

Exhibit C: Application Forms & Checklists



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

- 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) Master Plan Amendment
Type III Subdivision

APPLICANT INFORMATION:

APPLICANT: Pahlisch Homes, Inc.
 ADDRESS: 12585 SW 68th Avenue - Tigard, OR 97223
 EMAIL ADDRESS: Please contact Applicant's Consultant: AKS Engineering & Forestry, LLC - Mimi Doukas - mimid@aks-eng.com
 PHONE: (503) 563-6151 MOBILE: N/A FAX: (503) 563-6152
 OWNER (if different from above): Aspen Way West, LLC PHONE: Please contact Applicant's Consultant
 ADDRESS: 3113 Crestview Dr., Newberg, OR 97132
 ENGINEER/SURVEYOR: AKS Engineering & Forestry, LLC - Trevor Synkelma, PE, LSI PHONE: (503) 563-6151
 ADDRESS: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

GENERAL INFORMATION:

PROJECT NAME: Collina at Springbrook PROJECT LOCATION: Springbrook District west of Hess Creek
 PROJECT DESCRIPTION/USE: MP amendment, zone change, and preliminary subdivision
 MAP/TAX LOT NO. (i.e. 3200AB-400): Various - See Project Narrative ZONE: SD SITE SIZE: ±98.81 SQ. FT. ACRE
 COMP PLAN DESIGNATION: Springbrook District TOPOGRAPHY: Generally flat w/ sloping topo. towards creek
 CURRENT USE: Vacant/former farm fields
 SURROUNDING USES:
 NORTH: Urban & rural residential SOUTH: School, industrial, urban residential
 EAST: Rural residential & resort WEST: Urban residential

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:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp. 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.

[Signature]
 Applicant Signature Date 10/3/22

[Signature]
 Owner Signature Date 10/11/22

Jerry Jones, Senior
 Print Name
Director of Land Development at Pahlisch Homes

Austin Industries LLC, Manager, by Brian Naffin, its Manager
 Print Name

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: April 1, 2022

5% Technology fee will be added to total fees (resolution No. 2016-3268)

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$190
ADU DESIGN REVIEW	\$190
COTTAGE CLUSTER DESIGN REVIEW	\$380
PROPERTY CONSOLIDATION	\$190
CODE ADJUSTMENT	\$475
DESIGN REVIEW - TYPE I (DUPLEX OR COM. /IND. MINOR ADDITION REVIEW)	0.3% OF PROJECT VALUE, \$475 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$190
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
PARTITION FINAL PLAT	\$954 + \$83 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$954
SIGN REVIEW	\$84 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$1912 + \$83 PER LOT OR UNIT
TYPE II (LAND USE DECISION)	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$954
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$190
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS)	0.6% OF TOTAL PROJECT COST, \$954 MINIMUM*
PARTITION PRELIMINARY PLAT	\$954 PLUS \$83 PER PARCEL
SUBDIVISION PRELIMINARY PLAT	\$1912 PLUS \$83 PER LOT
VARIANCE	\$954
TYPE III (QUASI-JUDICIAL REVIEW)	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$2026
ANNEXATION	\$2663 PLUS \$254 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2496
CONDITIONAL USE PERMIT	\$2026
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$190
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$2323
SUBDIVISION PRELIMINARY PLAT	\$1912 PLUS \$83 PER LOT
PLANNED UNIT DEVELOPMENT	\$4046+\$83 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC)	\$2523
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2870
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2870
APPEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$547
TYPE I OR II APPEAL TO CITY COUNCIL	\$992
TYPE III APPEAL TO CITY COUNCIL	\$1165
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT)	\$307
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCIL	50% OF EXHIBITOR LICENSE FEE

OTHER FEES

TECHNOLOGY FEE (This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees) 5% OF TOTAL	
EXPEDITED LAND DIVISION	\$7109 + \$83 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$4543
VACATION OF PUBLIC RIGHT-OF-WAY	\$1885
FEE-IN-LIEU OF PARKING PROGRAM	\$14,689 PER VEHICLE SPACE
BIKE RACK COST SHARING PROGRAM	\$100 PER RACK

LICENSE FEES

GENERAL BUSINESS	\$50
HOME OCCUPATION	\$25
PEDDLER/SOLICITOR/STREET VENDOR	No fee (Business License fee only)
EXHIBITOR	\$140
TEMPORARY MERCHANT	\$113/45 days or \$377/perpetual

ADDITIONAL LAND USE REVIEW FEES - ENGINEERING DEPARTMENT

~~Planning Review, Partition, Subdivision & PUD's (Type II/III Application) - \$310.06 - 19 lots. Plus \$13.78 per lot over 19 lots~~

Final Plat Review, Partition and subdivision\$310.06 Plus\$7.79 per lot or parcel

Development review for public improvements on Commercial, Industrial, Multifamily Developments & Institutional zones
\$433.62 1st Acre \$247.69 Additional acre

ADOPTION AND REVISION HISTORY:
Adopted by: Resolution 98-2122, July 6, 1998
Amended by: Resolution 99-2214, December 8, 1999
Resolution 2000-2245, October 2, 2000
Resolution 2001-2318, November 19, 2001
Executive Order January 2, 2007 (Reso. 99-2216)
Executive Order, December 15, 2002 pursuant to Resolution 99-2210
Executive Order October 24, 2008
Executive Order April 1, 2015 (2015-42)

Executive Order, January 22, 2002 pursuant to Resolution 99-2210
Resolution 2004-2466, November 2, 2003
Resolution 2007-2752, December 3, 2007
Executive Order November 29, 2011(2011-12)
Executive Order October 24, 2012(2012-34)
Resolution 2014-2140, May 18, 2014
Resolution 2016-3268, April 18, 2016

Resolution 2017-3343 March 2017
Resolution 2018-3443 March 2018
Resolution 2019-3539 March 2019
Resolution 2020-3648 March 2020
Resolution 2021-3723 March 2021
Resolution 2022-3788 March 2022

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

FEES

PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list to all properties within 500’.

Submit one original 8-1/2" x 11" or 11" x 17" reproducible document together with 17 copies of the following information.

WRITTEN CRITERIA RESPONSE – Address the criteria listed on page 19. The written response should detail how the proposed comprehensive plan map/zoning map amendment meets the goals and policies of the Newberg Comprehensive Plan. The written response should also address the location and size of existing public utilities to serve the site, or if none are currently available, detail how public utilities will be extended to serve the site.

CURRENT TITLE REPORT

MEASURE 49 WAIVER

MAP AND LEGAL DESCRIPTION OF THE PROPERTY – Provide a map and a corresponding written legal description of the area to be changed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

GENERAL LAND USE PLAN – Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

TRAFFIC STUDY – A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility; or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. If required, the traffic study shall be conducted according to the City of Newberg design standards.

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, Aspen Way West LLC and N/A (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 the Collina at Springbrook MP amendment and zoning designation change 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: Listed Tax Lots within Map 3 2 08 and 3 2 18, 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

STATE OF OREGON)

County of Yamhill)

) ss.
)

This instrument was acknowledged before me on this 11th day of October, 2022, by Brian Naffin and n/a.


 Notary Public for Oregon
 My Commission expires: Feb. 28, 2025



CITY OF NEWBERG

 Sue Ryan, City Recorder

Dated: _____

APPROVED AS TO FORM:

 James Walker, City Attorney

Dated: _____

Exhibit A - Real Property List

As shown within the maps attached to this document as Exhibits A-2 and A-3, the project site consists of, in part or in whole, the Tax Lots listed below:

Yamhill County Assessor's Map 3 2 08

Tax Lots 04900, 05000, 05100, 05200, 05300, 05400, 06200, 06300

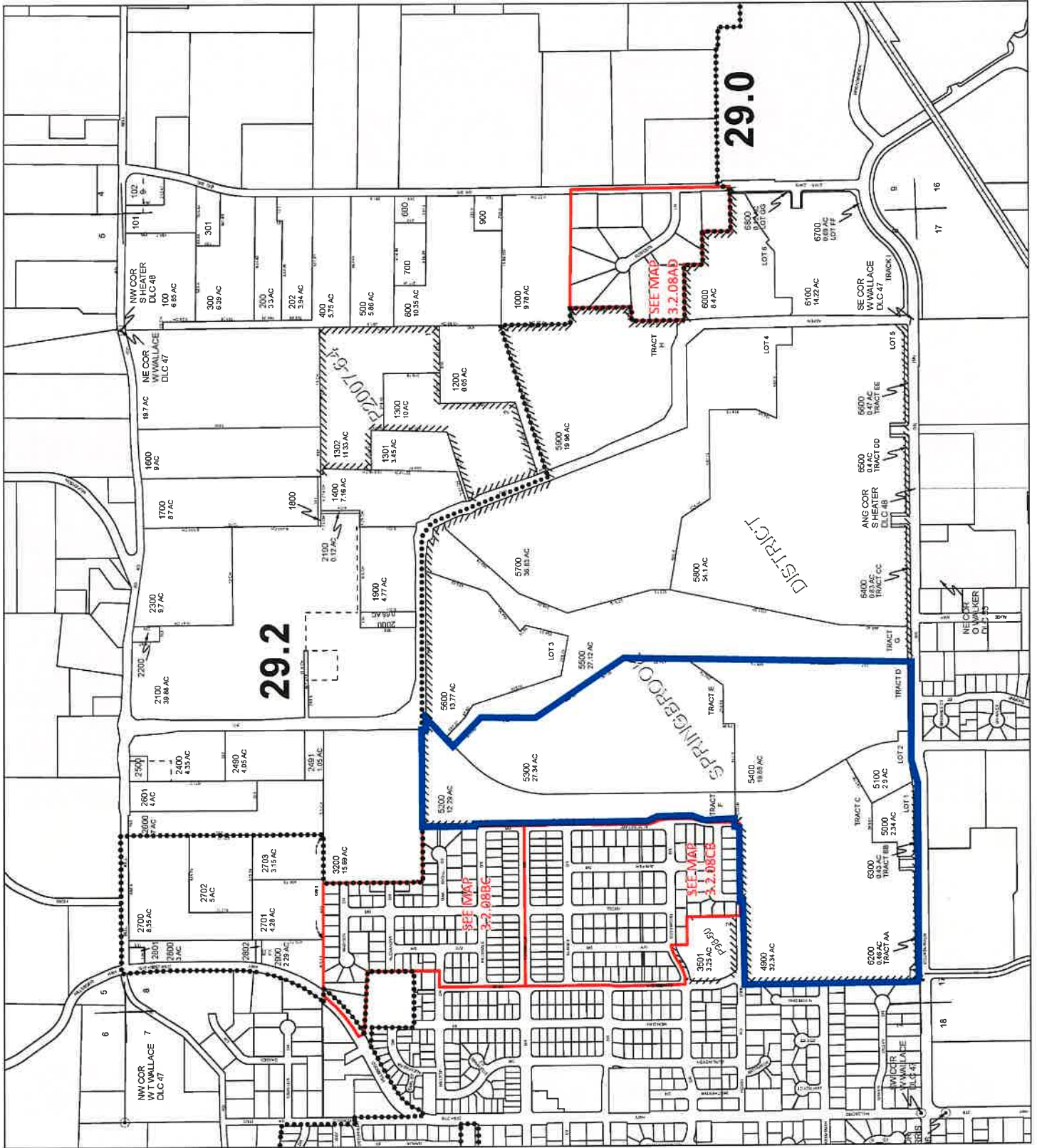
Yamhill County Assessor's Map 3 2 18

Tax Lots 00800 and 00900



ASSESSMENT & TAX
CARTOGRAPHY

SECTION 8 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 400'



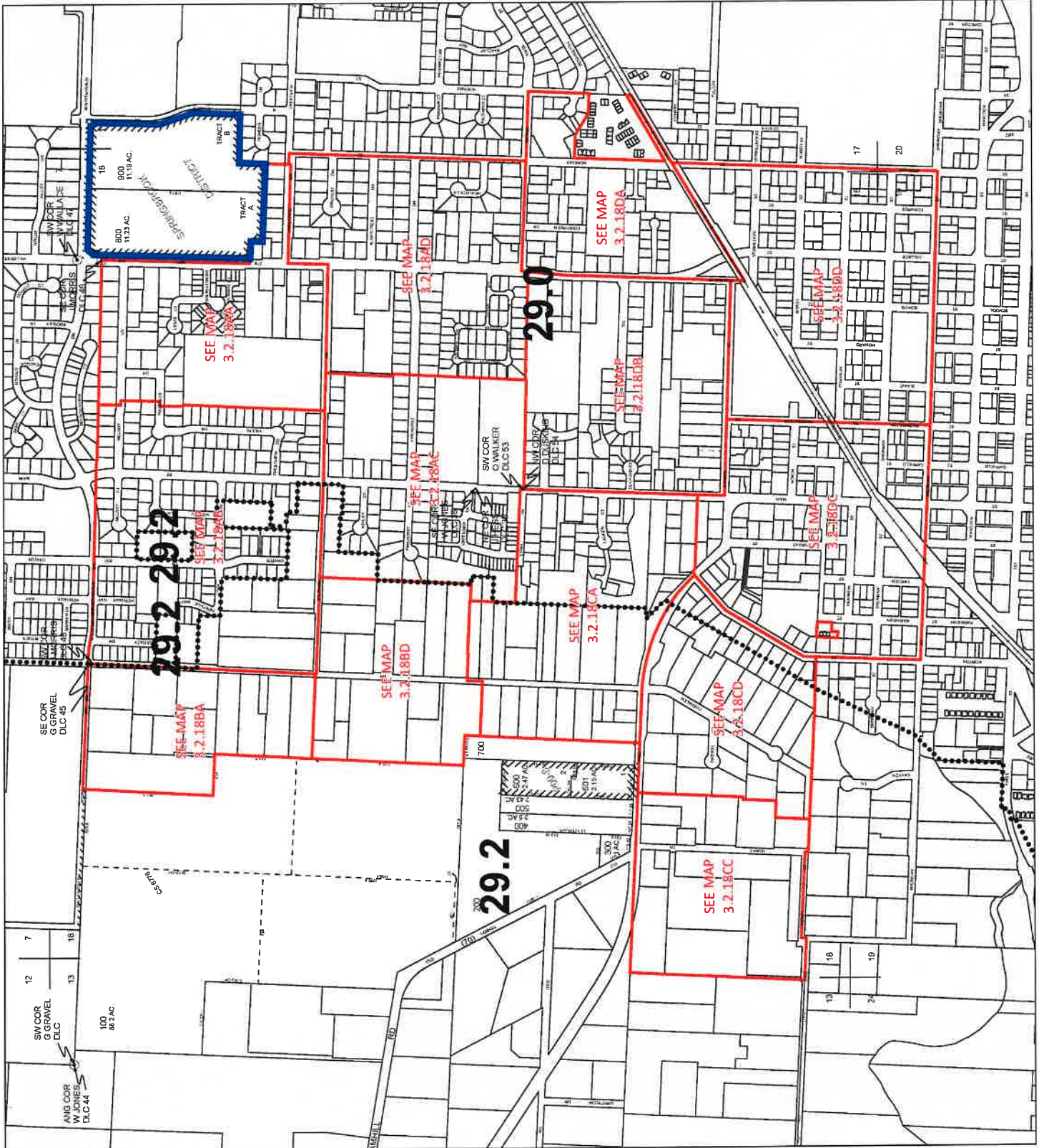
DATE PRINTED: 6/24/2019

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ASSESSMENT & TAX
CARTOGRAPHY

SECTION 18 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 400'



DATE PRINTED: 4/3/2015

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