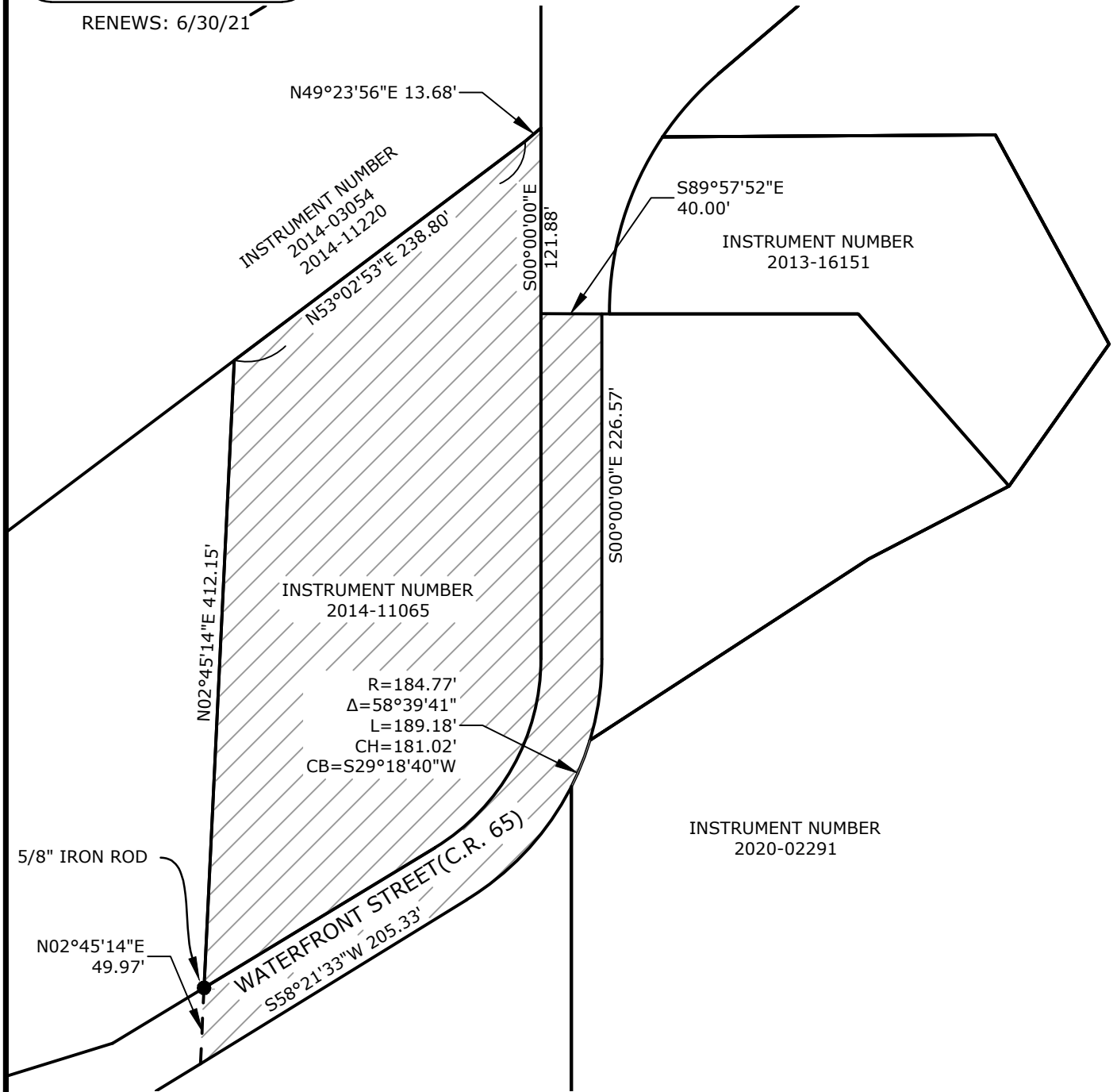
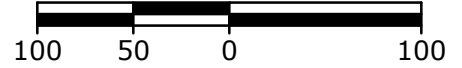
*Paul A. Kohn*

OREGON  
MAY 21, 2013  
PAUL ALLEN KOHN  
58964PLS

RENEWS: 6/30/21

# EXHIBIT 'B'

PROPOSED ANNEXATION  
LOCATED IN THE NORTHEAST ONE QUARTER,  
SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 2 WEST, W.M.,  
YAMHILL COUNTY OREGON



PLOTTED: 6/21/2021 9:35 AM

**CES | NW**

13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

**EXHIBIT B**

DATE  
6/14/21  
FIGURE  
1



**First American**

**First American Title Insurance Company**

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

**YAMHILL COUNTY TITLE UNIT**

FAX (866)800-7294

Title Officer: Clayton Carter

(503)376-7363

ctcarter@firstam.com

**LOT BOOK SERVICE**

City Of Newberg  
414 East First Street  
Newberg, OR 97132

Order No.: 1039-3746482  
May 26, 2021

Attn: Doug rux  
Phone No.: (503)537-1212 - Fax No.:  
Email: doug.rux@newbergoregon.gov

Re:

Fee: \$100.00

We have searched our Tract Indices as to the following described property:

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

and as of May 21, 2021 at 8:00 a.m.

We find that the last deed of record runs to

Tamera L. Goedel

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Agreement for Slope Easement between Kenneth I. and Mildred A. Weatherly, husband and wife, and Yamhill County, a political subdivision of the State of Oregon, by and through its Board of Commissioners, recorded November 9, 1976, Film Volume 115, Page 1961, Deed and Mortgage Records.

4. Limited access provisions in favor of the State of Oregon, by and through its State Highway Commission as contained in Decree of Condemnation entered February 26, 2014 in Suit No. 13CV07181 in the Circuit Court/Superior Court from Yamhill County, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property, recorded March 20, 2014 as Instrument No. 201403054 and re-recorded September 4, 2014 as Instrument No. 201411220, Deed and Mortgage Records.
  
5. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: Tamera L. Goedel  
Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Caliber Home Loans, Inc., its successors and assigns  
Trustee: WFG National Title Insurance Company  
Amount: \$290,000.00  
Recorded: September 02, 2020  
Recording Information: Instrument No. 202015481, Deed and Mortgage Records
  
6. Loss or damage by reason that there appears to exist no insurable right of access to and from the land herein described to a public right-of-way. Unless this matter is solved to the satisfaction of the company, the forthcoming policy/endorsement will contain an exception to coverage for loss or damage by reason of **lack** of right of access to and from the land.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens: NONE

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$1,360.08
Map No.:	R3230 00401
Property ID:	67493
Tax Code No.:	29.2

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



**Exhibit "A"**

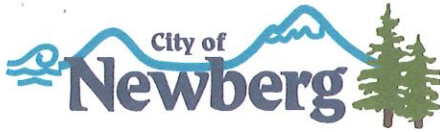
Real property in the County of Yamhill, State of Oregon, described as follows:

A tract of land in Section 30, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and being part of that certain tract of land conveyed to Kenneth I. Weatherly and Mildred A. Weatherly by Deed recorded November 21, 1963, in Yamhill County Deed Records and more particularly described as follows:

Beginning at the intersection of the North line of said Weatherly Tract with the center line of the North-South portion of County Road No. 65, said point of intersection being North 00° 08' 20" East 1127.94 feet and South 89° 25' East, 1904.23 feet from the Southwest Corner of said Rogers Claim, thence South, along the centerline of said County Road, 700.18 feet (passing an iron pipe at 412.50 feet), to an iron pipe, thence South 52° 43' West, along said Road 298.71 feet; thence North 02° 22' East (passing an iron rod at 25.97 feet) 599.75 feet to an iron rod; thence North 54° 03' 20" West 189.40 feet to an iron rod; thence North 84° 06' West, 155.97 feet to an iron railroad rail post; thence South 77° 53' West 81.54 feet to an iron railroad rail post; thence North 03° 28' 20" East 178.19 feet to an iron railroad rail post in the North line of said Weatherly Tract; thence South 89° 25' East 590.30 feet to the point of beginning.

SAVE AND EXCEPT Parcels 1,2 and 3 as described in Stipulated General Judgment in favor of the State of Oregon, by and through its Department of Transportation, entered February 26, 2014, Case No. 13CV07181, Circuit Court for the County of Yamhill, and recorded March 20, 2014, Recorder's No. 2014-03054 and re-recorded September 4, 2014, Recorder's No. 2014-11220

NOTE: This Legal Description was created prior to January 01, 2008.



TYPE III APPLICATION - 2020
(QUASI-JUDICIAL REVIEW)

File #: ANX21-0002

TYPES - PLEASE CHECK ONE:

- X Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION: 712 NE 14th St. Newberg OR 97132

APPLICANT: Gary T. Baker Revocable Trust, Trustee Gary T. Baker
ADDRESS: 21880 SW Farmington Rd. Beaverton OR, 97007
EMAIL ADDRESS: garybaker@baker-rock.com
PHONE: 503-642-2531 MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: PHONE:
ADDRESS:

GENERAL INFORMATION: Annexation

PROJECT NAME: N/A PROJECT LOCATION: 712 NE 14th St. Newberg OR 97132
PROJECT DESCRIPTION/USE: Annexation
MAP/TAX LOT NO. (i.e. 3200AB-400): R323000100 ZONE: C-4/RD & CF/RD SITE SIZE: 18.92 SQ. FT. ACRE
COMP PLAN DESIGNATION: COMM/RD & P/RD TOPOGRAPHY: Flat bench & steep slope to river
CURRENT USE: storage buildings
SURROUNDING USES:
NORTH: Vacant land and houses SOUTH: Willamette River
EAST: Boat Landing WEST: Houses and vacant land

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation .....p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) .....p. 19
Conditional Use Permit .....p. 21
Historic Landmark Modification/Alteration .....p. 23
Planned Unit Development .....p.26

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

Gary T. Baker Trustee 11/18/20
Applicant Signature Date

Owner Signature Date

Trustee Gary T. Baker
Print Name

Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

**AFTER RECORDING RETURN TO:**

City of Newberg  
Community Development Department  
PO Box 970 – (414 E. First Street)  
Newberg, OR 97132

---

**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**Recitals**

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OWNER

OWNER

Gary T. Baker Trustee

\_\_\_\_\_

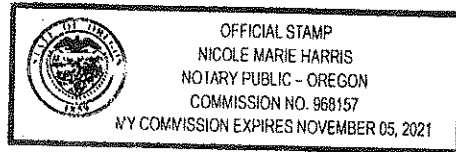
STATE OF OREGON )

County of Deschutes ) ss.

This instrument was acknowledged before me on this 18<sup>th</sup> day of November, 2020, by Gary T. Baker and \_\_\_\_\_.

[Signature]

Notary Public for Oregon  
My Commission expires: 05 November 2021



CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
Sue Ryan, City Recorder

\_\_\_\_\_  
Truman A. Stone, City Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**ANNEXATION CONSENT**

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Gary T. Baker Revocable Trust, Trustee Gary T. Baker

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 712 NE 14th St. Newberg, OR 97132 and (tax lot) 100, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

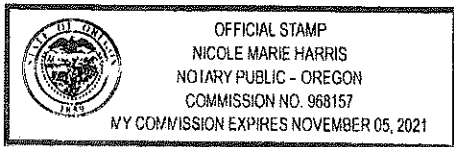
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 18<sup>th</sup> day of November, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF Oregon, County of Deschutes ss 11/18/2020  
Month / day / year

Personally appeared the above named Gary T. Baker

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.



Before me: \_\_\_\_\_  
Notary Public for Oregon  
My commission expires 05 November 2021

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned Gary T. Baker Revocable Trust, Trustee Gary T. Baker

as owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 18th day of November, 2020.

Four horizontal lines for signature or stamp.

STATE OF Oregon, County of Deschutes ss 11/18/2020 month/day/year

Personally appeared the above named Gary T. Baker

and acknowledged the foregoing instrument to be voluntary act and deed.

Before me: [Signature]

Notary Public for: Oregon

My commission expires: 05 November 2021

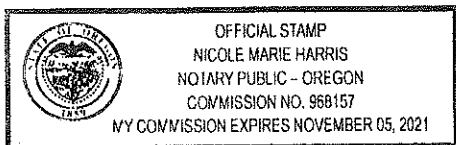




EXHIBIT 'A'

City of Newberg  
Proposed Annexation  
June 17, 2021

Tax Map 3-2-30  
Tax Lot 00100

A tract of land situated in the northwest one quarter of Section 29 and the northeast one quarter of section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land described by deed and conveyed to Gary T. Baker in Instrument number 2020-02291, Yamhill County Deed Records and a portion of 14<sup>th</sup> Street, being described as follows.

Beginning at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of that tract of land conveyed by deed in volume 140, Page 298, Yamhill County Deed Records.

Thence North 00°00'00" West 70.21 feet to the northerly line of 14<sup>th</sup> Street;

Thence South 47°09'02" West 73.58 feet along said northerly line;

Thence North 89°49'00" West 362.77 feet along the northerly right of way line of 14<sup>th</sup> Street;

Thence leaving said northerly line South 00°11'00" West 52.00 feet to the southeasterly line of that tract of land conveyed in instrument number 2014-03880;

Thence along said southeasterly line the following courses and distances

North 89°49'00" West 61.66 feet;

Thence South 80°40'25" West 67.07 feet;

Thence South 61°44'33" West 77.06 feet;

Thence South 49°23'56" West 268.10 feet;

Thence 55.45 feet along the arc of a 205.00 foot radius curve concave southeasterly with a central angle of 15°29'55" which the long chord bears South 41°38'58" West 55.28 feet to the northerly line of that tract of land conveyed by deed in instrument number 2013-16151;

Thence North 89°37'37" East 218.54 feet along said northerly line to the northeasterly line of said tract;

Thence leaving said northerly line South 28°29'07" East 156.32 feet along said northeasterly line to the southeasterly line of said tract;

Thence leaving said northeasterly line South 35°09'56" West 113.90 feet along the southeasterly line of said tract;

Thence leaving said tract South 62°33'17" West 103.77 feet;

Thence South 56°59'58" West 218.27 feet to the easterly right of way line of Waterfront Street, County Road number 65, Yamhill County Road Records;

Thence 32.84 feet along the arc of a 184.77 foot radius curve concave northwesterly with a central angle of 10°10'58" which the long chord bears South 21°48'43" West 32.80 feet;

Thence leaving said easterly right of way line South 00°00'00" East 390.65 feet to the southerly line of said tract of land conveyed in instrument number 2020-02291;

Thence South 89°50'00" East 645.00 feet plus or minus along said southerly line to the top bank of the Willamette River;

Thence northeast along said top of bank to the easterly line of said tract of land conveyed by deed in instrument number 2020-02291;

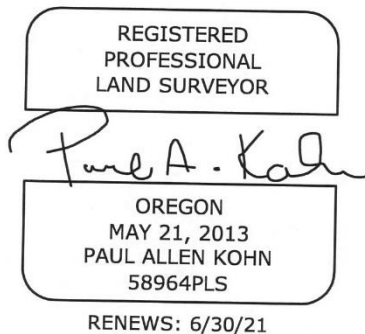
Thence North 00°00'00" West 162.00 feet plus or minus to the southerly line of that tract of land conveyed by deed in Volume 76, Page 1777, Yamhill County Deed Records;

Thence North 90°00'00" West 350.00 feet along said southerly line;

Thence leaving said southerly line North 00°00'00" West 600.00 feet along the westerly line of those tracts of land conveyed by deed in volume 76, page 1777 and volume 140, page 298, Yamhill County Deed Records to the Point of Beginning.

Contains 21.09 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.





# EXHIBIT 'B'

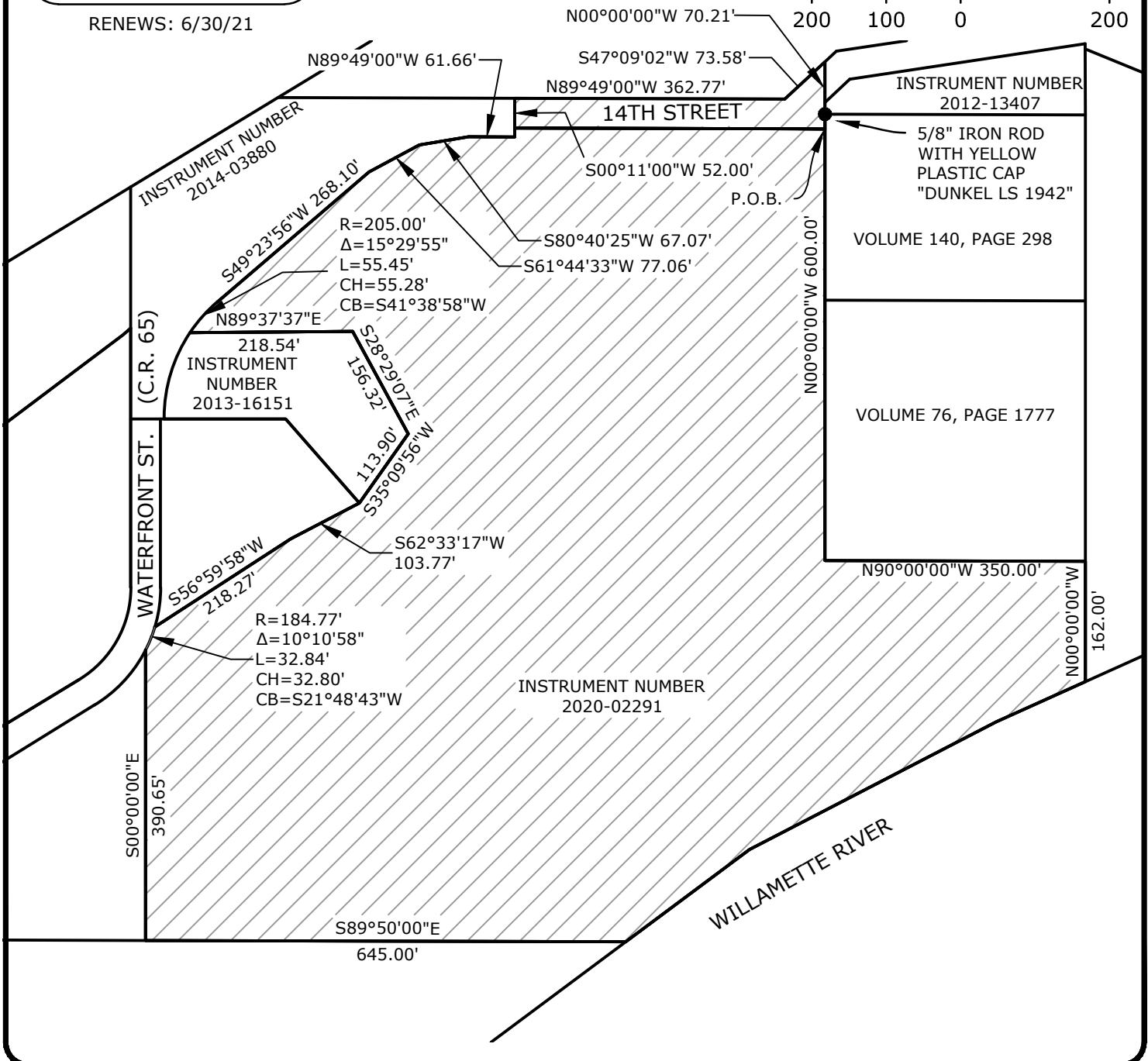
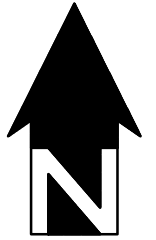
PROPOSED ANNEXATION  
LOCATED IN THE NORTHWEST ONE QUARTER,  
SECTION 29 AND THE NORTHEAST ONE QUARTER  
OF SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 2 WEST, W.M.,  
YAMHILL COUNTY OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Paul A. Kohn*

OREGON  
MAY 21, 2013  
PAUL ALLEN KOHN  
58964PLS

RENEWS: 6/30/21



PLOTTED: 6/21/2021 8:36 AM

CES | NW

13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

EXHIBIT B

DATE  
6/14/21  
FIGURE  
1



*First American*

***First American Title Insurance Company***

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

**YAMHILL COUNTY TITLE UNIT**

FAX (866)800-7294

Title Officer: Clayton Carter  
(503)376-7363  
ctcarter@firstam.com

**LOT BOOK SERVICE**

City Of Newberg  
414 East First Street  
Newberg, OR 97132

Order No.: 1039-3746517  
May 26, 2021

Attn: dOUG rUX  
Phone No.: - Fax No.:  
Email:

Re:

Fee: \$100.00

We have searched our Tract Indices as to the following described property:

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

and as of May 24, 2021 at 8:00 a.m.

We find that the last deed of record runs to

Gary T Baker, Trustee of the Gary T Baker April 2018 Revocable Trust

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. An easement reserved in a deed, including the terms and provisions thereof;  
Recorded: January 16, 1947  
Recording Information: Volume 140, Page 298, Deed Records  
From: Reuben R. Johnson and Nellie Johnson  
To: City of Newberg, a municipal corporation of the State of Oregon
3. Lease Agreement

Lessor: Hardrock Enterprises, LLP  
Lessee: Yamhill County, a political subdivision of the State of Oregon  
Dated: April 21, 2000  
Recording Information: December 17, 2002 as Instrument No. 200224936, Deed and Mortgage Records

4. Memorandum of Pledge Agreement, including terms and provisions thereof.  
Recorded: May 21, 2003 as Instrument No. 200311875, Deed and Mortgage Records
5. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded April 8, 2014 as Instrument No. 201403880, Deed and Mortgage Records Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens: NONE

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount: \$2,489.44  
Map No.: R3230 00100  
Property ID: 67448  
Tax Code No.: 29.2

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

**Exhibit "A"**

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

Beginning at a point on the South boundary of the Joseph B. Rogers donation Land Claim No. 55 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon , 29.84 chains East from the Southwest corner of said Rogers Claim which said point is also the Southeast Corner of tract conveyed to Joseph Hiller by Deed recorded October 2, 1936 in Book 111, Page 619 Deed Records; thence North along the East line of said Hiller tract, 17.09 chains to a point in the center of the County Road, which point is also the Northeast corner of tract conveyed to Maurice E. Cronon and wife by Deed recorded November 16, 1949 in Book 155, Page 309, Deed Records; thence East along the center of said County Road, 17.55 chains; thence South parallel with the East boundary of said Rogers Claim, 17.09 chains to the South line boundary of said Rogers Claim; thence West along the South boundary of said Rogers claim to the place of beginning.

EXCEPTING THE FOLLOWING THEREFROM:

- 1) That portion conveyed to Yamhill County for roads;
- 2) that portion conveyed to Rebecca S. Albert by Deed recorded April 22, 1905 in Book 47, Page 522 of Deed Records;
- 3) that portion conveyed to Ada E. Budd by Deed recorded April 14, 1911 in Book 60, Page 597 of Deed Records;
- 4) that portion conveyed to Yamhill County by Deed recorded September 14, 1916 in book 72, Page 43 of Deed Records;
- 5) that portion conveyed to the City of Newberg by Deed recorded January 16, 1947 in Book 140, Page 298 of Deed Records;
- 6) that portion conveyed to the City of Newberg by Deed recorded August 27, 1969 in Film Volume 76, Page 1777 of Deed Records.
- 7) that portion conveyed to the State of Oregon, by and through its Department of Transportation by Deed recorded April 08, 2014 as Instrument No. 201403880, Deed and Mortgage Records



TYPE III APPLICATION - 2020
(QUASI-JUDICIAL REVIEW)

File #: ANX21-0002

TYPES - PLEASE CHECK ONE:

- X Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Earl L & Nancy L Stonebrink
ADDRESS: 1610 NE Waterfront Street, Newberg, OR 97132
EMAIL ADDRESS:
PHONE: MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: N/A PHONE: N/A
ADDRESS: N/A

GENERAL INFORMATION:

PROJECT NAME: N/A PROJECT LOCATION: Riverfront
PROJECT DESCRIPTION/USE: Annexation
MAP/TAX LOT NO. (i.e. 3200AB-400): R3230 00200 ZONE: N/A SITE SIZE: .90 SQ. FT. ACRE
COMP PLAN DESIGNATION: COM/RD TOPOGRAPHY: Flat
CURRENT USE: Residential
SURROUNDING USES:
NORTH: Vacant SOUTH: Vacant
EAST: Single Family Residential WEST: Vacant

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

- Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p.26

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

Nancy L Stonebrink 12/08/2020
Applicant Signature Date

Earl L Stonebrink 12-08-2020
Owner Signature Date

Nancy L Stonebrink
Print Name

EARL L STONEBRINK
Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

# ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Earl L & Nancy L Stonebrink, Trustees  
STONEBRINK LIVING TRUST

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 1610 NE WATERFRONT ST and (tax lot) R3230 00200, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

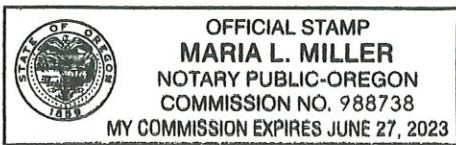
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 8<sup>th</sup> day of December, 2020.

Nancy L Stonebrink  
Earl L Stonebrink

STATE OF OREGON, County of Yamhill ss 12/08/2020  
Month / day / year

Personally appeared the above named Nancy L Stonebrink,  
Earl L Stonebrink

and acknowledged the foregoing instrument to be a/their voluntary act and deed.



Before me: Maria L Miller  
Notary Public for OREGON  
My commission expires June 27<sup>th</sup>, 2023



WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
STONEBRINK NANCY L TRUSTEE
STONEBRINK EARL L TRUSTEE
STONEBRINK LIVING TRUST
as
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

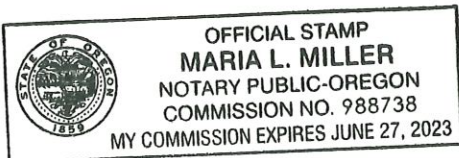
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 8th day
of December, 2020.

Nancy L Stonebrink
Earl L Stonebrink

STATE OF OREGON, County of Yamhill ss 12-08-2020
month/day/year

Personally appeared the above named Nancy L. Stonebrink,
Earl L. Stonebrink

and acknowledged the foregoing instrument to be all their voluntary act and deed.



Before me:
[Signature]
Notary Public for:
OREGON
My commission expires:
June 27th, 2023

**AFTER RECORDING RETURN TO:**

City of Newberg  
Community Development Department  
PO Box 970 – (414 E. First Street)  
Newberg, OR 97132

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**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**Recitals**

- 1) The undersigned, STONEBRINK NANCY L TRUSTEE and STONEBRINK EARL L TRUSTEE and STONEBRINK LIVING TRUST (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Annexation, for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

**NOW THEREFORE**, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.



## EXHIBIT 'A'

City of Newberg  
Proposed Annexation  
June 17, 2021

Tax Map 3-2-30  
Tax Lot 00200

A tract of land situated in the northeast one quarter of Section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to Nancy L. and Earl L. Stonebrink in instrument number 2013-16151, Yamhill County Deed Records, being described as follows.

Commencing at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of said Tract conveyed by deed in instrument number 2013-16151;

Thence North 89°37'37" East 39.85 feet to the Point of Beginning being at the easterly line of that tract of land conveyed by deed in instrument number 2013-14300, Yamhill County Deed Records;

Thence North 89°37'37" East 218.54 feet along the northerly line of said tract of land conveyed in instrument number 2013-16151;

Thence South 28°29'07" East 156.32 feet along the northeasterly line of said tract of land conveyed in instrument number 2013-16151;

Thence South 35°09'56" West 113.90 feet along the southeasterly line of said tract of land conveyed in instrument number 2013-16151;

Thence North 41°12'13" West 150.17 feet along the northwesterly line of said tract of land conveyed in instrument number 2013-16151;

Thence North 89°57'52" West 163.41 feet along the southerly line of said tract of land conveyed in instrument number 2013-16151 to the easterly line of said tract of land conveyed by deed in instrument number 2013-14300;

Thence 122.95 feet along said easterly line and the arc of a 205.00 foot radius curve concave easterly with a central angle of 34°21'53" which the long chord bears North 16°43'04" East 121.12 feet to the Point of Beginning.

Contains 0.96 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records



RENEWS: 6/30/21

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

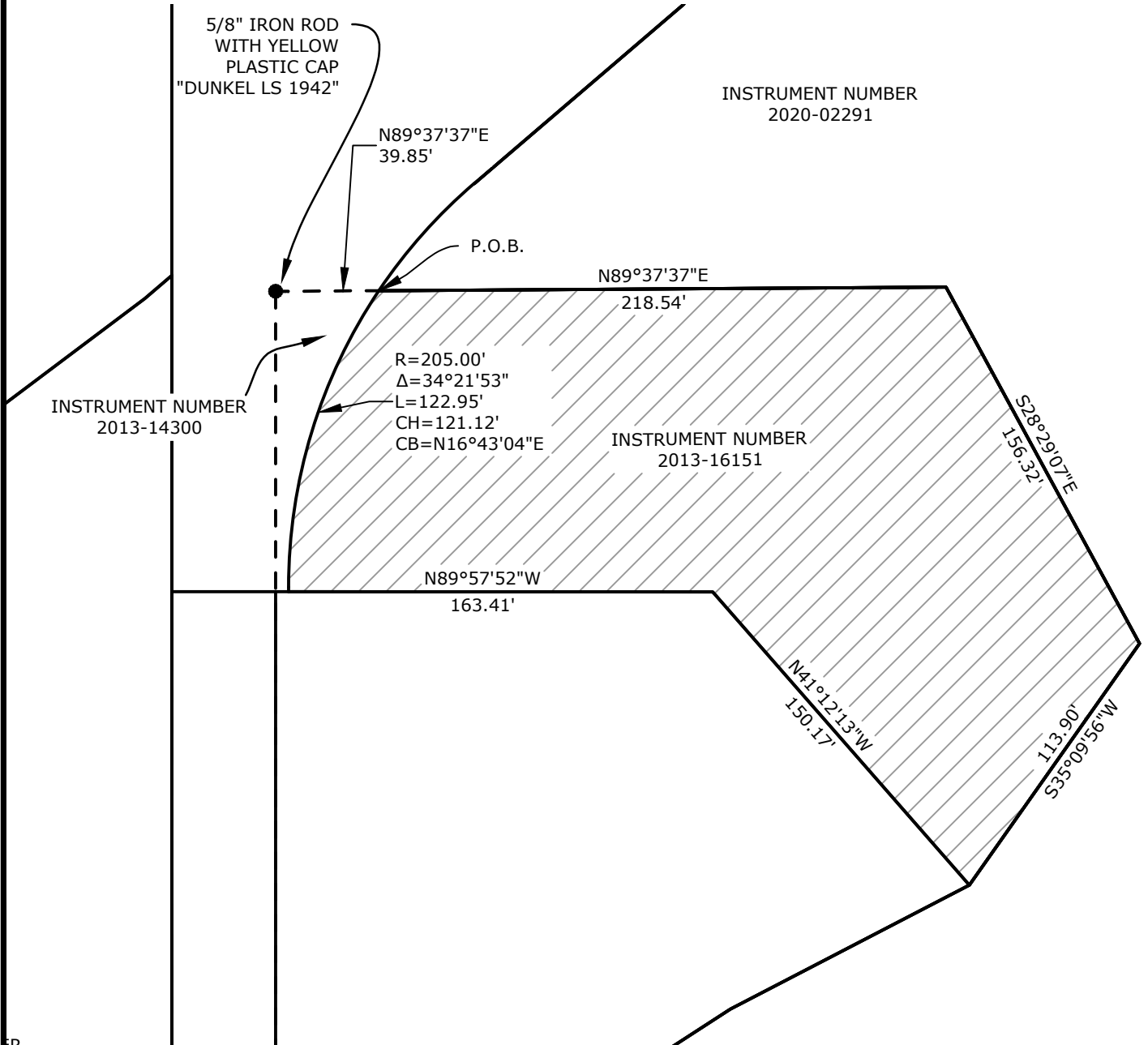
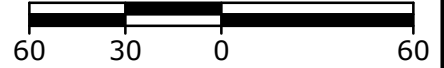
*Paul A. Kohn*

OREGON  
MAY 21, 2013  
PAUL ALLEN KOHN  
58964PLS

RENEWS: 6/30/21

# EXHIBIT 'B'

PROPOSED ANNEXATION  
LOCATED IN THE NORTHEAST ONE QUARTER,  
SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 2 WEST, W.M.,  
YAMHILL COUNTY OREGON



PLOTTED: 6/21/2021 9:29 AM

**CES | NW**

13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

**EXHIBIT B**

DATE  
6/14/21  
FIGURE  
1

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

Nancy L Stonebrink

Earl L Stonebrink

STATE OF OREGON )

County of Yamhill ) ss.

This instrument was acknowledged before me on this 8<sup>th</sup> day of December, 2020, by Nancy L Stonebrink and Earl L Stonebrink.

Maria L Miller  
 Notary Public for Oregon  
 My Commission expires: June 27<sup>th</sup>, 2023



CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
 Sue Ryan, City Recorder

\_\_\_\_\_  
 Bill Monahan, Outside Counsel for City of Newberg

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_



*First American*

***First American Title Insurance Company***

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

**YAMHILL COUNTY TITLE UNIT**

FAX (866)800-7294

Title Officer: Clayton Carter  
(503)376-7363  
ctcarter@firstam.com

**LOT BOOK SERVICE**

City Of Newberg  
414 East First Street  
Newberg, OR 97132

Order No.: 1039-3746495  
May 26, 2021

Attn: Doug Rux  
Phone No.: - Fax No.:  
Email:

Re:

Fee: \$100.00

We have searched our Tract Indices as to the following described property:

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

and as of May 21, 2021 at 8:00 a.m.

We find that the last deed of record runs to

Earl Larry Stonebrink and Nancy Lea Stonebrink, Trustees of the Stonebrink Living Trust u/i/d October 15, 2013

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Limited access provisions contained in Deed to the State of Oregon, by and through Department of Transportation recorded September 9, 2013 as Instrument No. 201314300, Deed and Mortgage Records Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens: NONE

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$1,412.38
Map No.:	R3230 00200
Property ID:	67466
Tax Code No.:	29.2

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

**Exhibit "A"**

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

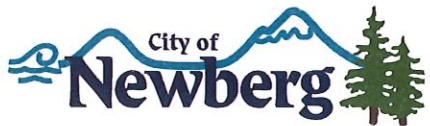
A PART OF THE DONATION LAND CLAIM OF JOSEPH B. ROGERS AND WIFE, CLAIM NO. 55, NOTIFICATION NO. 1473, IN TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 18 RODS SOUTH FROM THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND SOLD AND CONVEYED BY DARIUS TALLMAN AND WIFE TO C. E. WATERMAN BY DEED DATED APRIL 4TH, 1904 AND RECORDED IN THE OFFICE OF THE RECORDER OF CONVEYANCES FOR SAID YAMHILL COUNTY, OREGON IN BOOK OF DEEDS, VOLUME 45, PAGE 340 THEREOF; THENCE EAST 16 RODS AND 11 FEET; THENCE SOUTH 28°26' EAST 9 RODS 7 FEET AND 10 INCHES TO CENTER OF COUNTY ROAD; THENCE WESTERLY ALONG CENTER OF SAID COUNTY ROAD 6 RODS 15 FEET AND 9 INCHES TO CENTER OF CANYON; THENCE NORTHERLY ALONG CENTER OF CANYON 9 RODS AND 1 1/2 FEET; THENCE WEST 10 RODS AND 15 FEET TO THE WEST LINE OF SAID TRACT DEEDED AS AFORESAID BY SAID TALLMAN TO SAID WATERMAN; AND THENCE NORTH 7 RODS TO THE PLACE OF BEGINNING.

SAVING AND EXCEPTING THEREFROM A STRIP OF LAND 20 FEET WIDE OFF OF AND FROM THE WEST END OF SAID TRACT OF LAND CONVEYED TO YAMHILL COUNTY, OREGON, FOR ROAD PURPOSES.

EXCEPTING THEREFROM A PORTION OF THE PROPERTY CONVEY TO THE STATE OF OREGON BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION AS DISCLOSED ON WARRANTY DEED RECORDED SEPTEMBER 09, 2013, INSTRUMENT NO. 201314300, DEED AND MORTGAGE RECORDS.

NOTE: This legal description was created prior to January 1, 2008.



TYPE III APPLICATION - 2021
(QUASI-JUDICIAL REVIEW)

File #: ANX21-0002

TYPES - PLEASE CHECK ONE:

- Annexation (checked)
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Dan Weinheimer, City Manager, City of Newberg
ADDRESS: 414 E First Street
EMAIL ADDRESS: dan.weinheimer@newbergoregon.gov
PHONE: 503-537-1207 MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: CESNW, Inc PHONE: (503) 968-6655
ADDRESS: 13190 SW 68th Parkway, Suite 150 Tigard, OR 97223

GENERAL INFORMATION:

PROJECT NAME: Annexation City Property PROJECT LOCATION: South of E Fourteenth Street
PROJECT DESCRIPTION/USE: Park & Open Space
MAP/TAX LOT NO. (i.e. 3200AB-400): R3229 02700 ZONE: N/A SITE SIZE: 2.00 SQ. FT. ACRE
COMP PLAN DESIGNATION: P/RD TOPOGRAPHY: Slopes from north to south
CURRENT USE: Vacant
SURROUNDING USES:
NORTH: Vacant SOUTH: Vacant
EAST: Vacant WEST: Rogers Landing Park

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation .....p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) .....p. 19
Conditional Use Permit .....p. 21
Historic Landmark Modification/Alteration .....p. 23
Planned Unit Development .....p.26

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

Signatures and dates for Dan Weinheimer as Applicant and Owner, including print names.

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

EXHIBIT 'A'

City of Newberg  
Proposed Annexation  
June 17, 2021

Tax Map 3-2-29  
Tax Lot 2700

A tract of land situated in the northwest one quarter of Section 29, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to the City of Newberg in Volume 140, Page 298, Yamhill County Deed Records, being described as follows.

Beginning at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of said Tract conveyed by deed in volume 140, Page 298 said point also being the southwest corner of a tract of land conveyed by deed in instrument number 2012-13407, Yamhill County Deed Records;

Thence South 90°00'00" East 350.00 feet along the South line of said Tract conveyed by deed in instrument number 2012-13407;

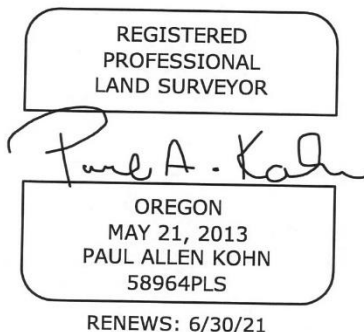
Thence leaving said South line South 00°00'00" East 250.00 feet along the East line of said Tract conveyed in Volume 140, Page 298;

Thence leaving said East line North 90°00'00" West 350.00 feet along the north line of that Tract of land conveyed in Volume 76, Page 1777, Yamhill County Deed Records ;

Thence leaving said North line North 00°00'00" West 250.00 feet along the West line of said Tract of land conveyed in Volume 140, Page 298 to the Point of Beginning.

Contains 2.00 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.





REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

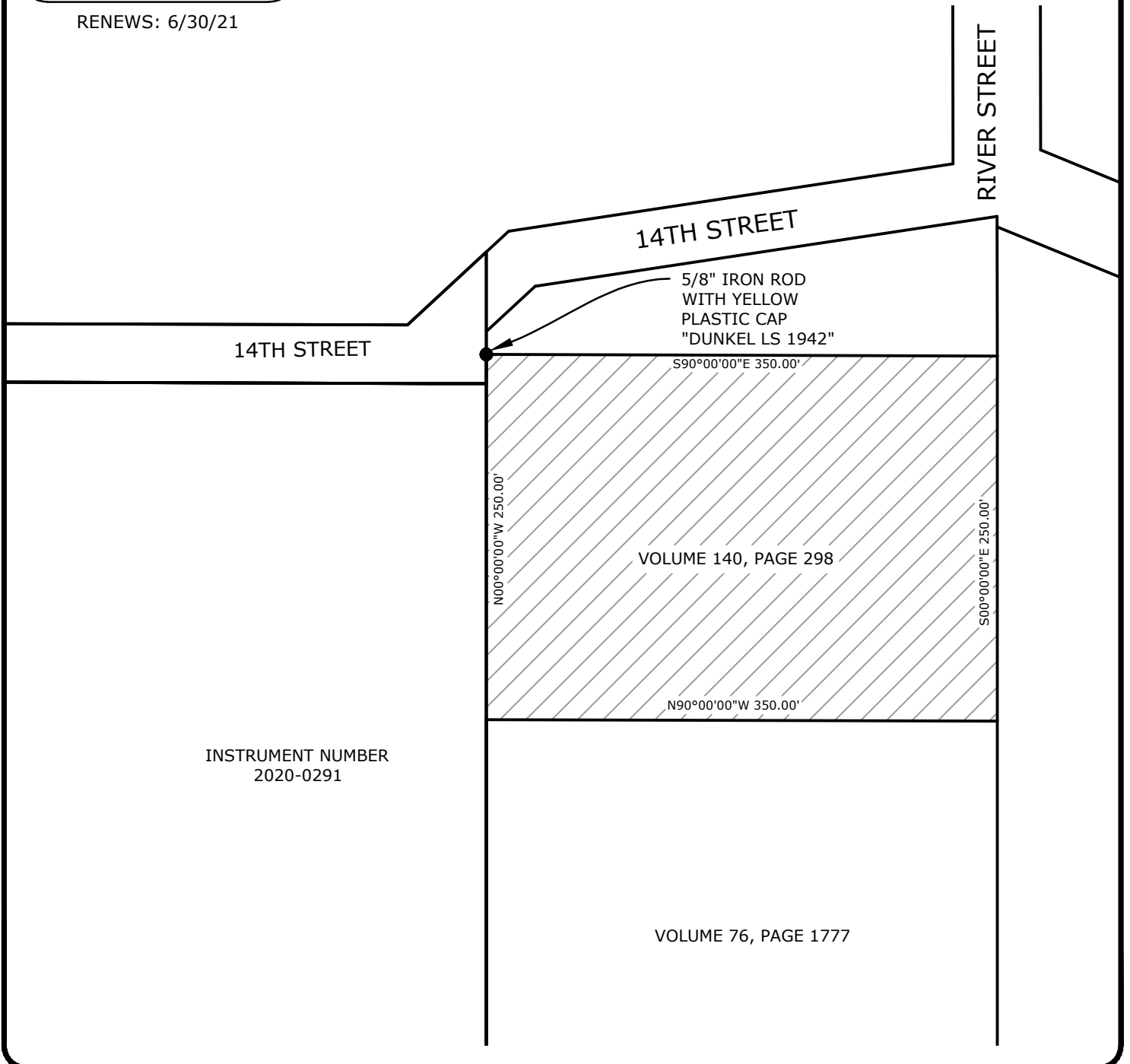
*Paul A. Kohn*

OREGON  
MAY 21, 2013  
PAUL ALLEN KOHN  
58964PLS

RENEWS: 6/30/21

# EXHIBIT 'B'

PROPOSED ANNEXATION  
LOCATED IN THE NORTHWEST ONE QUARTER,  
SECTION 29, TOWNSHIP 3 SOUTH,  
RANGE 2 WEST, W.M.,  
YAMHILL COUNTY OREGON



PLOTTED: 6/21/2021 6:37 AM

**CES | NW**

13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

**EXHIBIT B**

DATE  
6/14/21  
FIGURE  
1



TYPE III APPLICATION - 2021
(QUASI-JUDICIAL REVIEW)

File #: ANX21-0002

TYPES - PLEASE CHECK ONE:

- X Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Dan Weinheimer, City Manager, City of Newberg
ADDRESS: 414 E First Street
EMAIL ADDRESS: dan.weinheimer@newbergoregon.gov
PHONE: 503-537-1207 MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: CESNW, Inc PHONE: (503) 968-6655
ADDRESS: 13190 SW 68th Parkway, Suite 150 Tigard, OR 97223

GENERAL INFORMATION:

PROJECT NAME: Annexation City Property PROJECT LOCATION: South of E Fourteenth Street
PROJECT DESCRIPTION/USE: Park & Open Space
MAP/TAX LOT NO. (i.e. 3200AB-400): R3229 02800 ZONE: N/A SITE SIZE: 2.81 SQ. FT. ACRE
COMP PLAN DESIGNATION: P/RD TOPOGRAPHY: Slopes from north to south
CURRENT USE: Vacant
SURROUNDING USES:
NORTH: Vacant SOUTH: Vacant
EAST: Vacant WEST: Rogers Landing Park

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
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Planned Unit Development p. 26

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

Applicant Signature: Dan Weinheimer Date: 6/23/2021

Owner Signature: Dan Weinheimer Date: 6/23/2021

Print Name: Dan Weinheimer

Print Name: Dan Weinheimer

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

# CES|NW

## EXHIBIT 'A'

City of Newberg  
Proposed Annexation  
June 17, 2021

Tax Map 3-2-29  
Tax Lot 2800

A tract of land situated in the northwest one quarter of Section 29, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to the City of Newberg in Volume 76, Page 1777, Yamhill County Deed Records, being described as follows.

Commencing at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of that tract of land conveyed by deed in volume 140, Page 298, Yamhill County Deed Records.

Thence South 00°00'00" West 250.00 feet to the point of Beginning, said point being at the northwest corner of said tract conveyed by deed in Volume 76, Page 1777;

Thence South 90°00'00" East 350.00 feet along the South line of said tract of land conveyed in Volume 140, Page 298;

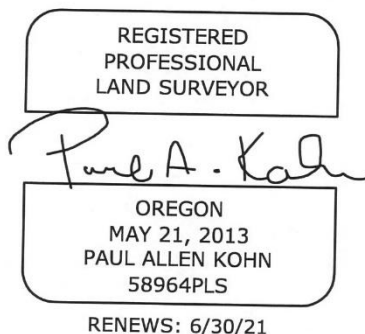
Thence leaving said South line South 00°00'00" East 350.00 feet along the East line of said tract of land conveyed by deed in Volume 76, Page 1777;

Thence leaving said East line North 90°00'00" West 350.00 feet along the South line of said tract of land conveyed by deed in Voume76, Page 1777;

Thence leaving said South line North 00°00'00" West 350.00 feet along the West line of said tract of land to the Point of Beginning.

Contains 2.81 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.



# EXHIBIT 'B'

PROPOSED ANNEXATION  
LOCATED IN THE NORTHWEST ONE QUARTER,  
SECTION 29, TOWNSHIP 3 SOUTH,  
RANGE 2 WEST, W.M.,  
YAMHILL COUNTY OREGON

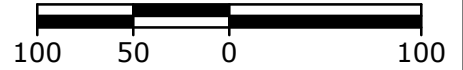
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Paul A. Kohn*

OREGON  
MAY 21, 2013  
PAUL ALLEN KOHN  
58964PLS

RENEWS: 6/30/21

INSTRUMENT NUMBER  
2012-13407



14TH STREET

5/8" IRON ROD  
WITH YELLOW  
PLASTIC CAP  
"DUNKEL LS 1942"

VOLUME 140, PAGE 298

P.O.B.

S90°00'00"E 350.00'

S00°00'00"W 250.00'

N00°00'00"W 350.00'

VOLUME 76, PAGE 1777

S00°00'00"E 350.00'

N90°00'00"W 350.00'

PLOTTED: 6/21/2021 7:37 AM

**CES | NW**

13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

**EXHIBIT B**

DATE  
6/14/21  
FIGURE  
1



*First American*

**First American Title Insurance Company**

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

**YAMHILL COUNTY TITLE UNIT**

FAX (866)800-7294

Title Officer: Clayton Carter

(503)376-7363

ctcarter@firstam.com

**LOT BOOK SERVICE**

City Of Newberg  
414 East First Street  
Newberg, OR 97132

Order No.: 1039-3746546  
May 27, 2021

Attn: Doug Rux  
Phone No.: - Fax No.:  
Email:

Re:

Fee: \$100.00

We have searched our Tract Indices as to the following described property:

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

and as of May 27, 2021 at 8:00 a.m.

We find that the last deed of record runs to

City of Newberg, a municipal corporation of the State of Oregon

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account Nos. 67386 and 67402.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$EXEMPT
Map No.:	R3229 02700
Property ID:	67386
Tax Code No.:	29.2

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$EXEMPT
Map No.:	R3229 02800
Property ID:	67386
Tax Code No.:	29.2

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

**Exhibit "A"**

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

## Parcel I:

That portion of the Joseph B. Rogers Donation Land Claim No. 55, lying within Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

Beginning at a point that is 29.84 chains West and 17.09 chains North of the Southeast corner of said Claim, said point being the Northeast corner of the tract conveyed to Reuben R. Johnson by deed recorded in Book 122, at Page 488, Deed Records, and being the second of the two tracts described in said deed; thence South, along the East line of said Johnson tract, 250 feet to the Southeast corner of the tract conveyed to the City of Newberg by deed recorded in Book 140, at Page 298, Deed Records, said point being the true point of beginning hereof; thence West, along the South line of said City tract, 350 feet to the Southwest corner thereof; thence South, parallel with the East line of said Johnson tract, 350 feet; thence East, parallel with the North line of said Johnson tract, 350 feet to the East line thereof; thence North, along said East line, 350 feet to the true point of beginning.

## Parcel II:

Situate, lying and being in the County of Yamhill, State of Oregon and being a part of the Joseph B. Rogers D.L.C., Not. #1473, Claim #55, in Township 3 South Range 2 West of the Willamette Meridian, said county and state, and more particularly described as follows, to-wit:

Beginning at a point 29.84 chains West and 17.09 chains North of the Southeast corner of said Joseph B. Rogers D.L.C., and which said beginning point is also the Northeast corner of a certain tract of land conveyed by Lloyd L. Lillard and wife to Reuben R. Johnson and Nellie Johnson, husband and wife, by deed dated September 2, 1943, recorded September 21, 1943, in Book 122, page 488, Deed Records of Yamhill County, Oregon, and being the second of the two tracts of land conveyed by said deed, and consisting of 30 acres of land, more or less, and from said beginning point running West along the North line of said Johnson tract 350 feet to a stake; thence South 250 feet to a stake; thence East parallel with said North line of said Johnson tract 350 feet to a stake on the East line of said Johnson tract; and thence North along said East line of said Johnson tract 250 feet to the place of beginning.

NOTE: This legal description was created prior to January 1, 2008.



EXHIBIT G



WEATHERLY WY  
HWY 18 Bypass

COLLEGE ST

E FOURTEENTH ST

WATERFRONT ST

WILLAMETTE RIVER

NE ROGERS LANDING RD

NE ROGERS LANDING RD

1550  
1562  
1566

1609

1612

1610

712

809

9725

603

1318