



PLANNING COMMISSION AGENDA
March 10, 2016 7:00 PM
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS (5-minute maximum per person – for items not on the agenda)

IV. CONSENT CALENDAR

1. Approval of the 2/11/16 Planning Commission meeting minutes

V. QUASI-JUDICIAL PUBLIC HEARING (complete registration form to give testimony - 5 minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

1. **REQUEST: Annexation of 2.29 acres of property into Newberg city limits.**
APPLICANT: J. William Rourke, Jr. & Myrlene J. Rourke
LOCATION: Directly north of the current Newberg city limits on the east side of College Street/Highway 219, 4016 N. College Street **TAX LOT:** 3208-2900
FILE NO.: ANX-14-002 **RESOLUTION NO.:** 2016-316
CRITERIA: Newberg Development Code Sections 15.250.030 & 15.250.030

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters or correspondence
3. Next Planning Commission meeting: April 14, 2016

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURNMENT

FOR QUESTIONS, PLEASE STOP BY THE COMMUNITY DEVELOPMENT DEPT. AT 414 E. FIRST STREET, OR CALL 503-537-1240

ACCOMMODATION 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) 537-124083. For TTY services please dial 711.*

NEWBERG PLANNING COMMISSION MINUTES
February 11, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Allyn Edwards called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present:	Gary Bliss	Mayor Bob Andrews Ex-Officio
	Philip Smith	Matthew Fortner
	Cathy Stuhr	Patrick Johnson
	Allyn Edwards, Chair	Luis Saavedra, Student

Members Absent: Jason Dale

Staff Present: Jessica Pelz, Associate Planner
Doug Rux, Community Development Director
Bobbie Morgan, Office Assistant II

PUBLIC COMMENTS:

None.

CONSENT CALENDAR:

1. Approval of January 14, 2016 Planning Commission Meeting Minutes

Chair Edwards noted that the signature line at the end of the minutes needed to be changed to his name.

MOTION: PC Cathy Stuhr/PC Gary Bliss moved to approve the January 14, 2016, minutes as amended.
Motion carried (6 Yes/ 0 No).

NEW BUSINESS:

1. **Initiate Development Code amendments intended to improve the organization, clarity, and function of the land development standards in the Newberg Development Code.**
File No. DCA-16-002, Planning Commission Resolution No. 2016-315

Associate Planner Jessica Pelz said this was a request to initiate Development Code amendments. Some of the Code was outdated and needed to be modernized. Staff recommended adoption of the resolution.

PC Philip Smith asked for examples of what needed to be changed. AP Jessica Pelz responded one example was an archaic requirement to require surveyors to make three copies of plats even though they were now stored electronically.

MOTION: PC Philip Smith/PC Cathy Stuhr moved to adopt Resolution No. 2016-315 to initiate Development Code amendments to improve the organization, clarity, and function of the land development standards and direct staff to do the work. Motion carried (6 Yes/ 0 No).

ITEMS FROM STAFF:

1. Planning Commission work program for 2016

Community Development Director Doug Rux gave the anticipated schedule of Planning Commission activities through May 2016. He then discussed 19 items to review in the Development Code that were outdated and challenging to follow. Staff would bring back a recommendation for how to prioritize these items.

There was discussion regarding regulations for solar panels, how they would not be doing an access management plan, regulations for fences in industrial zones, and streamlining the building permit process.

CDD Doug Rux gave an update regarding the Wilsonville Road issue. The Planning Commission had recommended to the City Council to delay their action until March in order to allow the jurisdictions time to discuss Wilsonville Road options. ODOT did some realignment to Wilsonville Road that would bring it south and connect it to Highway 219. Letters of agreement were being written to that effect. The Council reviewed the medical marijuana recommendations from the Commission. The Council approved the recommendations with a few modifications. There would be a special Planning Commission meeting on February 25, 2016.

ITEMS FROM COMMISSIONERS:

Chair Allyn Edwards announced PC Matt Fortner was resigning and thanked him for his service. PC Matt Fortner was resigning due to other commitments, but he appreciated the opportunity to serve.

Chair Allyn Edwards discussed the protocol to be used during public hearings.

Mayor Bob Andrews thanked the Planning Commission for their recommendation on Wilsonville Road. He thanked PC Matt Fortner for his work and said there was a candidate that could fill the vacancy.

CDD Doug Rux said there would be a joint Work Session with the City Council regarding the Downtown Improvement Plan on June 27. There would be a community workshop on March 15.

Chair Allyn Edwards adjourned the meeting at 7:38 p.m.

Approved by the Newberg Planning Commission this ____ day of _____, 2016.

Allyn Edwards, Planning Commission Chair

Bobbie Morgan, Office Assistant II

DRAFT 11/12/13

QUASI-JUDICIAL LAND USE PUBLIC HEARING PROCEDURE

1. CALL TO ORDER BY PRESIDING OFFICER

Open the public hearing, announce the purpose, and discuss testimony procedures, including order of testimony, time limits, and requirements to fill out form to testify.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION

3. READ QUASI-JUDICIAL ANNOUNCEMENTS

4. STAFF PRESENTS REPORT

Council/Commission may ask brief questions for clarification.

5. PUBLIC TESTIMONY

A. Presiding officer announces time limits.

B. Citizen testimony

1. Presiding officer invites citizens to come forward to speak into the microphone.
2. Presiding officer informs citizens to state their names at beginning of testimony.
3. Order of citizens' testimony

- a. Principal proponent/applicant
- b. Other proponent(s)
- c. Opponent(s)
- d. Undecided(s)
- e. Principal proponent rebuttal

Note: Council/Commission may ask questions of presenters directed through the presiding officer.

C. Public agency letters or comments

6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

7. CLOSING LEGAL ANNOUNCEMENTS

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

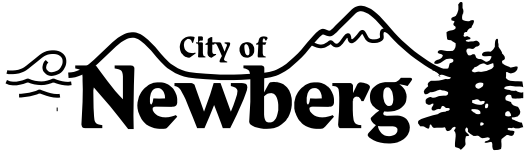
9. COUNCIL/COMMISSION DELIBERATES INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

10. ACTION

Action by Planning Commission	Action by City Council
A. Order (if final) –or– Resolution (if recommendation)	A. Order
B. VOTE – Voice vote is permitted.	B. VOTE – Voice vote is permitted.
C. MAJORITY OF A QUORUM – Vote of majority of quorum required for passage	C. MAJORITY OF A QUORUM – Vote of majority of quorum required for passage
D. COMBINATION – Allowed with separate vote on each item	D. COMBINATION – Allowed with separate vote on each item

City of Newberg Standardized Hearing Procedure – Quasi-Judicial Land Use

Z:\WP5FILES\Community Dev Meetings Folder\PC\PC-Agenda & Pkt\CURRENT PACKET PREP\2016\PC 03-10-16\Hearing Procedure - Quasi-Judicial Land Use Draft 2013-1112.doc



Community Development Department

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

PLANNING COMMISSION STAFF REPORT ROURKE ANNEXATION/ZONE CHANGE

HEARING DATE: March 10, 2016

FILE NO: ANX-14-002

REQUEST: Annex 2.29 acres into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1.

LOCATION: Directly north of the current Newberg city limits on the east side of College Street/Highway 219, 4016 N. College Street

TAX LOT: 3208-02900

APPLICANT: J. William Rourke, Jr. & Myrlene J. Rourke

OWNER: Same as applicant

PLAN DISTRICT: LDR (Low Density Residential)

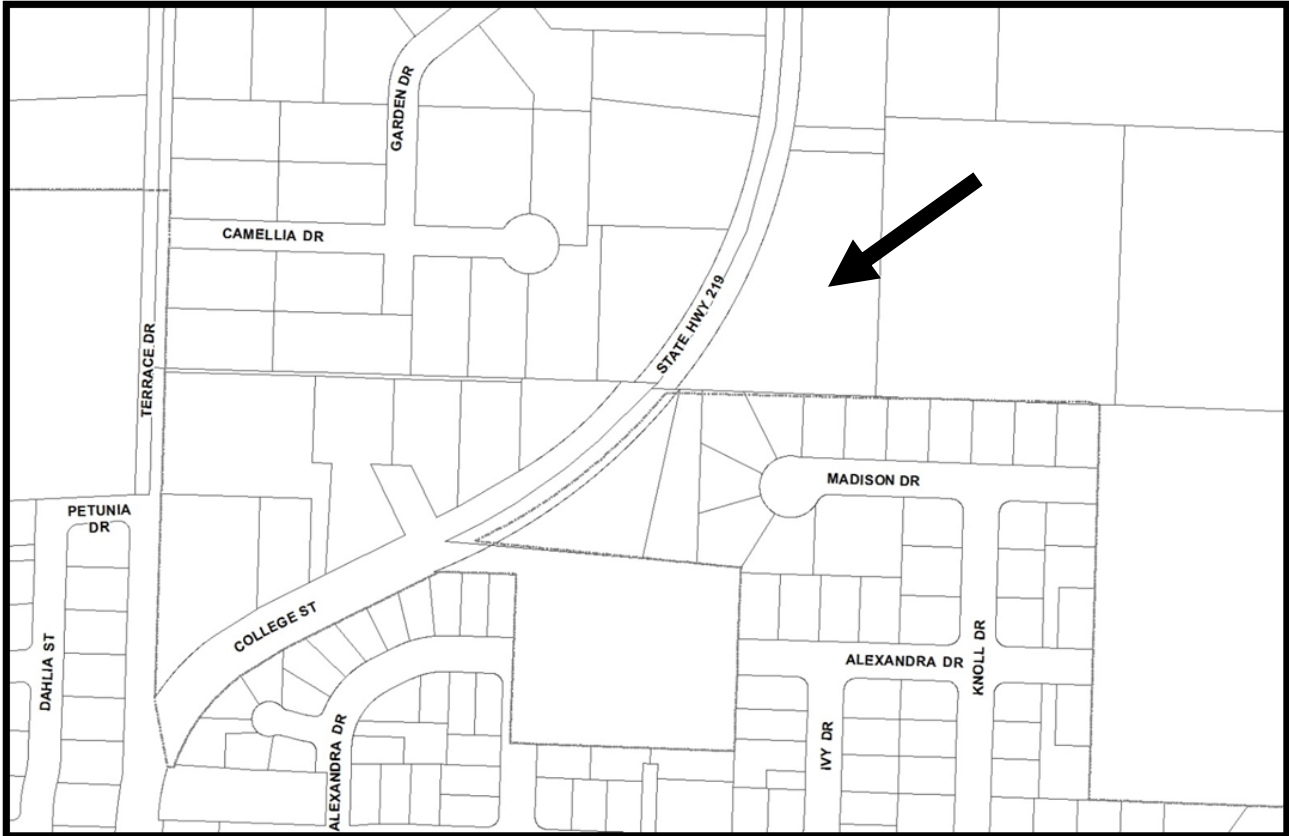
ATTACHMENTS:

Planning Commission Resolution 2016-316 with:

- Exhibit "A": Property Map
- Exhibit "B": Legal Description
- Exhibit "C": Findings
- 1. Aerial Photo
- 2. Concept Development Plan
- 3. Current Comprehensive Plan/Zoning Map
- 4. Application

- A. DESCRIPTION OF APPLICATION:** The proposed annexation is for 2.29 acres located at 4016 N College Street, directly north of the current Newberg city limits on the east side of College Street/Highway 219. The property is located within the Newberg urban growth boundary and has a Newberg Comprehensive Plan designation of LDR (Low Density Residential). The annexation would change the zoning of the property from Yamhill County VLDR-1 (Very Low Density Residential – 1 acre minimum) to Newberg R-1 (Low Density Residential). The R-1 zone has a minimum lot size of 5,000 square feet for future residential development.

B. LOCATION MAP



C. SITE INFORMATION:

1. Location: Directly north of the current Newberg city limits on the east side of College Street/Highway 219, 4016 N. College Street
2. Size: 2.29 acres
3. Topography: The property slopes to the west, toward Highway 219
4. Current Land Uses: Single-family residential dwelling
5. Natural Features: The site is largely vegetated and has several large trees
6. Adjacent Land Uses:

- a. North: vacant property owned by North Valley Friends Church (outside city limits)
 - b. East: North Valley Friends Church (outside city limits)
 - c. South: Single-Family Residential (inside city limits)
 - d. West: Single-Family Residential (outside city limits)
7. Access and Transportation: The property is accessed from Highway 219/College Street via an easement over property owned by North Valley Friends Church (Tax Lot 3208-2802).
8. Utilities:
 - a. There is an 8-inch public water line along College Street/Hwy 219 that could serve the site. In the annexation application, the applicant provided calculations showing that the proposed development could be served by the Oak Knoll Booster Pump Station.
 - b. There is a 10-inch public wastewater line available to serve the site.
 - c. The current site has a driveway, house, and an outbuilding with the remaining area of a pervious nature. The applicant must comply with the stormwater requirements of the municipal code and PW Design and Construction Standards Manual in effect at the time of site development.
 - d. As required by the Newberg Municipal Code and at the time of site development, the applicant shall install all utilities underground.

D. PROCESS: An annexation and zone change request is a Type III application and follows the procedures in Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission makes a recommendation on the application based on the criteria listed in the attached findings. The Planning Commission's recommendation is forwarded to the City Council, who will hold a hearing and render a final decision on the application. If the Council approves the application, they must refer the matter to an election in order to be effective. Important dates related to this application are as follows:

12/9/15: The Community Development Director deemed the application complete.
2/17/16: The applicant mailed notice to the property owners within 500 feet of the site and posted the site.
2/24/16: The *Newberg Graphic* published notice of the Planning Commission hearing.
3/10/16: The Planning Commission will hold a quasi-judicial hearing to consider the application.

E. AGENCY COMMENTS: The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

Newberg School District: *Reviewed; no conflict*

Waste Management (Jack Miller): *Concerned about narrow streets and cul-de-sac with our 4*

axle trucks (note: this comment is to the draft future development plan, which is not under consideration at this time).

F. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments.

G. ANALYSIS: This is a relatively straightforward annexation request of 2.29 acres of property that is already identified as being within the Newberg urban growth boundary. The property already has a Comprehensive Plan designation of LDR (Low Density Residential), which corresponds with the requested zoning of R-1 (Low Density Residential). According to the most recent analysis completed as part of the recent “Martell Commons” Comprehensive Plan Map and Zone Map amendment, the city has a deficit of 37 acres of LDR land to meet 2030 housing needs. Annexation of this property will provide additional residential development opportunities to meet future housing demands.

The biggest issue facing this application was determining whether adequate public utilities can serve the site within three years. City water and sewer lines were previously extended across this property to the North Valley Friends and Veritas properties in 2014 in accordance with a Development Agreement the city had executed with North Valley Friends in 2010. There are no issues with the new sewer line; however, the newly extended water line connects to the Oak Knoll booster pump station, which was constructed in 2000 to augment low system pressure for the 40-lot Summit at Oak Knoll subdivision [2004 *City of Newberg Water Distribution System Plan*]. Based on the size and purpose of the Oak Knoll booster pump station, the city was concerned about adequate water flows to the Rourke property to serve their future development, as well as development on the adjacent North Valley Friends and Veritas sites. The applicant hired AKS Engineering & Forestry (AKS) to explore the capacity of the Oak Knoll booster pump station and to identify any upgrades necessary to serve the future developments. AKS found that the Oak Knoll booster station would need to be upgraded to supply adequate water to Rourke, North Valley Friends, and Veritas. In addition, AKS identified the specific required improvements and provided a cost estimate for the upgrades. The city concurs with the AKS assessment, and is confident the upgrades can be made to serve the property consistent with the annexation requirements.

The Rourke property is accessed from Highway 219/College Street via a “non-exclusive easement for roadway purposes” over a small property owned by North Valley Friends. Future development of the Rourke property will likely necessitate dedication of right-of-way to extend a public street access into the property. Street improvements to the College Street/Highway 219 frontage will be required at the time of development. The Planning Commission should place a condition that the applicant to revise their legal description to include area to the centerline of the adjacent Highway 219 right-of-way to provide for continuity of the city limits.

H. PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Resolution 2016-316, which recommends that the City Council approve the requested annexation and zone change.



PLANNING COMMISSION RESOLUTION 2016-316

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 2.29 ACRES INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-1, FOR PROPERTY LOCATED AT 4016 N COLLEGE STREET, TAX LOT 3208-02900

RECITALS

1. J. William Rourke, Jr. & Myrlene J. Rourke submitted an application to annex 2.29 acres into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1. The property is located directly north of the current Newberg city limits on the east side of College Street/Highway 219, 4016 N. College Street, Tax Lot 3208-02900.
2. After proper notice, the Newberg Planning Commission held a hearing on March 10, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria from the Newberg Development Code as shown in the findings shown in Exhibit "C".

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-1, and withdrawal of the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The applicant shall revise the legal description of the property to be annexed to include area to the centerline of the adjacent College Street/Highway 219 right-of-way to provide for continuity of the city limits to the west.
3. This recommendation is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 10th day of March, 2016.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Property Map
Exhibit "B": Legal Description
Exhibit "C": Findings

Exhibit "A" to Planning Commission Resolution 2016-316

Property Map – Rourke Annexation

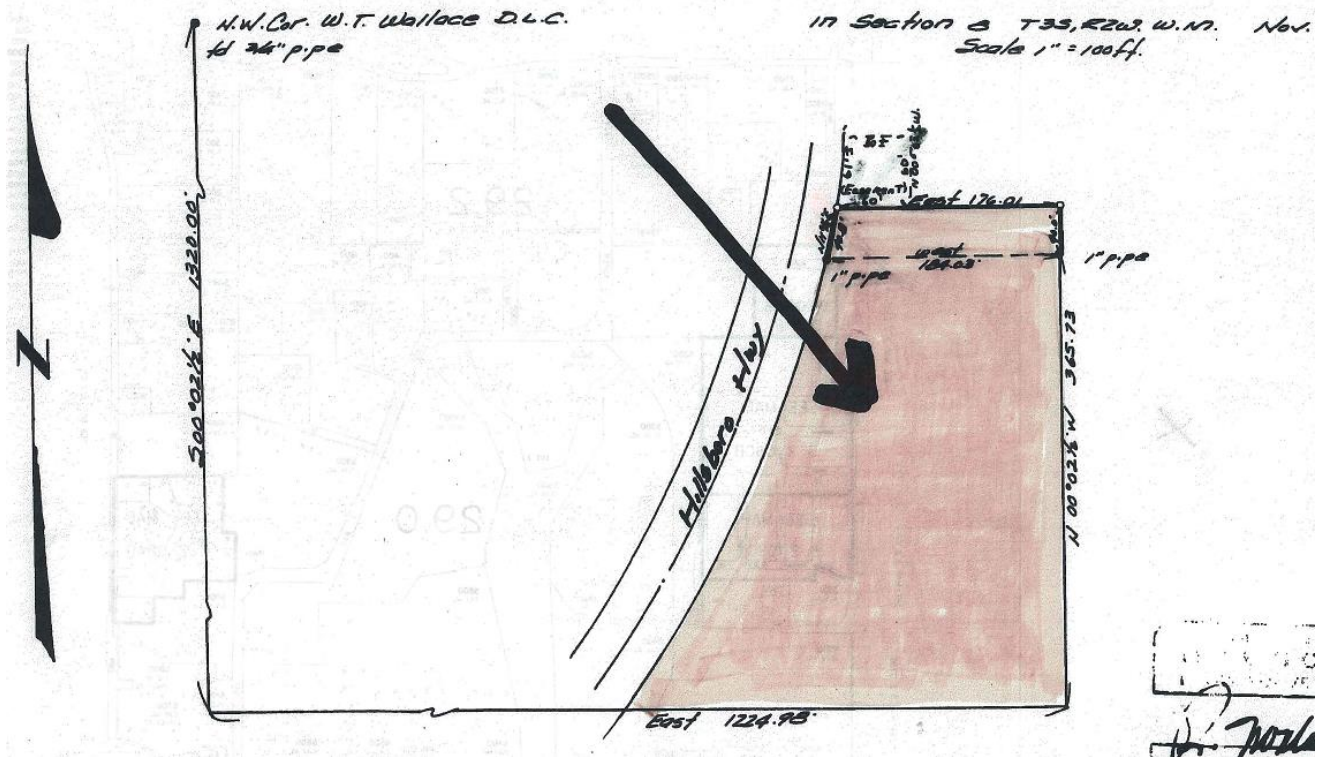


Exhibit “B” to Planning Commission Resolution 2016-316

Legal Description – Rourke Annexation

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

Beginning at an iron pipe at the East boundary of Hillsboro-Silverton Highway, said point being South 00°02½' East 1320.0 feet and East parallel to the North boundary of Section 8, a distance of 869.85 feet from the Northwest corner of William T. Wallace Donation Land Claim, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; thence East parallel to the North boundary of Section 8, a distance of 355.13 feet to an iron pipe; thence North 00°02½' West parallel to the West boundary of Donation Land Claim, 405.73 feet; thence West parallel with South boundary, distance of 178 feet, more or less, to the East boundary of State Highway; thence Southwesterly along State Highway, a distance of 447 feet, more or less, to the place of beginning.

ALSO a non-exclusive easement for roadway purposes over a strip of land described as follows:

Beginning at the most Northwest corner of the above described tract; thence East 60 feet; thence North 00°02½' West 60 feet; thence West 50 feet, more or less, to the Easterly boundary of Hillsboro-Silverton Highway; thence Southwesterly along the Easterly boundary of said Highway, 60 feet, more or less, to the place of beginning.

**Exhibit “C” to Planning Commission Resolution 2016-316
Findings –File ANX-14-002 – Rourke Annexation**

A. 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.

B. The subject site must be contiguous to the existing city limits.

Finding: The Rourke property located at 4016 N College Street, Tax Lot 3208-2900, is located within the urban growth boundary and is contiguous to the Newberg city limits along its southern boundary. The Planning Commission has placed a condition in Resolution No. 2016-316 that the applicant shall revise the legal description of the property to be annexed to include area to the centerline of the adjacent College Street/Highway 219 right-of-way to provide for continuity of the city limits to the west. This criterion is met.

B. 15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all 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.

Finding: The applicant is requesting a city zone of R-1 (Low Density Residential), which is consistent with the current comprehensive plan map designation of LDR (Low Density Residential).

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.

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.

Finding: City water and sewer lines were previously extended across this property to the North Valley Friends and Veritas properties in 2014 in accordance with a Development Agreement the city had executed with North Valley Friends in 2010. There are no issues with the new sewer line; however, the newly extended water line connects to the Oak Knoll booster pump station, which was constructed in 2000 to augment low system pressure for the 40-lot Summit at Oak Knoll subdivision [2004 City of Newberg Water Distribution System Plan]. Based on the size and purpose of the Oak Knoll booster pump station, the city was concerned about adequate water flows to the Rourke property to serve their future development, as well as development on the adjacent North Valley Friends and Veritas sites. The applicant hired AKS Engineering & Forestry (AKS) to explore the capacity of the Oak Knoll booster pump station and to identify any upgrades necessary to serve the future developments. AKS found that the Oak Knoll booster station would need to be upgraded to supply adequate water to Rourke, North Valley Friends, and Veritas. In addition, AKS identified the specific required improvements and provided a cost estimate for the upgrades. The city concurs with the AKS assessment, and finds that the upgrades can be made to serve the property consistent with the annexation requirements.

The Rourke property is currently accessed from Highway 219/College Street via a “non-exclusive easement for roadway purposes” over a small property owned by North Valley Friends. Future development of the Rourke property will likely necessitate dedication of right-of-way to extend a public street access into the property. Street improvements to the College Street/Highway 219 frontage will be required at the time of development.

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.

Finding: The city sends the application information out to the Police and Fire Departments, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. The Newberg School District and Fire Department both replied with “no comments”, and the Police Department and CPRD did not comment. There is no information to suggest that city services could not support the addition of the 2.29 acres to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded services such as the School District and CPRD.

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

Finding: The applicant submitted adequate information to allow the city to make findings to the applicable criteria.

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.

Finding: This criterion is not applicable because adequate urban services are found to be available within the three year time frame.

C. 15.302.030 Procedures for comprehensive plan map and zoning map amendments.

A.3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

Finding: This current Comprehensive Plan designation of the property is LDR (Low Density Residential). The applicant is asking for a corresponding zoning of R-1 (Low Density Residential). Therefore, the proposed zone change from Yamhill County VLDR-1 to Newberg R-1 is consistent with the Comprehensive Plan, and continues to meet the Comprehensive Plan goals and policies as envisioned when the property was brought into the urban growth boundary with the LDR designation.

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

Finding: As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services can be reasonably made available to support future development of the property at R-1 permitted densities.

c. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Finding: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR: the proposed zoning of R-1 is consistent with the existing comprehensive plan map designation of LDR; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth

boundary in 2006 as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities.

OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

[Subsection (1) of OAR 660-012-0060]

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

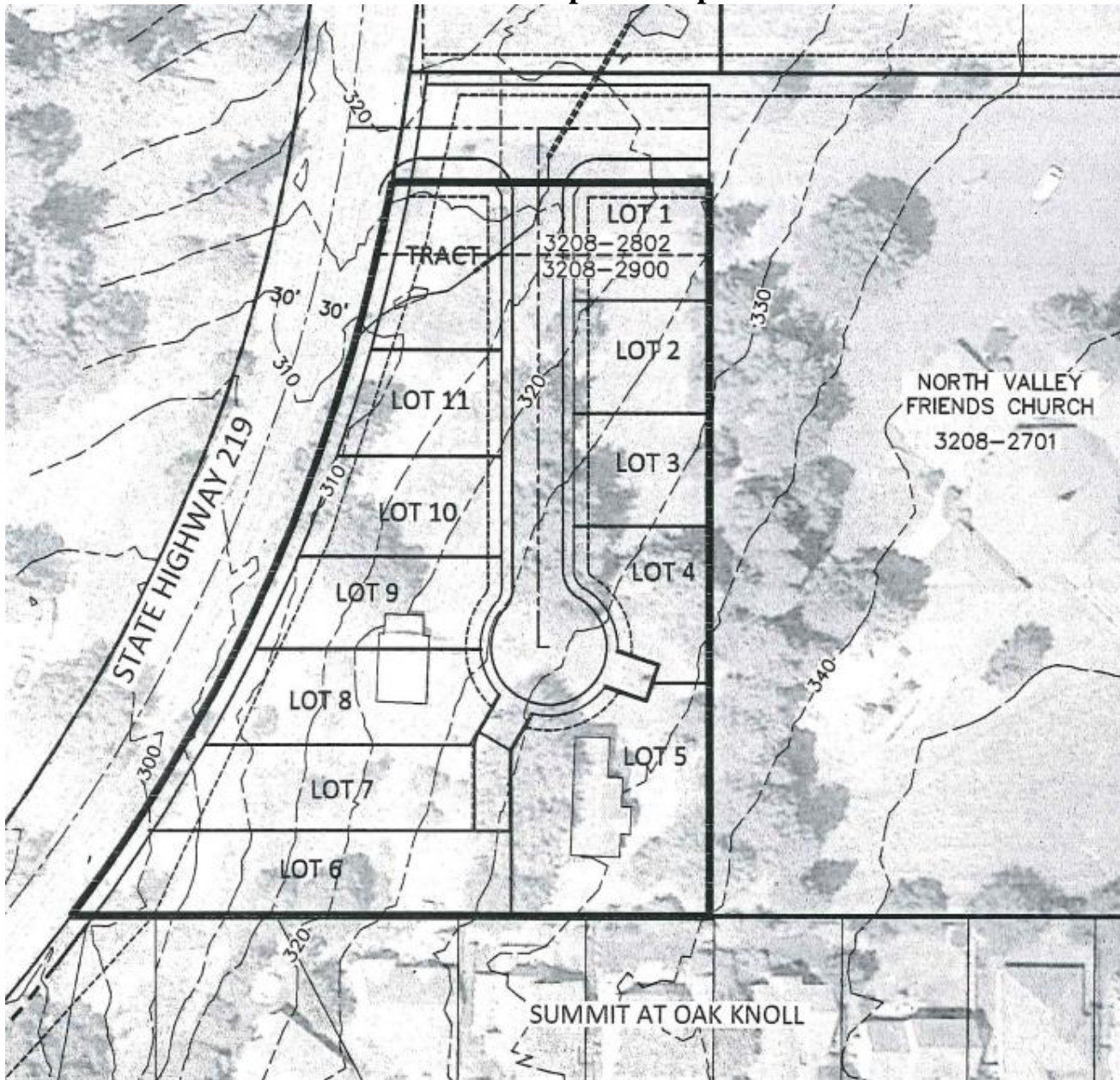
(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

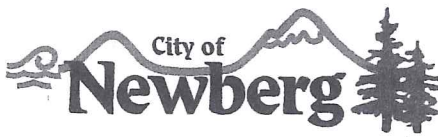
- D. Conclusion:** Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code.

Attachment 1: Aerial Photo



Attachment 2: Concept Development Plan



**TYPE III APPLICATION - 2013**
(QUASI-JUDICIAL REVIEW)File #: ANX-14-002**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) _____

APPLICANT INFORMATION:APPLICANT: J. William Rourke, Jr. and Myrlene J. RourkeADDRESS: 1201 Fulton St. Apt 13., Newberg, OR 97132EMAIL ADDRESS: mybillrourke@hotmail.comPHONE: 503.538.5567MOBILE: 503.734.5597

FAX: _____

OWNER (if different from above): same as above

PHONE: _____

ADDRESS: _____

ENGINEER/SURVEYOR: Larry AndersonPHONE: 503.537.1110ADDRESS: 112 N. Springbrook Rd. Newberg, OR 97132**GENERAL INFORMATION:**PROJECT NAME: Rourke PropertyPROJECT LOCATION: 4016 N. College St., Newberg, OR 97132PROJECT DESCRIPTION/USE: Subdivision - single family dwellingsMAP/TAX LOT NO. (i.e. 3200AB-400): 3208-2900, 2802ZONE: LDRSITE SIZE: 2.29 SQ. FT. ☐ ACRE ☒COMP PLAN DESIGNATION: LDRTOPOGRAPHY: sloping westerlyCURRENT USE: Existing single family dwelling

SURROUNDING USES:

NORTH: PQSOUTH: R2/SPEAST: PQWEST: LDR**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.

Myrlene Rourke
James Rourke
Applicant Signature Date 9-19-14

Myrlene Rourke
James Rourke
Owner Signature Date 9-19-14

J. William Rourke, Jr., Myrlene J. Rourke

Print Name

J. William Rourke, Jr., Myrlene J. Rourke

Print Name

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

**Subject Property - 4016 N. College St., Newberg, OR 97132
(Tax lot 3208-2900)****-2802****Development Concept Statement**

The following is the applicants' statement regarding the annexation criteria (Newberg Code 15.250.030) for annexation of 2.29 acres of territory (Yamhill County, Tax Parcel 3208-2900) located at 4016 N. College St. to the City of Newberg, Oregon.

The property is currently zoned LDR in the Comprehensive Plan.

There is an existing single family dwelling on the site that will be retained. An existing pole barn is also present and will be removed.

The property is currently within the Urban Growth Boundary and is contiguous to the existing City limits on the south side and provides an orderly growth of the City limits. The annexation will permit new development. Once developed, public and private services will be available to the residents of the annexed property. Private utilities will be provided with underground electrical, gas, telephone and cable lines.

The property is bounded on the South by the current City limits (R2/SP), on the West by property designated LDR in the Comprehensive Plan and on the North and East by property designated PQ in the Comprehensive Plan.

The public interest is best served by referring the matter to voters in May 2015.

General Land Use Plan with Positive and Negative Effects

The applicant is proposing to develop a subdivision of detached single family residential lots with a public street and utilities. The terrain necessitates a narrower than standard city street right-of-way width (with a standard street section) to efficiently develop the site. If such a plan is not approved, we would like to have the option of changing the plan to widen the right-of-way to city standards and eliminate detached single-family lots, develop zero-lot line attached homes and maintain the number of units, or develop the site as a condominium with a private street.

Traffic to and from this site will utilize a shared driveway in a 60' wide easement across North Valley Friends Church's property. The driveway and highway access will be reconstructed to meet State highway intersection and City street standards. North Valley Friends Church will dedicate public right-of-way from the highway to just beyond the new subdivision street. The development will generate

approximately 12 peak-hour vehicle trips per day. Utility easements granted along the highway for City water and sewer were written to allow a continuation of the pathway from the existing Chehalem Park and Recreation District/North Valley Friends Church trail through the property.

The land that is not part of the developed home site is currently pasture and lawn. The land will be developed in the City and will be designed to comply with Newberg's development standards.

The annexation will provide adequate land for residential development to meet the City's demand for urban development in an orderly, efficient and a timely manner. This will have a positive impact on the economy of the City by providing employment during construction and tax revenue as the homes are occupied.

The land South of the property includes currently developed and vacant properties in zone R2-SP. Land to the North and East is owned by North Valley Friends Church which uses the site for church needs. This includes playground/park, walking trail and an undeveloped park-like setting. The land West of the property is within the Newberg Urban Growth Boundary with two houses on large lots. An additional large vacant lot is now for sale.

Public Facilities Financing

The development will pay System Development Charges that contribute to parks and school facilities. Taxes from the development will help to provide police, fire and other required services.

Annexation Criteria

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

- **The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.**
- **the subject site must be contiguous to the existing city limits**

Response: The property is currently within the Newberg Urban Growth Boundary and is contiguous to the existing City limits on the south side.

(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 applicant is requesting no change in the City designation of LDR.

(B) An adequate level of urban services must be available, or made available, within three years time of annexation. An adequate level of urban services shall be defined as :

(1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

(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 - Municipal sanitary sewer and water service which meet the requirements in the comprehensive plan have recently been completed on the site. As part of the extension of those services to the site of the proposed Veritas School, easements were granted and City approved access for both water and sewer services are in place now.

Roads and adequate parking will be provided as required by City codes. Access to existing City sidewalks and walking trail on the North Valley Friends Church property will be provided.

(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 Newberg School District provides public education facilities. Their master plan provides for growth in the district and has options to meet the demand.

Other private and public service providers supply garbage, telephone, television, postal and internet services as needed by the development. The City will determine any additional public services and facilities that may be required at the time development permits are requested.

The development will pay System Development charges that contribute to parks and school facilities. Taxes from the development will help to provide police, fire and other required services.

April 1, 2015

Further Response to Preliminary Completeness Review

Rourke Annexation - ANX-14-002

To: City of Newberg Planning Department

We believe that you should recommend approval of our annexation application. Our rationale is based on the following:

- Fire flow testing performed on March 9, 2015 provided the evidence that there is an adequate supply of water to the most distant fire hydrant on the Veritas School site.
- The current pump station has some risk if the pumps become non-functional.
 - The additional risk associated with increasing the number of homes supplied from 40 to 51 is minimal.
 - Two pumps for domestic water use, a separate pump for fire protection and a backup generator provide adequate safety until the new storage reservoir is constructed.
 - The property to be annexed is largely at just over 300 feet elevation. It is lower in elevation than many of the homes in the Oak Knoll subdivision.
 - There would be no increase in maintenance costs for the pump station.
- The City has the right to make an exception to the 40 unit limitation mentioned above. The Master Plan indicates that " **The City may choose to operate the system within these zones without storage for a period of time**, however, as growth occurs, a storage reservoir will be required." (ES.8.4).
- We are happy to construct the necessary infrastructure on our site to accommodate transfer of the water supply from the pump station to the new storage reservoir when it is constructed.
- We are happy to be included in any future service district that might be created to pay for the new storage reservoir.
- Finally, approving this water supply plan will benefit the City with negligible risk.
 - Increased revenues from SDC, property taxes and utility fees will be seen.
 - No additional maintenance of the pump station will be required.
 - The incremental risk associated with increasing the number of homes added to the pump station is minimal.

Anticipating a favorable response,

Bill Rourke



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

MEMORANDUM

DATE: November 16, 2015
TO: Kaaren Hofmann, PE – City Engineer
FROM: John P. Christiansen, PE – AKS Engineering & Forestry, LLC
CC: Bill Rourke - Owner
SUBJECT: Oak Knoll Booster Pump Upgrade - Revised
PROJECT: 4016 N College Street (AKS #4612)



RENEWAL DATE: 12/31/17

BACKGROUND

The owner of the property located at 4016 N College Street is pursuing the development of a single-family residential subdivision on the subject property (TL 2900 Map 3.2.08). Prior to involvement by AKS Engineering & Forestry, LLC (AKS), the owner met with the City of Newberg Planning and Engineering Staff to discuss the annexation and development process. At that time, the City identified water capacity limitations of the Oak Knoll booster pump station. The City has long-term plans for the capital improvements that support development of the subject property; however, the timing of such improvements has not yet been determined.

Hydrant flow tests were completed on existing hydrants adjacent to the subject property, (3/19/2015), which documented projected fire flow rates of 1,693 gpm and 2,272 gpm, at 20 PSI. It is our understanding that the City is satisfied with the fire flow available to the subject property.

The purpose of this memorandum is to present recommendations for upgrades to the Oak Knoll booster pumps to meet the domestic water needs of the proposed development and document the criteria by which the upgrades are designed.

EXISTING SYSTEM OVERVIEW

According to the *2004 City of Newberg Water Distribution System Plan*, the Oak Knoll water system booster pump station was constructed in 2000 to augment low system pressures for home sites within a portion of The Summit at Oak Knoll development, a 40-lot single-family residential subdivision. The Oak Knoll booster system comprises three pumps in parallel to meet low-flow (10 gpm), high flow (250 gpm), and fire-flow (1,000 gpm) demands. Based on discussions with the City, we understand the domestic pumps function in an alternating lead/lag sequence.

The boosters feed an 8" distribution line that extends through The Summit at Oak Knoll development to N. College Street (OR HWY 219) and ultimately to its terminus on the Veritas property (TL 2702). The existing 8" water main parallels the westerly and northerly boundaries of the subject property.

DESIGN CRITERIA

The *City of Newberg Public Works Design and Construction Standards* identifies that for single-family residential areas, the minimum pressure shall be 40 PSI measured at the meter and the minimum fire flow shall be 1,000 gpm with a 20 PSI residual. Since the standards do not specify a design rate for domestic use, a proportionate rate for the existing Oak Knoll booster was utilized as an estimate. Calculations are as follows:

- Existing booster domestic use capacity = 250-gpm for 40-single family homes; = 6.25-gpm/lot

The City has also expressed concern about increased line velocity resulting from the pump upgrade. The City's public work standards do not specify a maximum line velocity; therefore, a maximum line velocity of 7 fps is assumed for cement lined ductile iron pipe and is targeted for this design.

The owner has requested the booster upgrades consider domestic water demands for adjacent properties. AKS and the owner have communicated with both the North Valley Friends Church (TL 2701 and 2703) and the Veritas School (TL 2700, 2702, and 2800) to understand their existing and future water system needs. Water system demands for the North Valley Church were evaluated based on the Oregon Plumbing Specialty Code (OPSC) and are provided as an attachment to this memorandum. The Veritas School did not wish to participate in this booster pump upgrade study; however, per the request of the City, the pump upgrade study includes development anticipated at the Veritas School property.

DESIGN CALCULATIONS

The owner is proposing the development of 11 single-family residential lots. Based on the design criteria outlined above, this will result in an increased peak demand on the pumps of approximately 70 gpm.

The North Valley Friends Church provided a list of all appliances, appurtenances, or fixtures within their existing facilities. A total fixture count was calculated based on 2014 OPSC, Appendix A, Table A-2. The fixture count resulted in a water system demand of 41 gpm, per 2014 OPSC, Appendix A, Table A-3. Detailed calculations are provided as an attachment to this memorandum.

The Veritas School has developed a master plan for their campus which will be developed in two phases. Total fixture counts for each phase were provided to AKS by representatives of Veritas, via the City of Newberg. Note, some of the fixtures associated with phase 2 will replace fixtures installed with phase 1. The fixture count resulted in a water system demand of 60 gpm, per 2014 OPSC, Appendix A, Table A-3. Detailed calculations are provided as an attachment to this memorandum.

Accounting for the proposed 11-lot development, the North Valley Friends Church, and both phases of the Veritas School development, the total peak demand on the Oak Knoll booster would be as follows:

$$250 \text{ gpm} + 70 \text{ gpm} + 41 \text{ gpm} + 60 \text{ gpm} = \mathbf{421 \text{ gpm}}$$

Total Dynamic Head (THD) for the booster is calculated as follows:

$H_T = H_F + H_L + H_E$		
$H_F = (10.44 * (L) * Q^{1.85}) / (C^{1.85} d^{4.87}) = \text{Hazen-Williams}$		$H_L = \Sigma K(V^2)/2g$
Q = Flow (gpm)	d = Pipe Diameter (in)	K = Minor Loss Coefficient
L = Pipe Length (ft)	$H_E = \text{Energy/Static Head}$	V = Velocity (fps)
C = Pipe Coefficient (120 for CL DI pipe)		

Assumptions:

Length of main from Booster to subject
property = ~2,000-ft

Q = 421-gpm

d = 8-in

$H_L = 0$

Existing Booster Elevation = 290-ft

Maximum Service Elevation = 340-ft

Minimum Service Pressure = 40-PSI = 92.3-ft

$$H_F = (10.44 * (2,000\text{-ft}) * (421^{1.85})) / (120^{1.85} 8\text{-in}^{4.87}) = 8.5\text{-ft}$$

$$H_E = 340\text{-ft} - 290\text{-ft} + 92.3\text{-ft} = 142.3\text{-ft}$$

$$H_T = 8.5\text{-ft} + 142.3\text{-ft} = 150.8\text{-ft} \sim \mathbf{151\text{-ft TDH}}$$

The maximum line velocity will occur under fire flow conditions (1,000 gpm). The proposed development will not result in an increase to the fire flow rate; therefore, this design criteria does not apply. The line velocity for the peak domestic demand is summarized as follows:

$Q = VA$; where

Q = Flow Rate (cfs)

V = Velocity (fps)

A = Area (sf)

Assumptions:

Q = 421-gpm = 0.94-cfs (peak flow)

A = 8" CL DI Class 52 = 0.38 sf

$$V_{PEAK} = 0.80\text{-cfs} / 0.38\text{-sf} = \mathbf{2.5\text{ fps}}$$

The pump capacity of the Oak Knoll Booster station must be increased to **421 gpm @ 151 ft TDH**.

UPGRADE RECOMMENDATIONS

AKS engaged Triangle Pump and Equipment, Inc., the supplier of the original equipment in the Oak Knoll booster station, to evaluate the feasibility of upgrading the existing system to meet the increased demands. Triangle Pump confirmed the domestic system's booster pumps can be upgraded within the framework of the existing facility. Upgrades are anticipated to include Goulds Close-Coupled End-Suction pumps coupled with 30 HP motors. Variable-frequency drives will also be integrated into the upgrade to reduce motor wear and electrical load at pump start-up. Pump curves for the proposed pumps are provided in the submittal by Triangle Pump, which is attached to this memorandum.

CONCLUSION AND REQUEST FOR APPROVAL

As outlined above, the existing Oak Knoll water system booster pump can be upgraded to supply water to the proposed 11-lot residential development as well as support the existing North Valley Friends Church facilities and future Veritas School development. The owner is requesting approval of concept for the booster pump upgrades and confirmation that the upgrades will address the City's concerns regarding the availability of domestic water to support the proposed annexation and development.

Attachments:

Exhibit A – Water System Map – 4016 N. College Street

Existing Domestic Water Demands – North Valley Friends Church

Veritas School Domestic Water Demand Calculations

Submittal by Triangle Pump & equipment, Inc.



SCALE 1" = 200 FEET



NOTE: IMAGE SOURCE AND UTILITY MAPPING SOURCE IS THE CITY OF NEWBERG GIS SYSTEM. SCALE IS APPROXIMATE.

DATE: 7/22/215

**WATER SYSTEM MAP
4016 N. COLLEGE STREET**

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
A

DRWN: JPC
CHKD: JPC
AKS JOB:
4612



PROJECT NO. 4612

PROJECT NAME 4016 N College Street

DATE/TIME 7/16/15

SUBJECT Domestic Water Flow Demands Calculation

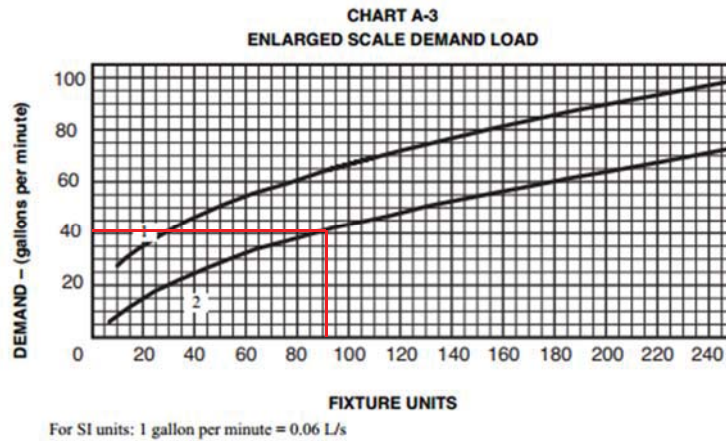
BY LTP

The following summarizes the domestic water system demands for the North Valley Friends Church located at 4020 N College Street, Newberg, OR.

Existing Domestic Water Demands:

FIXTURE	NUMBER	WATER FIXTURE UNITS	
		EACH	TOTAL
TOILETS	13	2.5	32.5
URINALS	3	2.0	6
SINKS	20	1.5	30
WATER FOUNTAINS	3	0.5	1.5
SHOWERS	3	2.0	6
SHOWER/TUB	1	4.0	4
HOSE BIBB (1ST)	1	2.5	2.5
HOSE BIBB (EACH ADDITIONAL)	6	1.0	6
DISH WASHER	2	1.5	3
TOTAL WATER FIXTURE UNITS			91.5

- Assumed:
 - Private values for fixtures
 - Kitchen/domestic sinks
 - Flush tank urinals
 - 1.6 GPF Gravity Tank water closets
- Total water fixture units: 91.5 per 2014 OPSC Table A-2
- Building demand determined per 2014 OPSC Chart A-3
- **Total Domestic Water Demand: 41.0 GPM**



**TABLE A-2
WATER SUPPLY FIXTURE UNITS (WSFU) AND MINIMUM FIXTURE BRANCH PIPE SIZES³**

APPLIANCES, APPURTENANCES, OR FIXTURES ²	MINIMUM FIXTURE BRANCH PIPE SIZE ^{1,4} (inches)	PRIVATE	PUBLIC	ASSEMBLY
Bathtub or Combination Bath/Shower (fill)	½	4.0	4.0	—
¾ inch Bathtub Fill Valve	¾	10.0	10.0	—
Bidet	½	1.0	—	—
Clothes Washer	½	4.0	4.0	—
Dental Unit, cuspidor	½	—	1.0	—
Dishwasher, domestic	½	1.5	1.5	—
Drinking Fountain or Water Cooler	½	0.5	0.5	0.75
Hose Bibb	½	2.5	2.5	—
Hose Bibb, each additional ⁶	½	1.0	1.0	—
Lavatory	½	1.0	1.0	1.0
Lawn Sprinkler, each head ⁵	—	1.0	1.0	—
Mobile Home, each (minimum)	—	12.0	—	—
Sinks	—	—	—	—
Bar	½	1.0	2.0	—
Clinic Faucet	½	—	3.0	—
Clinic Flushometer Valve with or without faucet	1	—	8.0	—
Kitchen, domestic	½	1.5	1.5	—
Laundry	½	1.5	1.5	—
Service or Mop Basin	½	1.5	3.0	—
Washup, each set of faucets	½	—	2.0	—
Shower per head	½	2.0	2.0	—
Urinal, 1.0 GPF Flushometer Valve	¾	3.0	4.0	5.0
Urinal, greater than 1.0 GPF Flushometer Valve	¾	4.0	5.0	6.0
Urinal, flush tank	½	2.0	2.0	3.0
Wash Fountain, circular spray	¾	—	4.0	—
Water Closet, 1.6 GPF Gravity Tank	½	2.5	2.5	3.5
Water Closet, 1.6 GPF Flushometer Tank	½	2.5	2.5	3.5
Water Closet, 1.6 GPF Flushometer Valve	1	5.0	5.0	8.0
Water Closet, greater than 1.6 GPF Gravity Tank	½	3.0	5.5	7.0
Water Closet, greater than 1.6 GPF Flushometer Valve	1	7.0	8.0	10.0

For SI units: 1 inch = 25 mm

Notes:

¹ Size of the cold branch pipe, or both the hot and cold branch pipes.

² Appliances, appurtenances, or fixtures not included in this table shall be permitted to be sized by reference to fixtures having a similar flow rate and frequency of use.

³ The listed fixture unit values represent their total load on the cold water building supply. The separate cold water and hot water fixture unit value for fixtures having both cold and hot water connections shall be permitted to each be taken as three-quarters of the listed total value of the fixture.

⁴ The listed minimum supply branch pipe sizes for individual fixtures are the nominal (I.D.) pipe size.

⁵ For fixtures or supply connections likely to impose continuous flow demands, determine the required flow in gallons per minute (gpm) (L/s) and add it separately to the demand in gpm (L/s) for the distribution system or portions thereof.

⁶ Reduced fixture unit loading for additional hose bibbs is to be used where sizing total building demand and for pipe sizing where more than one hose bibb is supplied by a segment of water distribution pipe. The fixture branch to each hose bibb shall be sized on the basis of 2.5 fixture units.



PROJECT NO. 4612

PROJECT NAME 4016 N College Street

DATE/TIME 09/01/2015

SUBJECT Veritas School Domestic Water Demands Calculation

BY LTP

The following is a summary of the water system demands for Phases I and II for the “A Time to Build Campaign” for the Veritas School, located at 401 Mission Drive in Newberg, Oregon.

Phase I

- Fixture Units – values determined by others
 - Main building: 87
 - Modular buildings: 90
 - Total fixture units: 177
- Phase I domestic water demand determined per 2014 OPSC, Chart A-3 (included on next page)

Phase I domestic water demand: 59.0 GPM

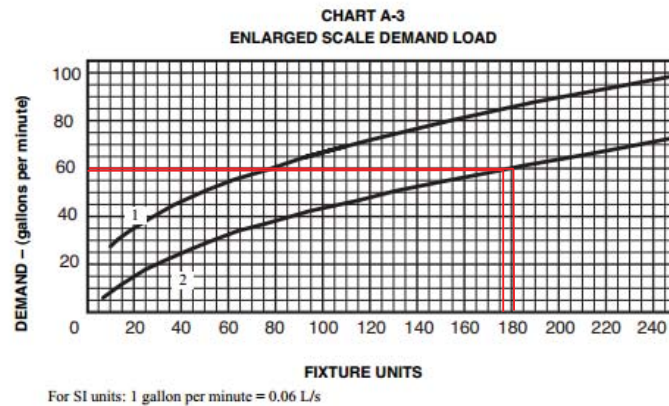
Phase II

Phase II includes main building from Phase I, with the modular buildings being removed.

FIXTURE	NUMBER	WATER FIXTURE UNITS	
		EACH	TOTAL
WATER CLOSET	20	2.5	50.0
URINAL	7	2.0	14.0
LAVATORY	26	1.0	26.0
DRINKING FOUNTAIN	9	0.5	4.5
TOTAL WATER FIXTURE UNITS			94.5

- Assumed:
 - Public values for all fixtures
 - 50% of required water closets replaced by urinals in male restrooms
 - Flush tank urinals
 - 1.6 GPF flush tank water closets
- New water fixture units for Phase II: 94.5 per 2014 OPSC, Table A-2 (included on next page)
- New domestic water demand for Phase II: 42.0 GPM per 2014 OPSC, Chart A-3
- Total Phase II water fixture units (Phase I main building + new for Phase II): 181.5
- Total Phase II domestic water demand determined per 2014 OPSC, Chart A-3

Phase II domestic water demand: 60.0 GPM



**TABLE A-2
WATER SUPPLY FIXTURE UNITS (WSFU) AND MINIMUM FIXTURE BRANCH PIPE SIZES³**

APPLIANCES, APPURTENANCES, OR FIXTURES ²	MINIMUM FIXTURE BRANCH PIPE SIZE ^{1,4} (inches)	PRIVATE	PUBLIC	ASSEMBLY
Bathtub or Combination Bath/Shower (fill)	½	4.0	4.0	–
¾ inch Bathtub Fill Valve	¾	10.0	10.0	–
Bidet	½	1.0	–	–
Clothes Washer	½	4.0	4.0	–
Dental Unit, cuspidor	½	–	1.0	–
Dishwasher, domestic	½	1.5	1.5	–
Drinking Fountain or Water Cooler	½	0.5	0.5	0.75
Hose Bibb	½	2.5	2.5	–
Hose Bibb, each additional ⁶	½	1.0	1.0	–
Lavatory	½	1.0	1.0	1.0
Lawn Sprinkler, each head ⁵	–	1.0	1.0	–
Mobile Home, each (minimum)	–	12.0	–	–
Sinks	–	–	–	–
Bar	½	1.0	2.0	–
Clinic Faucet	½	–	3.0	–
Clinic Flushometer Valve with or without faucet	1	–	8.0	–
Kitchen, domestic	½	1.5	1.5	–
Laundry	½	1.5	1.5	–
Service or Mop Basin	½	1.5	3.0	–
Washup, each set of faucets	½	–	2.0	–
Shower per head	½	2.0	2.0	–
Urinal, 1.0 GPF Flushometer Valve	¾	3.0	4.0	5.0
Urinal, greater than 1.0 GPF Flushometer Valve	¾	4.0	5.0	6.0
Urinal, flush tank	½	2.0	2.0	3.0
Wash Fountain, circular spray	¾	–	4.0	–
Water Closet, 1.6 GPF Gravity Tank	½	2.5	2.5	3.5
Water Closet, 1.6 GPF Flushometer Tank	½	2.5	2.5	3.5
Water Closet, 1.6 GPF Flushometer Valve	1	5.0	5.0	8.0
Water Closet, greater than 1.6 GPF Gravity Tank	½	3.0	5.5	7.0
Water Closet, greater than 1.6 GPF Flushometer Valve	1	7.0	8.0	10.0

For SI units: 1 inch = 25 mm

Notes:

¹ Size of the cold branch pipe, or both the hot and cold branch pipes.

² Appliances, appurtenances, or fixtures not included in this table shall be permitted to be sized by reference to fixtures having a similar flow rate and frequency of use.

³ The listed fixture unit values represent their total load on the cold water building supply. The separate cold water and hot water fixture unit value for fixtures having both cold and hot water connections shall be permitted to each be taken as three-quarters of the listed total value of the fixture.

⁴ The listed minimum supply branch pipe sizes for individual fixtures are the nominal (I.D.) pipe size.

⁵ For fixtures or supply connections likely to impose continuous flow demands, determine the required flow in gallons per minute (gpm) (L/s) and add it separately to the demand in gpm (L/s) for the distribution system or portions thereof.

⁶ Reduced fixture unit loading for additional hose bibbs is to be used where sizing total building demand and for pipe sizing where more than one hose bibb is supplied by a segment of water distribution pipe. The fixture branch to each hose bibb shall be sized on the basis of 2.5 fixture units.



Submittal Data

3656 M&L Bronze Fitted End Suction Cast Iron Pumps MODEL : 14BF2P5B0

Hydraulic Data					Motor Data	3656/3756 M L Group	Qty.
Maximum Flow	Flow at Duty Point	Maximum TDH	TDH at Duty Point	NPSH _r	Voltage / Phase / Enclosure	Model	
862 US g.p.m.	425 US g.p.m.	169 ft	151 ft	5 ft	460V 3PH PE-TEFC	14BF2P5B0	1

Submittal Prepared for: _____
 Engineer: _____
 Submittal Prepared by: _____
 Submittal Date: 2015-10-28

Job: _____
 Contractor: _____
 Company: _____
 Approved by: _____ Date: _____

Engineering Data

Pump Code: 14BF2P5B0
 Pump Size: 3 x 4 - 13
 Pump Max Horsepower: 29.915 hp
 Pump Horsepower at Rating Point: 21.52 hp
 Pump Shut Off Head: 169 ft
 Motor Speed: 1780 rpm
 Max. Temperature: 212 °F
 Liquid: Water, pure
 Motor Code: C15732PE
 System Input Power: 3~ 460 V
 Motor Rated Horsepower: 25.00 hp
 Max. Frequency: 60
 Electrical Enclosures: TEFC/Prem ...
 Motor Standard: NEMA
 Suction Flange Standard: ANSI
 Suction Flange Rating: Class 125
 Suction Size: 4"
 Discharge Flange Standard: ANSI
 Discharge Flange Rating: Class 125
 Discharge: 3"
 Approximate Net Weight: 527 lb
 Impeller Size: 12⁹/₁₆"
 Impeller Construction: Closed
 Impeller Type: Radial impeller
 Impeller Material:
 ASTM B584, Modified C87500-Lead Free
 Sense of Rotation: Clockwise from the drive end
 Shaft Seal: Carbon/Ceramic/BUNA

Standard Equipment / Capability:

The 3656 and 3756 M & L-Group pumps from Goulds have been designed with technical benefits to meet the needs of users in a variety of water supply, recirculation, and cooling applications.

- The model 3656 offers close coupled design for space saving and simplified maintenance.
- The model 3756 offers a bearing frame mounted design for flexibility of installation and drive arrangements.
- SAE drive sizes 1 through 5 available on all pumps.
- Back pull-out to reduce maintenance down time.
- Standard Type 21 mechanical seal for both reliability and availability. Carbon/ceramic/ BUNA standard, with other faces and elastomers available.
- Available in packed stuffing box design with Teflon™ impregnated packing, split Teflon lantern ring, tapped flush connection and 2 piece investment cast interlocking gland, all standard.
- Available in all iron or bronze fitted construction for application versatility.
- Replaceable wearing components include stainless steel shaft sleeve and casing and hub wear rings to maintain peak efficiency.
- Enclosed impeller design, dynamic balancing and renewable wear rings reduce losses affecting performance and pump life.
- 125 Class ANSI flange suction/ discharge connections and casing rotation for piping connection versatility.
- NPT threaded connections are supplied on 1 1/2 x 2 – 10 and 2 1/2 x 3 – 8 models.
- Optional rigid carbon steel bedplate, sheet metal coupling guard and T. B. Woods spacer coupling for 3756 models.
- Standard NEMA motor frame, JM shaft extension (mechanical seal) JP shaft extension (packed box), C face mounting, single phase or three phase, 3500 or 1750 RPM for 60 Hz, 2900 or 1450 RPM for 50 Hz. Open drip-proof and totally enclosed fan cooled.
- Optional explosion proof and high efficiency motors are available.



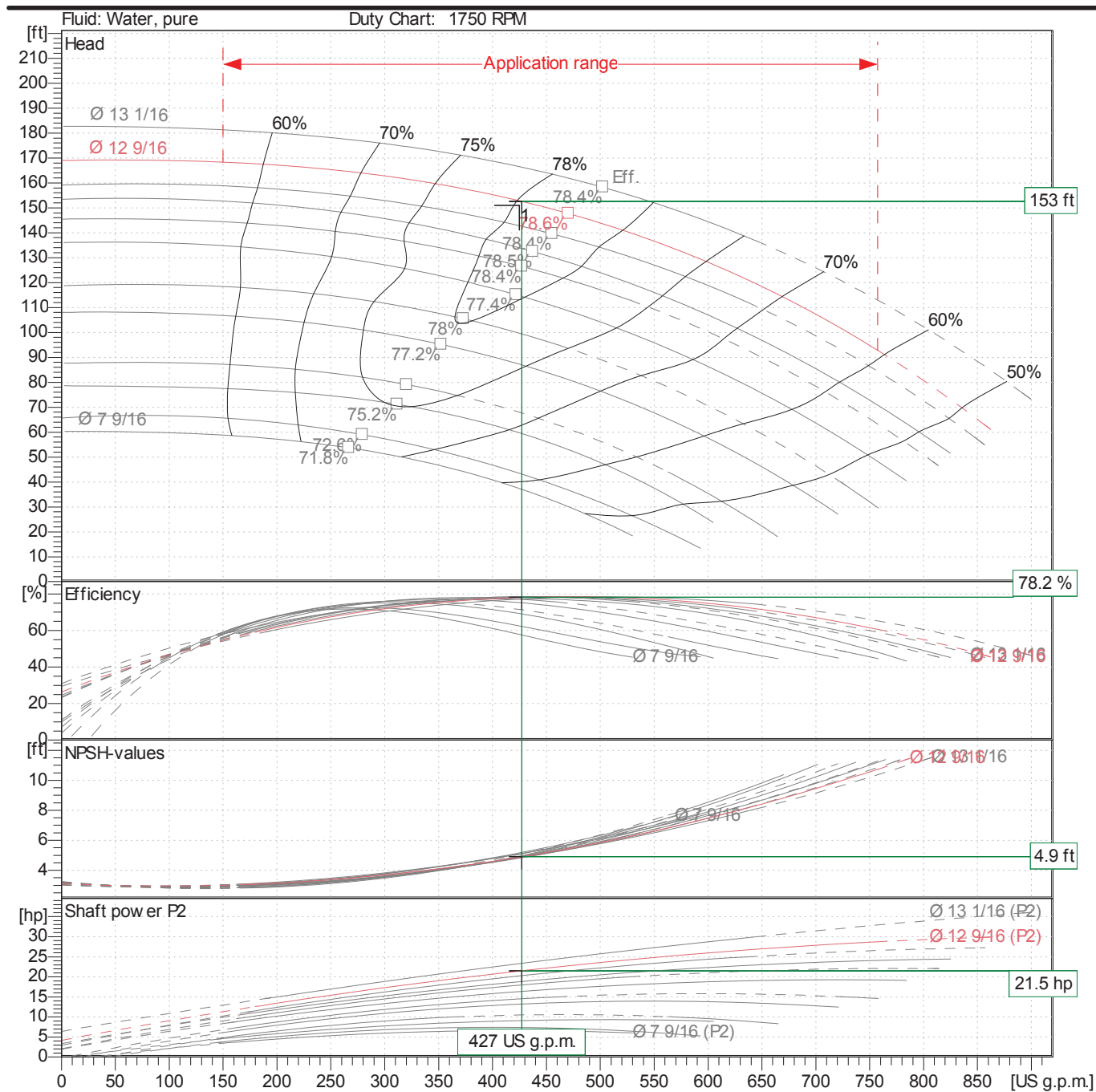
Performance Data

3656 M&L Bronze Fitted
End Suction Cast Iron Pumps
MODEL : 14BF2P5B0

Hydraulic Data					Motor Data	3656/3756 M L Group Model	Qty.
Maximum Flow	Flow at Duty Point	Maximum TDH	TDH at Duty Point	NPSH _r	Voltage / Phase / Enclosure		
862 US g.p.m.	425 US g.p.m.	169 ft	151 ft	5 ft	460V 3PH PE-TEFC	14BF2P5B0	1

Submittal Prepared for: _____
 Engineer: _____
 Submittal Prepared by: _____
 Submittal Date: 2015-10-28

Job: _____
 Contractor: _____
 Company: _____
 Approved by: _____ Date: _____





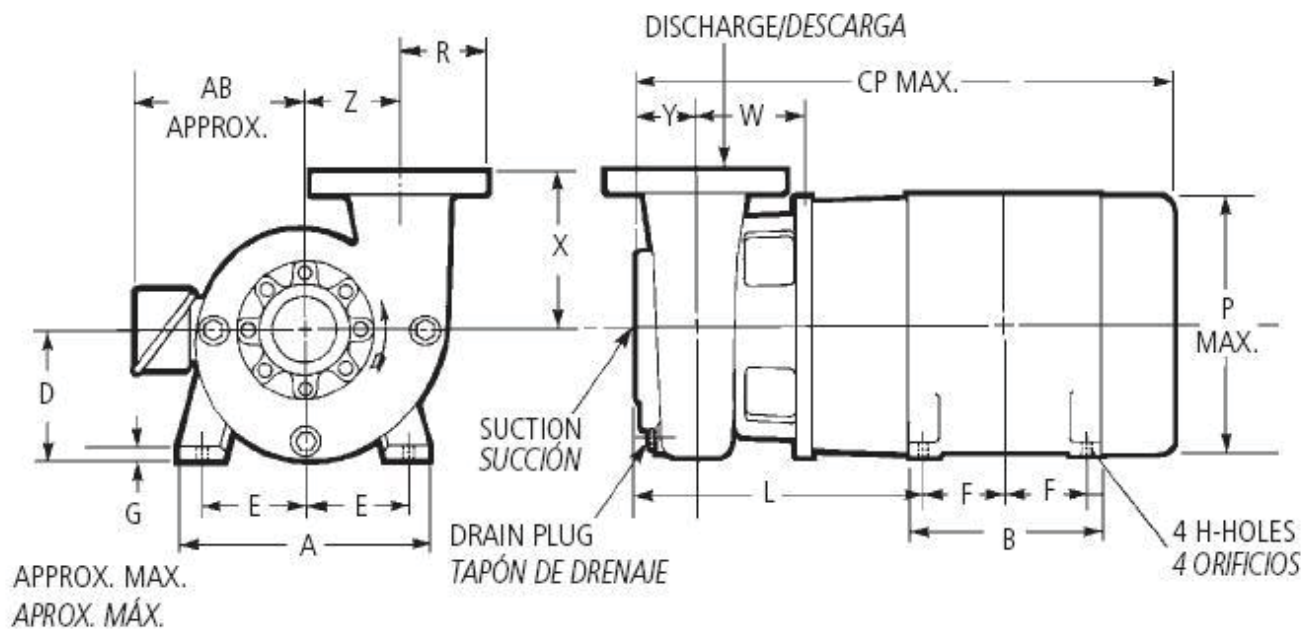
Unit Dimensions

3656 M&L Bronze Fitted End Suction Cast Iron Pumps MODEL : 14BF2P5B0

Hydraulic Data					Motor Data	3656/3756 M L Group Model	Qty.
Maximum Flow	Flow at Duty Point	Maximum TDH	TDH at Duty Point	NPSH _R	Voltage / Phase / Enclosure		
862 US g.p.m.	425 US g.p.m.	169 ft	151 ft	5 ft	460V 3PH PE-TEFC	14BF2P5B0	1

Submittal Prepared for: _____
 Engineer: _____
 Submittal Prepared by: _____
 Submittal Date: 2015-10-28

Job: _____
 Contractor: _____
 Company: _____
 Approved by: _____ Date: _____



Dimension	Value	Dimension	Value
AB max	5 ⁷ / ₈	H	1 ¹ / ₂
B	10 ³ / ₄	L	12 ³ / ₄
CP max	33 ¹ / ₄	P max	13 ¹ / ₄
D	7	R	3 ³ / ₄
DC max	9 ¹ / ₂	Suction	4" ANSI
DD	8 ¹ / ₈	W	5
Discharge	3" ANSI	X	9
Drain	0.375 NPT	Y	3
E	5 ¹ / ₂	Z	7 ¹ / ₂
F	4 ³ / ₄		
G	1 ¹ / ₄		

SEWER / WATER PLAN AND PROFILE
VERITAS SCHOOL

NEWBORN JOURNAL OF 97.132



DESIGNED BY: LIA DATE: 02.25.13
REVIEWED BY: LIA DATE: 02.25.13
PROJECT NO.: 0158
SHEET: 1 OF 30

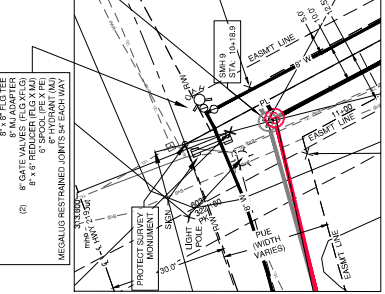
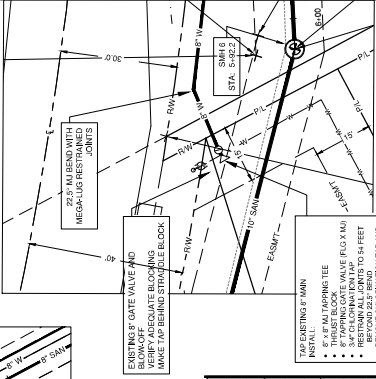
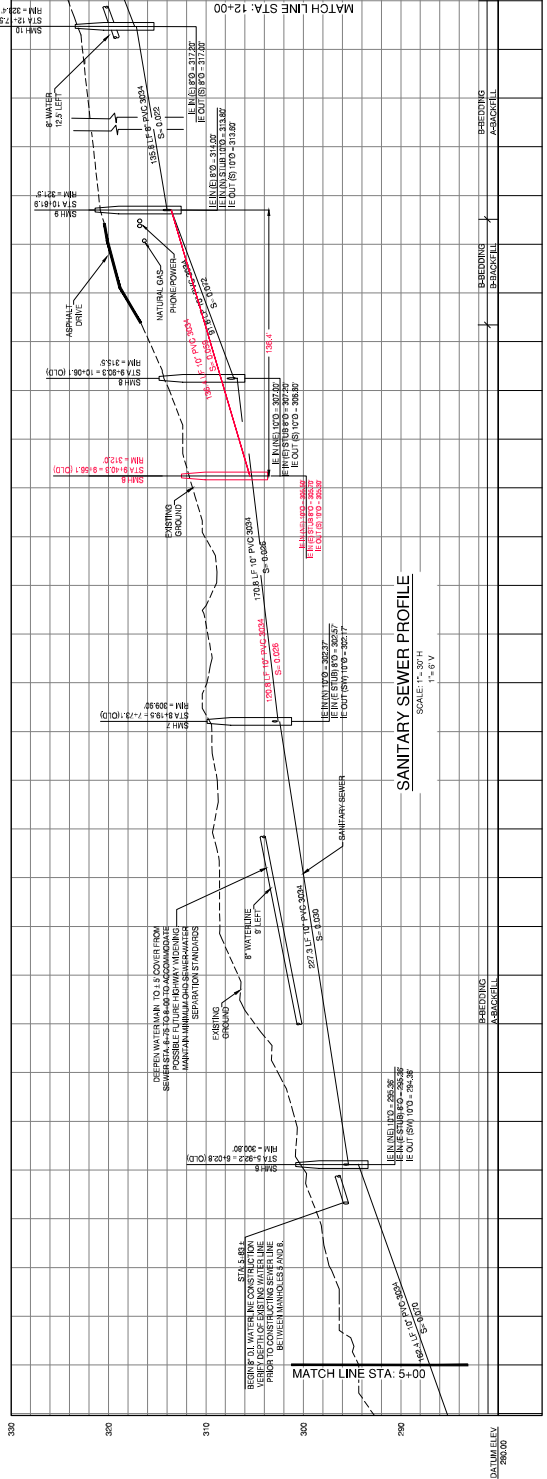
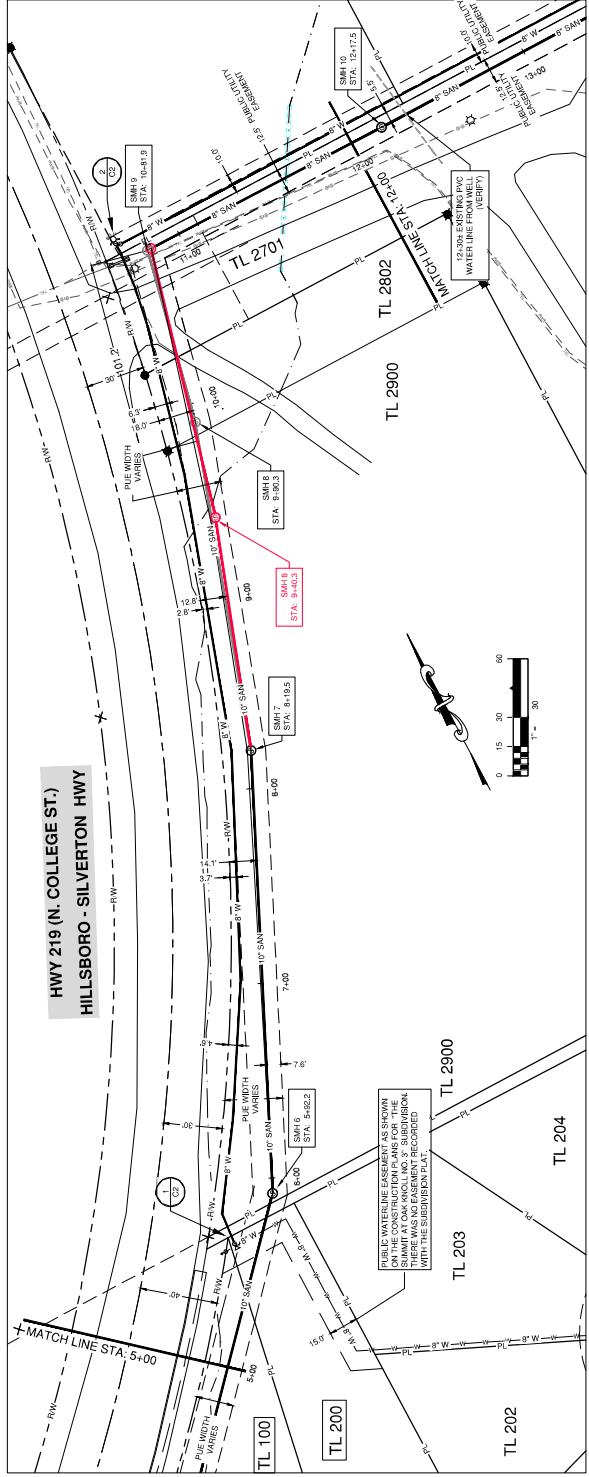
NO.	DATE	REVISION
1	02.25.13	UTILITY PLAN
2	07.31.13	PER CITY COMMENTS
3		LIA
4		LIA

Larry Anderson Engineering, Inc.
P: (503) 537-1115 E: anderson@larryanderson.com
11500 S. Highway 100, Suite 100, Clatskanie, Oregon 97113

SHEET: C2
PROJECT: DIS VERITAS
DATE: 01/16
DRAWN BY: [Signature]

DWG: CHURCH SEWER WATER MAP

WARNING: 1. IF THE BAG DOES NOT SHOWN IN THE DRAWING IS NOT TO SCALE.



MEMORANDUM

DATE: December 9, 2015

TO: Kaaren Hofmann, PE – City Engineer

FROM: John P. Christiansen, PE – AKS Engineering & Forestry, LLC

CC: Bill Rourke – Owner

SUBJECT: Oak Knoll Booster Pump Upgrade – Preliminary Engineer's Cost Estimate

PROJECT: 4016 N College Street (AKS #4612)

BACKGROUND

The owner of the property located at 4016 N College Street is pursuing the development of a single-family residential subdivision on the subject property (TL 2900 Map 3.2.08). As summarized in the *Oak Knoll Booster Pump Upgrade – Revised* memorandum prepared by AKS Engineering & Forestry, LLC (AKS) dated November 16, 2015, upgrades to an existing water booster pump are required to support the proposed development. This memorandum is being provided at the request of the City of Newberg (City) to identify anticipated costs associated with the booster pump upgrades.

PRELIMINARY COST ESTIMATE

The following table provides a preliminary cost estimate for upgrades to the Oak Knoll Booster Pump Station. In general, upgrades are anticipated to include removal of two (2) existing pumps and replacement with two (2) Goulds Close-Coupled End-Suction pumps coupled with 30 HP motors.

#	Cost Description	Quantity	Unit	Unit Price	Total
1	Soft costs incurred to date	1	LS	\$3,000	\$3,000
2	Pump station upgrades	1	LS	\$50,428	\$50,428
3	Final design	1	LS	\$5,000	\$5,000
4	Contingency	1	LS	\$10,000	\$10,000
	Total				\$68,428

Notes:

1. Soft costs incurred to date are for services provided by AKS to prepare system demand calculations for the future development and evaluate pump upgrades.
2. Pump Station Upgrades per Quotation #TP15302-1 by Triangle Pump dated 10/29/2015.
3. Final design includes civil engineering services for plan preparation to obtain plan approval from the City.
4. Contingency is included, given the preliminary nature of this estimate.
5. This cost estimate is provided for budgetary purposes only. Actual construction costs may vary.

COST ALLOCATION

The proposed booster pump upgrades have been planned to meet the system demands of development on properties under the ownership of three parties: Bill Rourke, North Valley Friends Church, and the

Veritas School. The following table provides a cost sharing structure between these parties based on a proportionate share of increased demand on the system:

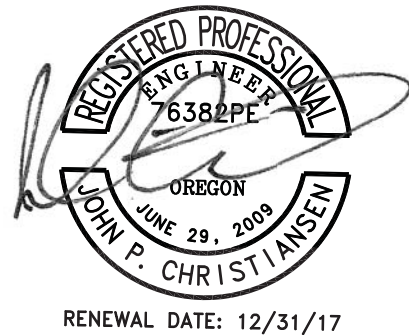
Proportionate Share Based on Water System Demand				
Water System User	Water System Demand (gpm)*	Total Water System Demand (gpm)	Proportionate Usage (%)	Proportionate Cost
Rourke Property	70	171	41	\$28,055
North Valley Friends Church	41	171	24	\$16,423
Veritas School	60	171	35	\$23,950
*Note: Water System Demand per November 16, 2015 memorandum by AKS.				

CONCLUSION

We understand the City will facilitate a meeting between the affected properties to discuss the necessity of the booster upgrades, as well as a path for cost sharing.

Attachments

Quotation #TP15302-1 from Triangle Pump



 Triangle Pump & Equipment, Inc. PO Box 2890 {Battle Ground, WA 98604} Phone 360-887-9530 Fax 360-887-9540 sales@trianglepump.com		Quotation QUOTATION #TP15302-1
Date: 10/29/2015	Bid Time: N/A	Project: Upgrade Oak Knoll Booster System

TO:	AKS ENGINEERING & FORESTRY LLC Jeff Nelson	Owner: City of Newberg Consulting Firm: AKS
------------	---	--

SALESPERSON	PROPOSAL EXPIRATION DATE	PAYMENT TERMS	ADDENDA
Ray F. Cook	11//28/2015	Net 30-Days After Receipt Of Equipment {Unless Otherwise Negotiated}	N/A

Upon the terms and conditions on both sides of this form and accompanying materials, Triangle Pump and Equipment, Inc., is pleased to offer the following Quotation for your review. (www.trianglepump.com).

DESCRIPTION	SALES PRICE TOTAL
-------------	-------------------

Upgrade the existing PRESSURITE 300 Series Booster Station built by Triangle Pump and Equipment for AMT Resources in 2000. The upgrade will consist of the following items/services:

- New Goulds Close-Coupled End-Suction pumps rated for 425 GPM @ 150 Feet TDH, pumps will be coupled to 30 HP Premium Efficiency Inverter rated TEFC motors. Pumps are Cast-Iron Bronze Fitted construction, and are NSF61 labeled.
- Modify the existing control panel with new 30 HP Variable Frequency Drives and short-circuit protective devices. Drives and new short-circuit protective equipment will be mounted in a separate enclosure that will be mounted beside the existing panel. The existing drives will be abandoned, but left in place. Inter-connecting wiring will be completed one pump at a time to keep the system online.
- Modify the existing skid to accommodate the larger motors.
- Modify the existing suction & discharge headers for the new pumps. No new valving or new piping other than what is required to install the new pumps. The piping modifications will be accomplished using Metraflex[®] flexible pump connectors.
- No maintenance or repairs to the existing equipment unless by change-order.
- Longer & larger conductors/conduit from the new VFDs to the motors.
- No upgrade of the Control, Logic, or SCADA systems is included.

NOTE: The larger pumps in this upgrade will require upgrading the Utility Breaker and the Transfer Switch at the Generator – these ARE NOT included in this quote. Generator will be too small with this upgrade for all three pumps to operate simultaneously.

Budgetary Sales Price: \$ 50,428.00

Submittals 2 to 4 weeks after receipt of acceptable purchase order.

Shipment 10 to 12 weeks after drawing approval and release to production. Manufacture lead-time is estimated and is subject to availability of materials.

Comments & Clarifications – General

1. Delivery terms are F.O.B. jobsite. Freight charges are included.
2. Any changes required by the engineer or the owner will require us to re-quote the entire project.
3. No other equipment or services not specifically mentioned are being provided.
4. Progress Payments are required. See Below:
Standard Triangle Terms Orders >=\$50,000.00
35% Due 30-Days after Submittal Approval and Release to Production.
60% Due 30-Days after receipt of Equipment.
5% Retainage – Not to exceed 60-days after approved startup.

Comments to Specification Section**Adder(s):****One (1) Triangle Pump & Equipment, Inc. - Startup Sales Price: \$ 950.00/Day**

Our Field Service {Startup} includes the services of a factory authorized field service technician for checkout, initial start-up, testing, commissioning, and/or instruction of plant personnel as noted in the specification. Refer to our Terms of Field Service below for additional Field Service Detail.

- A Flowmeter can be supplied by Triangle for Startup and Field Testing if requested for an additional \$250.00 added to this Startup Price. One time charge.
- At Startup a Vibration Check can be performed by Triangle Pump using our Ludeca VIBXPERT II to check for compliance to HI Standards only.

A complete Vibrational Analysis can be performed, if required, for additional cost. To be quoted if required.

Price Quoted is per Day.**Price: \$ 950.00**

Please Remit Purchase Orders To:
Triangle Pump & Equipment, Inc.
P.O. Box 2890
Battle Ground, WA 98604

COMMERCIAL TERMS

Triangle Pump & Equipment, Inc. standard terms and conditions apply as included.

Submittals: (4-6) Weeks after receipt of acceptable Purchase Order.

Validity: This quotation/proposal is valid for acceptance within (30) days of bid date. Purchase Orders issued beyond this time frame may be subject to price/delivery review. Please notify us prior to placing order, if beyond this time frame, to determine a price increase, if any.

Delivery: Quoted after receipt of Submittal Approval and Release to production. Estimated Leadtime TBD at time of order entry.

Payment: 100% Net 30-Days after receipt of equipment.
100% Net 30-Days for Startup & Training Invoices after completion of Startup.

Invoices are dated as of the date of equipment receipt. If completion of manufacture is delayed at Purchaser's request, Seller may invoice according to percentage of completion. These terms are independent of and are not contingent upon the manner in which the purchaser may receive payment from others. Storage of equipment shall be at Purchaser's risk and expense. We reserve the right to make partial shipments of equipment and pro rata invoice for the equipment shipments made. Retention of a Percentage of the contract sale amount is prohibited unless agreed upon in writing prior

to acceptance of this contract. The sale of the equipment described above is made solely and expressly subject to the terms and conditions on the face and reverse side hereof.

Freight: Included in quoted price.

Sales Tax: Unless otherwise stated in this Quotation, prices do not include any Federal, State, or Local sales, use or other taxes that may be applicable to the sales of offered products or services. The amount of any such applicable taxes will be added to the Invoice at the rate in effect at the time of shipment.

SUBMITTAL & IOM COMMENTS

1. (4) Hard Copies of Submittal Data will be provided per this quoted price as well as one (1) electronic copy. Additional Hard Copies can be supplied at the rate of \$30.00 per copy.

2. (2) Hard Copies of Preliminary O&M Manuals will be provided per this quoted price plus one (1) electronic copy. Final copies will not be provided until we have full Preliminary Approval. (3) Hard Copies of final Approved O&M Data will be provided per the quoted price plus one (1) electronic copy. Additional copies specified and/or required will be \$50.00 each.

Terms of Field Service: Field Service quoted is not supervisory but advisory only and is offered subject to the express agreement that our function and responsibilities are limited to inspection, interpretation of drawings and IOM Manuals, and identification of materials for proper assembly and operation.

In order to ensure the availability of Servicemen, a minimum of (3) three weeks advance notice will be required to schedule service requests. In most cases, this will enable us to schedule service when requested by the Purchaser. If less than (3) three weeks notice is given, we cannot guarantee availability when requested, and it also may result in premium charges to Purchaser's Account.

In the event we arrive when requested, and the jobsite is not ready for the Service, we will Invoice according to the Rate quoted above. There will be no credit for time spent on site when no service is completed. The quoted rate is for a normal site work schedule defined as, (8) eight hours per day, (5) five days per week; all overtime and Saturday work to be invoiced at one and one half the quoted rate; Sunday and legal Holiday work to be invoiced at double the quoted rate.

Sincerely,

Ray F. Cook

Ph: 541-433-2625

Fax: 541-433-2635

Cell: 541-654-7843

Email: ray@trianglepump.com

/rfc

Quotation prepared by: Ray F. Cook

This is a quotation on the goods named, subject to the conditions noted above.

Unless specifically mentioned in this proposal for inclusion with proposed equipment, Triangle Pump & Equipment, Inc., and the other Manufacturers directly quoting equipment sections included in this Quotation have not included any other items or services.

Only those items which are specifically itemized in the descriptions above are included. No other materials or services are included whether they appear in the referenced specification section or sections referenced in that section or on the plans.

Disclaimer: Triangle Pump and the Companies we represent base our pump selections solely from the flow and head calculations given to us or stated in the specifications. We will not be held responsible for pump performance due to incorrect system calculations or improper piping configurations.

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!

December 2, 2015

Doug Rux
City of Newberg
Community Development Director
414 East First Street
Newberg, OR 97132

Re: ANX-14-002 4016 N. College St., Newberg, OR 97132

Dear Mr. Rux:

Thanks for asking me to provide this Transportation Planning Rule analysis for the planned annexation of tax lot 3208-2900. This 2.29 acre site is on the east side of College St. (Highway 210) immediately north of, and adjacent to the current city limits (R2/SP) and is in the Urban Growth Boundary. It is zoned VLDR-1 in Yamhill County and is designated Low Density Residential on the City of Newberg Comprehensive Plan. This designation will not be changed when the property is annexed.

The 11 homes planned to be constructed on this site and the one home currently on the property will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area when it is annexed.

Bill Rourke

December 15, 2015

Jessica Pelz
Associate Planner
City of Newberg
414 East First Street
Newberg, OR 97132

Re: ANX-14-002 4016 N. College St., Newberg, OR 97132
ADDITIONAL COMMENT RE: PUBLIC FACILITIES FINANCIN

Please add the following statement to the above annexation application to supplement the statement provided earlier which states: "The development will pay System Development charges that contribute to parks and school facilities. Taxes from the development will help to provide police, fire and other required services."

Residential streets with sidewalks and public water, sanitary sewer and storm drainage systems consistent with the City of Newberg Public Works Standards will be constructed by the developer at the developer's expense after annexation and tentative plan approval.

Bill Rourke

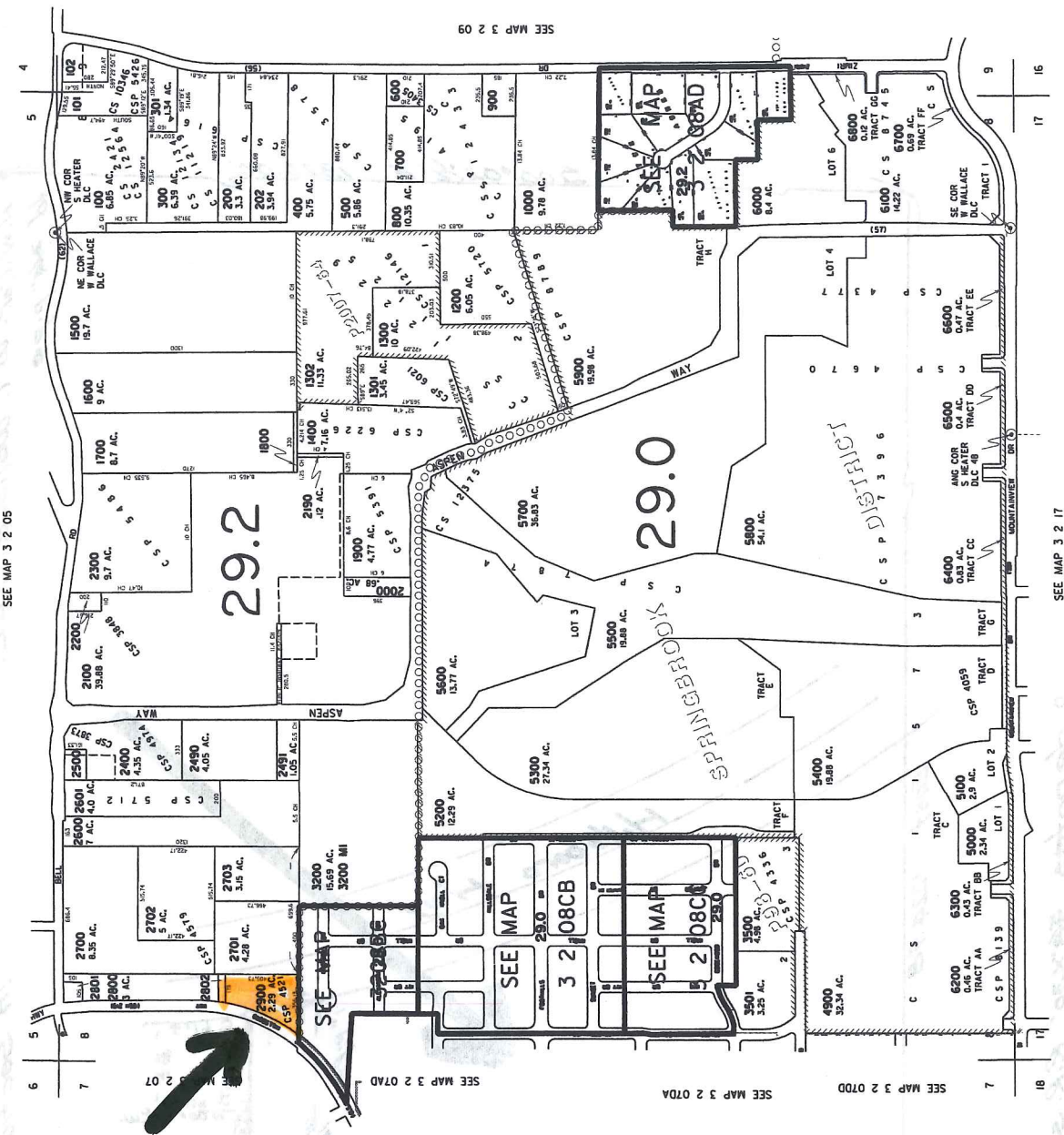
3 2 08
NEWBERG

SECTION 8 T3S R2W W.M.
YAMHILL COUNTY
1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

CANCELLED

201
100
3000
3001
3300
3400
3502
3503
3504
3600
3700
3800
3900
4000
4101
4200
4300
4400
4500
4600
4700
4800



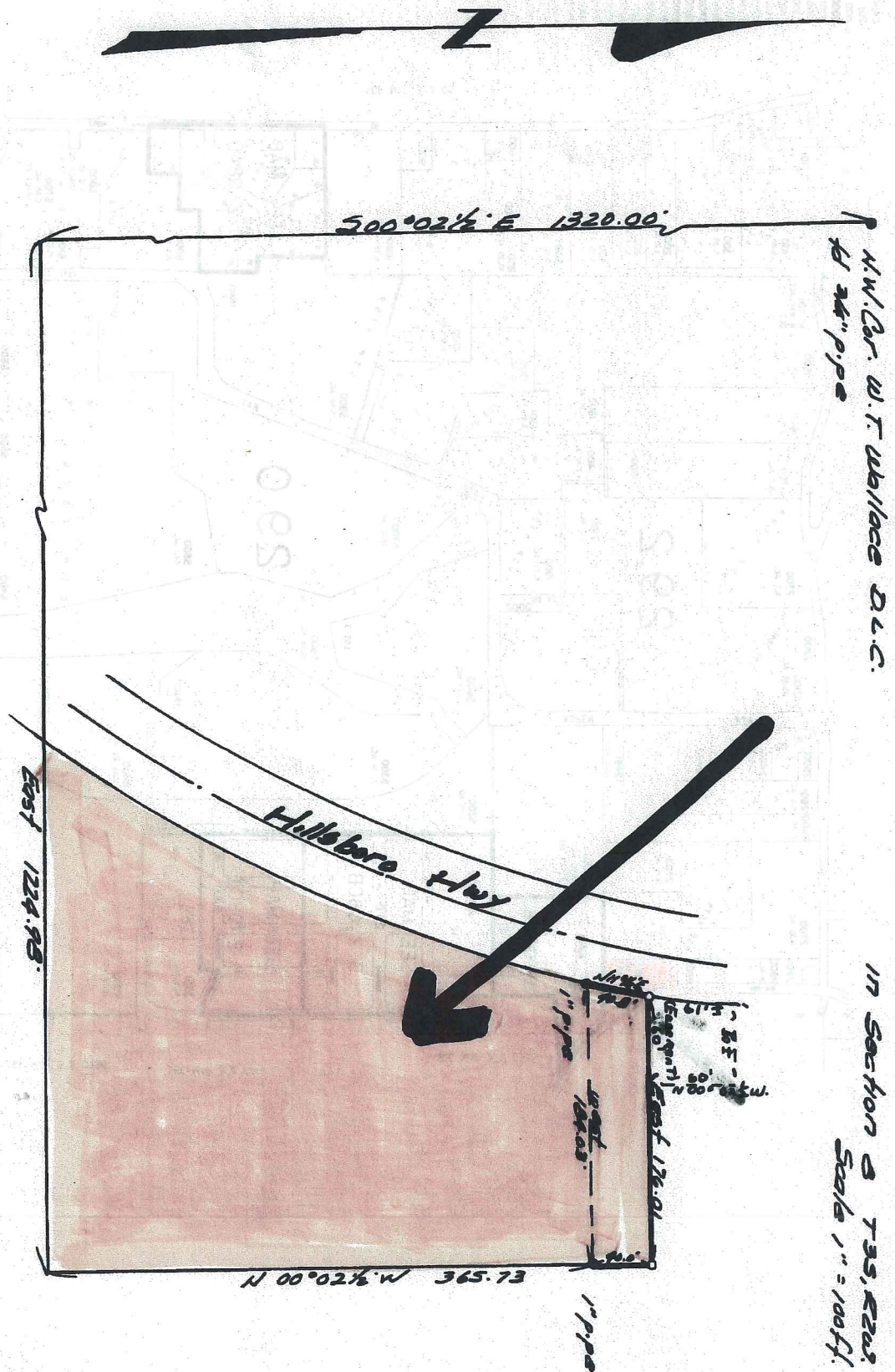
REVISED 5/16/12 SB

SEE MAP 3 2 17

3 2 08

1-1

- o denotes 50'x30' R.R. lot
- o denotes mans on record



in Section 8 T35, R22S, W1N. NW.
Scale 1" = 100 ft.

C. S. P-4579
STALEY REALTY

ENCLOSURE INC.
1505 Deft Road
North, Oregon 97132

[Handwritten signature]
C. S. P-4579

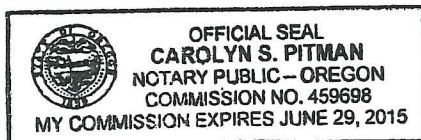
ANNEXATION CONSENT

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

The undersigned J. William Rourke Jr and Myrlene Rourke
J. Rourkebeing the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein,
and generally known as (address) 4016 N COLLEGE ST and (tax lot) 3208-2900, 2802
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 19th day of
SEPTEMBER, 20 14.J. William Rourke Jr
J. Wm Rourke Jr
Myrlene Rourke
Myrlene J. RourkeSTATE OF Oregon, County of Yamhill ss September 19, 2014
Month 1 day 1 yearPersonally appeared the above named J. William Rourke Jr and Myrlene Rourkeand acknowledged the foregoing instrument to be a voluntary act and deed.

Before me:

Carolyn S. Pitman
Notary Public for Yamhill County
My commission expires June 29, 2015

AFTER RECORDING RETURN TO:

City of Newberg
Planning and Building Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES**Recitals**

- 1) The undersigned, William Rourke and Mylene J Rourke (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 4016 N College St Newberg 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: 4016 N College St, 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)

ss.

County of Yamhill)

OFFICIAL SEAL
CAROLYN S. PITMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 459698
MY COMMISSION EXPIRES JUNE 29, 2015

This instrument was acknowledged before me on this 19th day of September, 2014, by
J William Rourke Jr and Myrlene Rourke.

Notary Public for Oregon

My Commission expires: June 29, 2015

CITY OF NEWBERG

APPROVED AS TO FORM:

Norma I. Alley, City Recorder

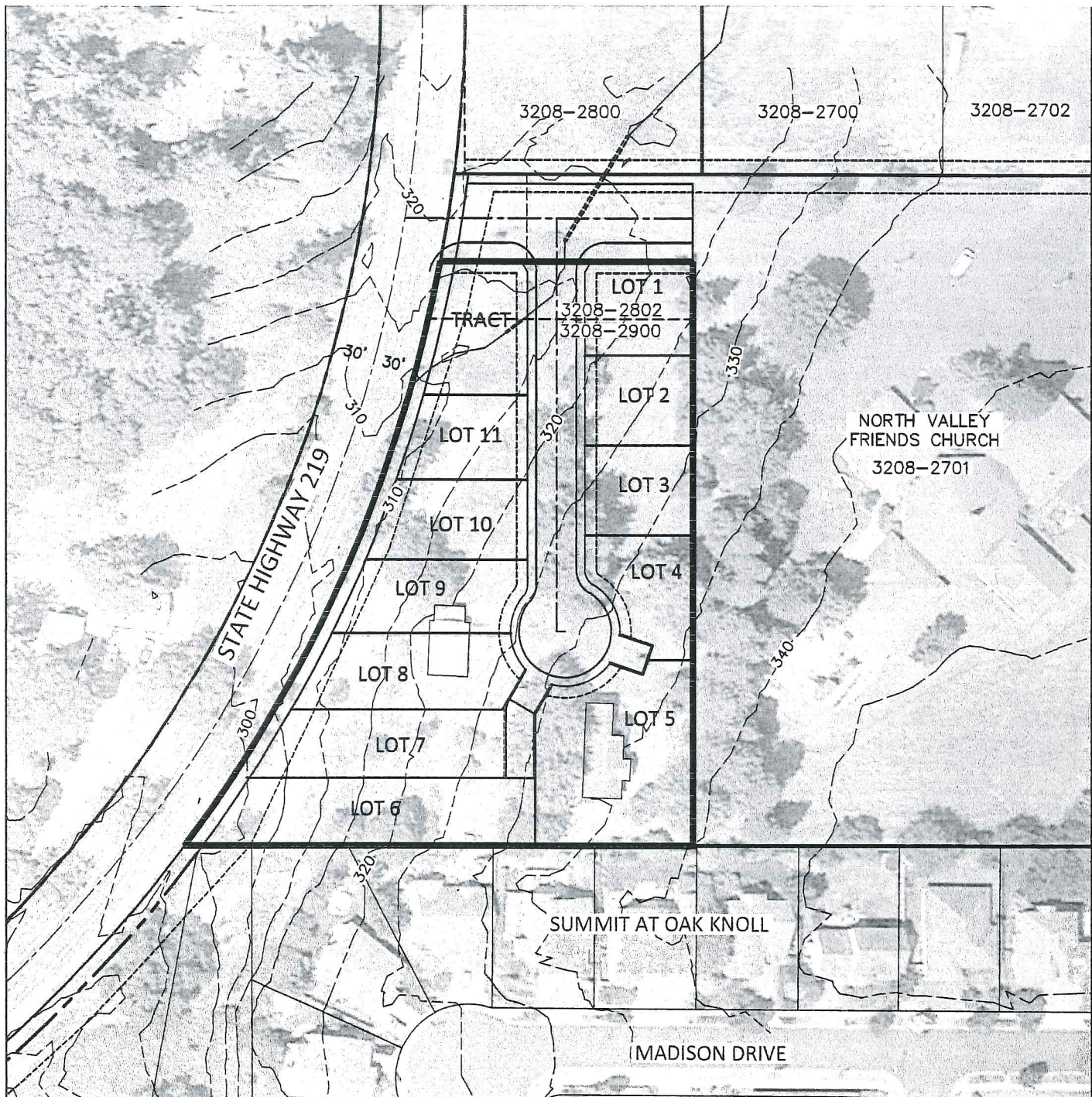
Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Newberg, OR 97132
PO Box 810 - (414 E First Street)
Planning and Building Department
City of Newberg



GENERAL LAND USE PLAN

1" = 100'



ROURKE ANNEXATION

TAX LOTS 3208-2900, 2802
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

OWNERS: J William Rourke, Jr. and Myrlene J. Rourke
1201 Fulton St., Apt. 13, Newberg, Or 97132

SITE ADDRESS: 4016 N. College St., Newberg

30 September 2014

LAEI

112 N. Springbrook Road
Newberg, Oregon 97132
Phone: (503) 537-1110
Email: andeng1@comcast.net

JOB # 0380



First American

Attachment 4: Application

Planning Commission Meeting
March 10, 2016
Page 51 of 53

First American Title Company of Oregon
825 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

Bill Rourke
1201 Fulton Street, Suite 13
Newberg, OR 97132

Order No.: 1039-2322178
September 22, 2014

Phone No.: (503)538-5567

Fee: \$85.00

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 September 19, 2014 at 8:00 a.m.

We find that the last deed of record runs to

J. William Rourke, Jr and Myrlene J. Rourke, as tenants by the entirety

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. Easement, including terms and provisions contained therein:
Recording Information: September 24, 2013 as Instrument No. 201315147
In Favor of: The City of Newberg, a municipal corporation
For: Public Sanitary Sewer and Public Waterline.
3. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: J William Rourke Jr and Myrlene J Rourke
Grantee/Beneficiary: Rivermark Community Credit Union
Trustee: First American Equity Loan Services
Amount: \$75,000.00
Recorded: February 07, 2012
Recording Information: Instrument No. 201201422, Deed and Mortgage Records

Attachment 4: Application

Lot Book Service

Planning Commission Meeting
March 10, 2016
Page 52 of 53
Guarantee No.: **1039-2322178**
Page 2 of 3

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:

1. Taxes for the fiscal year 2014-2015 a lien due, but not yet payable.

NOTE: Taxes for the year 2013-2014 PAID IN FULL

Tax Amount:	\$3,804.95
Map No.:	R3208 02900
Property ID:	25859
Tax Code No.:	29.2

Situs Address as disclosed on Yamhill County Tax Roll:

4016 N College Street, Newberg, OR 97132

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 an iron pipe at the East boundary of Hillsboro-Silverton Highway, said point being South $00^{\circ}02\frac{1}{2}'$ East 1320.0 feet and East parallel to the North boundary of Section 8, a distance of 869.85 feet from the Northwest corner of William T. Wallace Donation Land Claim, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; thence East parallel to the North boundary of Section 8, a distance of 355.13 feet to an iron pipe; thence North $00^{\circ}02\frac{1}{2}'$ West parallel to the West boundary of Donation Land Claim, 405.73 feet; thence West parallel with South boundary, distance of 178 feet, more or less, to the East boundary of State Highway; thence Southwesterly along State Highway, a distance of 447 feet, more or less, to the place of beginning.

ALSO a non-exclusive easement for roadway purposes over a strip of land described as follows:

Beginning at the most Northwest corner of the above described tract; thence East 60 feet; thence North $00^{\circ}02\frac{1}{2}'$ West 60 feet; thence West 50 feet, more or less, to the Easterly boundary of Hillsboro-Silverton Highway; thence Southwesterly along the Easterly boundary of said Highway, 60 feet, more or less, to the place of beginning.