

PLANNING COMMISSION STAFF REPORT
VACATION RENTAL CONDITIONAL USE PERMIT
709 E Franklin Street

HEARING DATE: January 13, 2022

FILE NO: CUP21-0007

REQUEST: Conditional use permit approval to use a single-family dwelling as a vacation rental home

LOCATION: 709 E Franklin Street

TAX LOT: R3218DD 06100

APPLICANT/OWNER: Erin Lynch & Richard Rupp

ZONE: R-2 (Medium Density Residential)

PLAN DISTRICT: MDR (Medium Density Residential)

ATTACHMENTS:

Planning Commission Order 2022-01 with:

Exhibit A: Findings

Exhibit B: Conditions of Approval

Attachment 1: Application

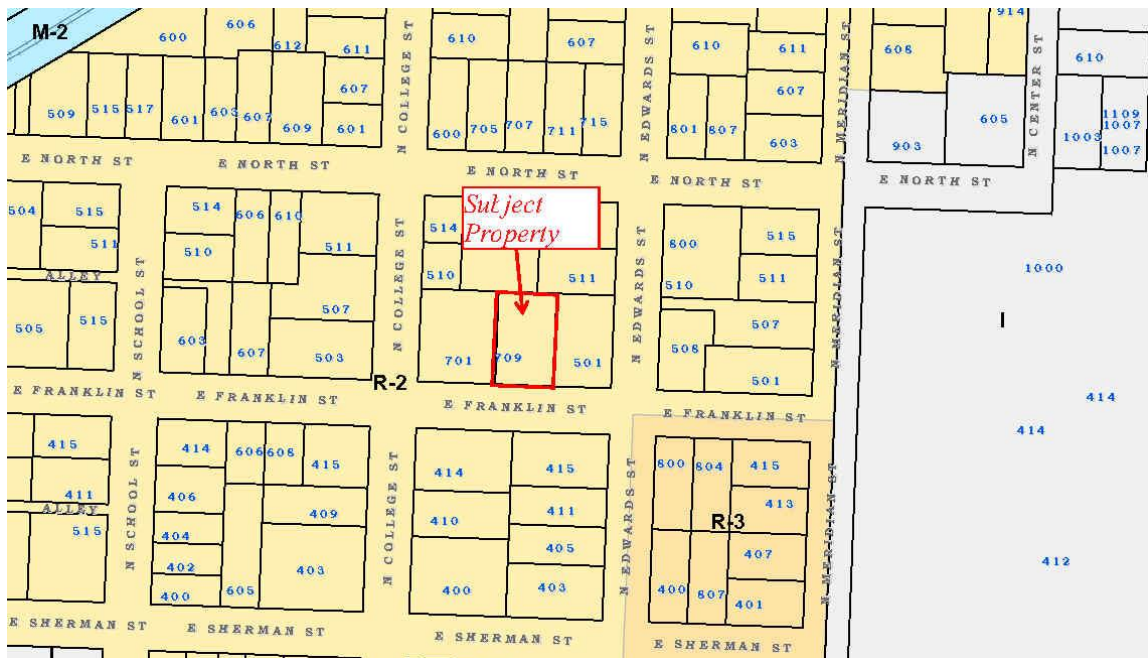
Attachment 2: Agency Comments

Attachment 3: Public Comments

Attachment 4: Housing Work Program

A. DESCRIPTION OF APPLICATION: The applicant is requesting Conditional Use Permit (CUP) approval to use an existing three-bedroom home as a vacation rental located at 709 E Franklin Street. The applicant has stated that four off-street parking spaces will be available for use by short-term tenants in addition to a two-car garage. The property owner, Erin Lynch & Richard Rupp, has stated they plan to use their home as a vacation rental when not living in the residence. The subject property is zoned R-2 (Medium Density Residential). Attachment 1 contains the submitted application.

B. LOCATION: 709 E Franklin Street



C. SITE INFORMATION:

1. Location: 709 E Franklin Street
2. Total Lot Size: Approximately 0.2 acres
3. Topography: The subject property is generally flat.
4. Current Land Uses: Single family residential
5. Natural Features: None
6. Adjacent Land Uses:
 - a. North: Single-family residential
 - b. South: Single-family residential

- c. East: Single-family residential
- d. West: Single-family residential

7. Zoning:

- a. North: R-2 (Medium Density Residential)
- b. South: R-2 (Medium Density Residential)
- c. East: R-2 (Medium Density Residential)
- d. West: R-2 (Medium Density Residential)

8. Access and Transportation: Access to the vacation rental will occur via E Franklin Street, which is classified as a local residential street in the City's Transportation System Plan. E Franklin Street is a paved road.

9. Utilities:

- a. Water: The City's GIS illustrates a 6-inch water line in E Franklin Street with an existing service lateral to the property.
- b.
- c. Wastewater: The City's GIS illustrates an 8-inch wastewater line in E Franklin Street with an existing service lateral to the property.
- d. Stormwater: The City's GIS illustrates a storm collector system drains into the gutter and then into the City stormwater system.
- e. Overhead Lines: Any new overhead utility connections to the property must be undergrounded. See NMC 15.430.010 for exception provisions.

D. PROCESS: This Conditional Use Permit 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 public hearing on the application. The Commission will make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

- 12/10/21: The Community Development Director deemed the application complete.
- 12/13/21: The applicant mailed notice to the property owners within 500 feet

of the site.

12/13/21: The applicant posted notice on the site.

12/29/21: The *Newberg Graphic* published notice of the Planning Commission hearing.

01/13/21: The Planning Commission will hold a quasi-judicial public hearing to consider the application.

E. AGENCY COMMENTS: The application was routed to several public agencies and City departments for review and comment. Comments and recommendations from City departments have been incorporated into the findings and conditions of approval. As of the writing of this report, the City received the following responses from the following referral agencies (Attachment 2):

City Manager: Reviewed, no conflict

Public Works Wastewater Treatment Plant: Reviewed, no conflict
Ziplly: Reviewed, no conflict

Building Official: Reviewed, no conflict

Finance: Reviewed, no conflict

Police: Reviewed, no conflict

Public Works Maintenance: Reviewed, no conflict

Public Works Director: Reviewed, no conflict

Public Works Engineering: Reviewed, no conflict

F. PUBLIC COMMENTS: As of the writing of this report, the City has received two comments on the proposal (Attachment 3). The comments are from Robin Baker expressing concerns with a vacation rental. Dr. Baker raises the following issues:

1. "... the home represents one of the most attainable houses in the area near the University. It is slightly over 1600 square feet and sits among other larger homes. If allowed to turn into essentially a local hotel, it takes another home off line for possible family purchase. Further, the city approved turning another home on the same street into a VRBO recently (804 E. Franklin St.) Both homes were smaller and more attainable homes in the area. If you continue to approve such requests it

will be increasingly difficult for local families to purchase homes near the city center.”

2. “... half of the homes between Meridian and College are now either rentals to university students (501 N. Edwards and 501 N. Meridian) or VRBOs (804 E. Franklin Street and if you approve 709 E. Franklin Street.). I would argue that when 50% of the homes in an area are moved into categories of rentals or VRBOs it erodes the nature of the community. Further, if you proceed west on Franklin across College even more local homes have been turned into rentals. The city should carefully reflect on how local policies erode the nature of residential communities. We believe that hotels would better serve wine tourism or other visitor strategies in the region. In any case, efforts of citizens to use their homes as revenue opportunities should not come at the expense of the local community.”

Staff Response: Dr. Baker is correct that the Planning Commission approved an application for a vacation rental at 804 E Franklin Street by Order No. 2019-10 on December 12, 2019, based on the applicable criteria in the Newberg Development Code for the proposed use.

In response to Dr. Baker’s comment on the impact to residential communities be vacation rentals and rentals at large. The City Council has as a Goal – Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

The City has noted the increase in the number of vacation rental applications which is reflected in the Housing Work Program accepted by the City Council on November 2, 2020, to implement the City Council Goal. The Housing Work Program contains a task of “Monitor impact of Short Term /Vacation Rentals on residential neighborhoods.” Actions to address the monitoring are identified to occur in Fiscal Year 2023-2024. An update to the City Council occurred on November 1, 2021, on the Housing Work Program (Attachment 4). At this time the City Council has not provided direction to staff to advance the timing of actions on vacation rentals.

City staff has been working to attract a hotel to the community in response to the tourism economy. Discussion with Escape Lodging for a Fairfield in are in process. The eventual outcome of these discussions is unknown, but the hope is it would relieve some of the pressure on property owners converting their residence on either a part-time or full-time bases to vacation rentals if other tourism accommodations are available.

The second comment is from Mark Gaidos expressing concerns on the increase of vacation rentals and the decline of sense of community in neighborhoods surrounding the downtown area. Mr. Gaidos raises the following issues:

“... The city should seriously consider the cumulative effect of the proliferation of rentals and vacation rental units within the neighborhoods surrounding the central

downtown core. I have lived in Newberg just short of 30 years and have witnessed the steady decline of the sense of community and overall livability in these neighborhoods as the housing stock has been changed from single-family owner-occupied to rentals and VRBO's. The loss of available affordable housing ownership, coupled with the loss of good family-wage jobs, as employers such as the paper mill have closed, has had a serious destructive effect. A community of absentee landlords and vacation renters is not a viable community. Given the general historic nature and character of these neighborhoods, the maintaining of existing affordable housing as owner-occupied should be encouraged over VRBO's or infill with new and incongruous higher-density housing. Instead of accelerating the hollowing-out of these neighborhoods, we should be working to ensure their vitality, and not promoting a hotel industry that is better served with properly constructed infrastructure elsewhere.”

Staff Response: The City Council has as a Goal – Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

The City has noted the increase in the number of vacation rental applications which is reflected in the Housing Work Program accepted by the City Council on November 2, 2020, to implement the City Council Goal. The Housing Work Program contains a task of “Monitor impact of Short Term /Vacation Rentals on residential neighborhoods.” Actions to address the monitoring are identified to occur in Fiscal Year 2023-2024. An update to the City Council occurred on November 1, 2021, on the Housing Work Program (Attachment 4). At this time the City Council has not provided direction to staff to advance the timing of actions on vacation rentals.

- G. ANALYSIS:** The proposed vacation rental is compatible with the surrounding residential use and neighborhood due to its size and scope. The characteristics of a vacation rental are not dissimilar to other rented and owned dwellings. The location of the proposed vacation rental is convenient and attractive for visitors to downtown.

The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Therefore, the maximum number of guests is six (6) in the house based on the current 3-bedrooms in the home. The applicants have voluntarily indicated that there would be a limit on guests to four adults. There are four proposed off-street parking spaces plus two spaces in the garage for short term tenants provided on the subject property.

- 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 the time this report was drafted, staff recommends the following motion:

Move to adopt Planning Commission Order 2022-01, which approves the requested conditional

use permit with the attached conditions of approval in Exhibit “B”.



PLANNING COMMISSION RESOLUTION 2022-01

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP21-0007 FOR A
VACATION RENTAL HOME AT 709 E FRANKLIN STREET, YAMHILL
COUNTY TAX LOT R3218DD 06100**

RECITALS

1. Erin Lynch and Richard Rupp submitted an application for a conditional use permit for a vacation rental home at 709 E Franklin Street, Yamhill County Tax Lot R3218DD 06100.
2. After proper notice, the Newberg Planning Commission held a public hearing on January 13, 2022, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit “B”, meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit “A”.

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP21-0007 is hereby approved, subject to the conditions contained in Exhibit “B”. Exhibit “B” is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit “A” are hereby adopted. Exhibit “A” is hereby adopted and by this reference incorporated.
3. This order shall be effective on January 27, 2022, unless appealed prior to this date.
4. This order shall expire one year after the effective date above if the applicant does not commence use of the home as a vacation rental unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 13th day of January 2022.

ATTEST:

Planning Commission Chair

Planning Commission
Secretary

List of Exhibits:

Exhibit “A”: Findings

Exhibit “B”: Conditions of Approval

**Exhibit “A” to Planning Commission Order 2022-01
Findings – File CUP21-0007
Vacation Rental at 709 E Franklins Street**

A. Conditional Use Permit Criteria That Apply - Newberg Development Code 15.225.060.

- A. *The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.***

Finding: The vacation rental would be in an existing three-bedroom, single-family dwelling in a neighborhood north of downtown Newberg and west of George Fox University. The property owners are planning to use the dwelling as a short-term vacation rental when they are not staying in the home themselves. The site landscaping, maintenance, and management will be managed by Corey & Ryan Tigner of iTrip Vacations.

The proposed vacation rental use is similar to a regular residential use in design and operating characteristics. The home has three bedrooms so a maximum of six renters would be allowed to occupy the home. The applicants have voluntarily indicated that there would be a limit on guests to four adults. Four off-street parking spaces are provided on the property in addition to the two-car garage. The owner is conditioned to keep at least two off-street parking spaces available for of vacation rental guests. Single-family R-2 zoned properties are located to the north, south, east, and west of the subject property. The subject property is zoned R-2. A vacation rental use is compatible with the surrounding residential neighborhood and would effectively function no differently than the existing residential uses in the surrounding area. This criterion is met.

- B. *The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.***

Finding: The location of the dwelling is attractive for a vacation rental due to its proximity to downtown Newberg and George Fox University. The downtown area is three blocks to the south and the university is one block to the east. The home is well maintained and has recent improvements. A vacation rental is a compatible use with other residential uses because it is similar in size and scope to a long-term rented (longer than 30-days) or owned dwelling. This criterion is met.

C. The proposed development will be consistent with this code.

Finding: The vacation rental standards are addressed in findings below; if the development complies with the standards of NMC Section 15.445.300, the application will be consistent with code requirements. The construction of the single-family home was permitted when it was built in 2021, which required demonstrating compliance with applicable NMC design standards.

B. Applicable Criteria - NMC 15.445.300 Vacation Rental Homes

15.445.310 Where allowed.

Vacation rental homes are permitted in areas shown on Chapter 15.305 NMC. The vacation rental home must be a structure approved for occupancy as a single-family dwelling unit.

Finding: The subject property is zoned R-2. The table below is an excerpt from Chapter 15.305 of the NMC, which states vacation rental homes are permitted as a conditional use in the R-2 zone. The owner has applied for conditional use permit approval for the proposed vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3
<u>Vacation rental home</u>	C	C	S	S	S	S(13)	S(13)	S(13)

This criterion is met.

15.445.320 Registration required.

Prior to use or advertising for use of a dwelling as a vacation rental home, the owner or operator shall register the vacation rental home with the city on forms provided by the director. The registration shall include such information required by the director, including the name and contact information for the owner, operator and a local contact.

Finding: As required by NMC 15.445.320, prior to the use of the home as a vacation rental the owner or applicant will be required to register the vacation rental home with the City and will be required to pay the transient lodging tax. This criterion will be met with the adherence to the aforementioned condition of approval.

15.445.330 Standards.

- A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.***
- B. The applicant shall provide for regular refuse collection.***
- C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.***
- D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the***

rental occupancy.

Finding: The proposed vacation rental would be in an existing three-bedroom single-family dwelling. There are four off-street parking spaces available on the existing driveway in addition to two spaces in the garage. The applicant will be responsible for providing for regular refuse collection and has indicated that the existing weekly pickup on Friday will be continued. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services, in order to comply with this Section of the NMC. The home has three bedrooms; therefore, the maximum number of guests is limited to 6. The applicants have voluntarily indicated that there would be a limit on guests to four adults. Based on the applicant's proposal the maximum number of guests will be limited to four. Guest contracts will not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests. The owner has proposed four off-street parking spaces. These criteria are met with the adherence to the aforementioned conditions of approval.

15.445.340 Registration posting.

The applicant shall post the vacation rental home registration within the dwelling adjacent to the front door. At a minimum, the posting will contain the following information:

- A. The name of the operator and a telephone number where the operator may be reached.***
- B. The telephone number for the police department.***
- C. The maximum number of occupants permitted to stay in the dwelling.***
- D. The standards for the rental occupancy.***
- E. The solid waste collection day.***

Finding: The applicant has acknowledged the requirements listed in NMC Section 15.445.340 and has stated that they will comply with these requirements. Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: Erin Lynch & Richard Rupp

Phone Number: (541) 221-2218

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: four (4)

Trash Pick-Up Day: Wednesday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental

occupants per bedroom, up to a maximum of 6 people. This rental is limited to 4 total occupants.

- The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

The requirements of Section 15.445.040 will be met with the adherence to the aforementioned conditions of approval.

15.445.350 Complaints and revocation of registration.

If the city receives two or more written complaints within a one-year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.

B. Impose additional conditions necessary to fulfill the purpose of this section.

C. Establish a probationary period to monitor compliance.

D. Dismiss the complaint.

E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170.

Finding: The City will follow the procedures listed above in the event complaints are received about the vacation rental home. The applicant's narrative acknowledges Section 15.445.050 complaints and revocation of registration. The applicants have indicated they understand the potential for an approval to be revoked if the requirements for operating a vacation rental are not adhered to.

C. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of and adherence to the attached conditions of approval in Exhibit "B".

**Exhibit “B” to Planning Commission Order 2022-01
Conditions of Approval – File CUP21-0007
Vacation Rental Home at 709 E Franklin Street**

THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO USE AS A VACATION RENTAL AND ADHERED TO IN ORDER TO CONTINUE THE USE OF A VACATION RENTAL:

1. **Transient Lodging Tax:** Prior to the use of the home as a vacation rental the owner or applicant will be required to register the vacation rental home with the City and will be required to pay the transient lodging tax.
2. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
3. **Parking:** The owner is conditioned to keep at two least off-street parking spaces available for use of vacation rental guests.
4. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: Erin Lynch & Richard Rupp

Phone Number: (541) 221-2218

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: four (4)

Trash Pick-Up Day: Wednesday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 6 people. This rental is limited to 4 total occupants.

The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

Attachment 1: Application



**TYPE III APPLICATION - 2021
(QUASI-JUDICIAL REVIEW)**

File #: CUP21-0007

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: Erin Lynch & Richard Rupp

APPLICANT: Erin Lynch & Richard Rupp
 ADDRESS: 134 N. 45th Circle, Camas, WA 98607
 EMAIL ADDRESS: erely@yahoo.com
 PHONE: 541-221-2218 MOBILE: 541-221-2218 FAX: n/a
 OWNER (if different from above): n/a PHONE: n/a
 ADDRESS: n/a
 ENGINEER/SURVEYOR: n/a PHONE: n/a
 ADDRESS: n/a

GENERAL INFORMATION:

PROJECT NAME: The Getaway Newberg PROJECT LOCATION: 709 E. Franklin Ave., Newberg, OR 97132
 PROJECT DESCRIPTION/USE: Lodging/Vacation Home Rental
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218DD-06100 ZONE: R2 SITE SIZE: 9,147 SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
 CURRENT USE: Single Family Residence
 SURROUNDING USES:
 NORTH: Single Family Residence SOUTH: Single Family Residence
 EAST: Single Family Residence WEST: Single Family Residence

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.

 Applicant Signature Date
Erin Lynch
 Print Name

 Owner Signature Date
Richard Rupp
 Print Name

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

RECEIVED

NOV 15 2021

Initial: _____

Fees:

\$105 Pre-Application Fee - PAID

\$1,939 Conditional Use Permit

Technology Fee $\$1,939 \times 5\% = \96.95

\$2,035.95

Public Notice Information:

Draft of Mailer (attached)

Draft of Sign (attached)

Mailing List properties w/in 500'

Current Title Report

Attached

Written Criteria Response:

We have not altered or changed the property or landscape other than maintenance. The only change we are proposing is the change in use to Lodging / Vacation Home Rental.

The size and design of the home has not changed and therefore will have minimum impact on the livability of the abutting properties. Generation of traffic will not change as there is a no events or parties policy for the short term rental and a maximum of 4 adults.

Project Statement:

The property is 2 blocks from George Fox University and a short walk to downtown businesses, the Cultural Center, and restaurants. Short term rentals will allow a place to stay for parents visiting their student children, and will bring tourists and revenue to local Newberg businesses.

As a short term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. We currently use the property on the weekends and plan to do so on and off through the course of our ownership. For short term guests, we allow a maximum of 4 adults at one time. There is a no parties or events policy. No pets and quiet hours begin at 9pm. Our short term rental management team will be installing noise monitors to ensure that all policies are being met and will take immediate action should a violation occur.

Updates to the property include light fixtures, carpeting, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Curb appeal and property will be constantly maintained to keep in line with the neighborhood. Lawn is mowed regularly.

The home originally belonged to Mabel Rush, who the local elementary school is named after.

709 E. Franklin Ave.
Newberg, OR 97132

Conditional Use Permit
File No. CUP-21-0007

Written Criteria Response:

**NEWBERG MUNICIPAL CODE 15.225.060
GENERAL CONDITIONAL USE PERMIT**

(A) The proposed use is a Short Term Vacation Rental (STR) when owners are not in residence.

- (1) The proposed STR is a SFR that is listed on the Yamhill County tax rolls as having been built in 1913. The home originally belonged to Mabel Rush, who the local elementary school is named after.
- (2) The property is 2 blocks from George Fox University and a short walk to downtown businesses, the Cultural Center, and restaurants. Short term rentals will allow a place to stay for parents visiting their student children, and will bring tourists and revenue to local Newberg businesses. Updates to the property include light fixtures, carpeting, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Curb appeal and property will be constantly maintained to keep in line with the neighborhood. Lawn is mowed regularly.
- (3) The property will be managed by Corey & Ryan Tigner of iTrip Vacations. They are experienced STR operators with 10+ years of operating history providing upscale accommodations to families and couples seeking to visit the local area. Guests are pre-screened and pay a premium price for accommodations, including a significant security deposit. For short term guests, we allow a maximum of 4 adults at one time. There is a no-parties or events policy. No pets and quiet hours begin at 9pm. Our short term rental management team will be installing noise monitors to ensure that all policies are being met and will take immediate action should a violation occur.
- (4) The property has a large driveway with parking for four vehicles, in addition to the existing 2 car garage.

(B) The location, design, and site of this STR will provide convenient and functional accommodations to families or couples staying here. The property has a long-term history as residential use. Per local ordinance, occupancy is limited to two per bedroom, is not expected to generate any more traffic than long-term residents; and in actuality is expected to generate less traffic and utility use, as STRs are typically occupied only 45-50% of the time.

(C) The proposed use, being consistent with zoning regulations and Oregon Supreme Court definitions of residential use (Yogman v Parrott 1997) appears to be consistent with the Newberg Municipal Code.

NEWBERG MUNICIPAL CODE 15.445.300
SPECIAL USE REQUIREMENTS

1. **Application and Purpose.** This is a single-family dwelling until that will be used, rented or occupied for periods of less than 30 days.
2. **Where Allowed.** In accordance with the Newberg Municipal Code (NMC) single-family homes require a Conditional Use Permit.
3. **Registration Required.** In accordance with NMC ordinance, the property will be registered with the city on the forms provided, and will include the contact information for the owner, operator and local contact.
4. **Standards.** In accordance with NMC ordinance, the applicant will:
 - A. **Provide a minimum of two parking spaces.** The property has a large driveway with parking for four vehicles, in addition to the existing 2 car garage.
 - B. **Provide regular refuse pickup.** There is a service agreement in place with Waste Management for weekly pickup of trash and recycling.
 - C. **Occupancy.** Per NMC ordinance, there is an occupancy limit of two people per bedroom up to 15 occupants. The property has three conforming bedrooms, and the occupancy limit will be set at 4.
 - D. Posting
5. **Registration Posting.** The applicant operator shall post the vacation rental home registration adjacent to the front door with the following information:
 - A. The name of the operator and a telephone number where the operator may be reached.
 - B. The telephone number for the police department.
 - C. The maximum number of occupants permitted to stay in the dwelling.
 - D. The standard for the rental occupancy.
 - E. The solid waste collection day.
6. **Complaints.** In the event two or more complaints are received in a calendar year without resolution by the code compliance officer, the applicant understands the following may occur:
 - A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.
 - B. Impose additional conditions necessary to fulfill the purpose of this section.
 - C. Establish a probationary period to monitor compliance.
 - D. Dismiss the complaint.
 - E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

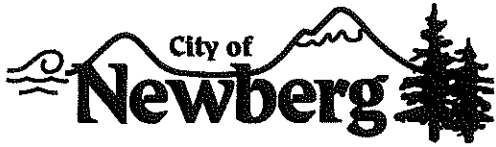
Project Statement:

The property is 2 blocks from George Fox University and a short walk to downtown businesses, the Cultural Center, and restaurants. Short term rentals will allow a place to stay for parents visiting their student children, and will bring tourists and revenue to local Newberg businesses.

As a short term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. We currently use the property on the weekends and plan to do so on and off through the course of our ownership. For short term guests, we allow a maximum of 4 adults at one time. There is a no parties or events policy. No pets and quiet hours begin at 9pm. Our short term rental management team will be installing noise monitors to ensure that all policies are being met and will take immediate action should a violation occur.

Updates to the property include light fixtures, carpeting, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Curb appeal and property will be constantly maintained to keep in line with the neighborhood. Lawn is mowed regularly.

The home originally belonged to Mabel Rush, who the local elementary school is named after.



Community Development Department

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

WE WANT YOUR COMMENTS ON A CONDITIONAL USE PERMIT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to operate a short term rental on the subject property. You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

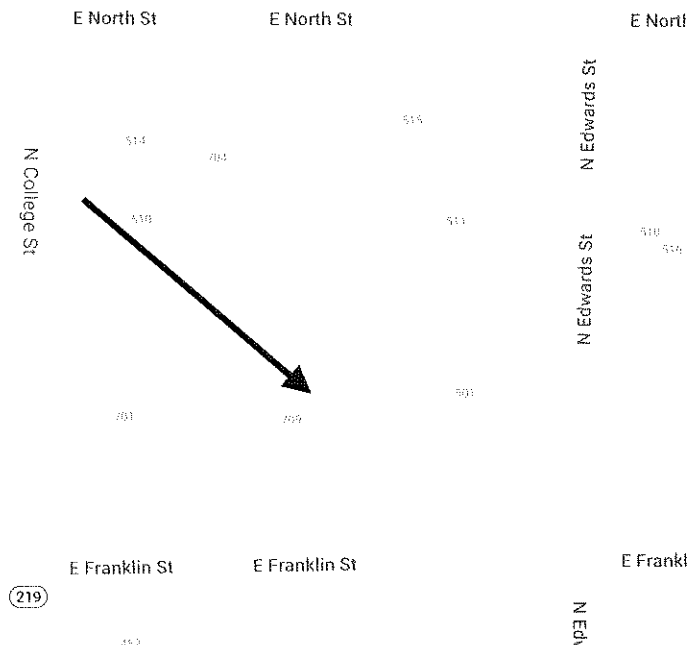
The development would include *a short term rental with a limit on occupancy to four adults, no pets, and prohibiting events or parties. Quiet hours after 9pm. No street parking allowed. No changes to existing structure or site – and to retain an appearance and consistency with the current neighborhood.*

APPLICANT: *Erin Lynch & Richard Rupp*
TELEPHONE: *541-221-2218*

PROPERTY OWNER: *Erin Lynch & Richard Rupp*

LOCATION: *709 E. Franklin Ave, Newberg, OR 97132*

TAX LOT NUMBER: *R3218DD 06100*



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

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

Written Comments: File No.XX **(City staff will give you the file number for
City of Newberg your project at the time of application)**
Community Development Department
PO Box 970
Newberg, OR 97132

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on **enter date two weeks from date you mailed notice**. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for design review approval are found in Newberg Development Code 15.220.050(B).

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

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

GEORGE FOX UNIVERSITY
OR CURRENT RESIDENT
422 N MERIDIAN ST
NEWBERG OR 97132

GEORGE FOX UNIVERSITY
OR CURRENT RESIDENT
414 N MERIDIAN ST
NEWBERG OR 97132

GEORGE FOX UNIVERSITY
OR CURRENT RESIDENT
414 N MERIDIAN ST
NEWBERG OR 97132

MICAH & CHRISTINE OLSON
OR CURRENT RESIDENT
PO BOX 907
NEWBERG OR 97132

JANELLE BAUGH
OR CURRENT RESIDENT
1008 VILLA RD
NEWBERG OR 97132

JANET LAND
OR CURRENT RESIDENT
607 E FRANKLIN ST
NEWBERG OR 97132

ROBERT DEXTER JR & KATHY
DEXTER
OR CURRENT RESIDENT
801 VERMILLION ST
NEWBERG OR 97132

TIMOTHY FORBES
OR CURRENT RESIDENT
601 E NORTH ST
NEWBERG OR 97132

RICHARD PIERCE II & MARISA
MACH
OR CURRENT RESIDENT
603 E NORTH ST
NEWBERG OR 97132

CRAIG REICHEL
OR CURRENT RESIDENT
607 E NORTH ST
NEWBERG OR 97132

ELIZABETH BREEN
OR CURRENT RESIDENT
609 E NORTH ST
NEWBERG OR 97132

LISA CARLSON
OR CURRENT RESIDENT
601 N COLLEGE ST
NEWBERG OR 97132

LAUREN OTTO
OR CURRENT RESIDENT
513 N MORTON ST
NEWBERG OR 97132

ELAINE SHEVLIN
OR CURRENT RESIDENT
611 N COLLEGE ST
NEWBERG OR 97132

YAMHILL COMMUNITY ACTION
PARTNERSHIP
OR CURRENT RESIDENT
PO BOX 621
MCMINNVILLE OR 97128

SAMANTHA & IAN EILERT
OR CURRENT RESIDENT
612 VERMILLION ST
NEWBERG OR 97132

CLIFF RICE
OR CURRENT RESIDENT
606 VERMILLION ST
NEWBERG OR 97132

BRUCE & TERESA ARNOLD
OR CURRENT RESIDENT
415 N SCHOOL ST
NEWBERG OR 97132

TAMARA JONES
OR CURRENT RESIDENT
414 N SCHOOL ST
NEWBERG OR 97132

AMY & NATHAN MACY
OR CURRENT RESIDENT
406 N SCHOOL ST
NEWBERG OR 97132

COLLEEN MCCOMBS
OR CURRENT RESIDENT
8150 SW 191ST PL
BEAVERTON OR 97007

DAVID & SALLY MEHLER
OR CURRENT RESIDENT
402 N SCHOOL ST
NEWBERG OR 97132

MARTIN & EMILY CHLUMAK
OR CURRENT RESIDENT
400 N SCHOOL ST
NEWBERG OR 97132

ANTONIO & CONNIE RUSSO
OR CURRENT RESIDENT
403 N COLLEGE ST
NEWBERG OR 97132

ANTONIO & CONSTANCE RUSSO
OR CURRENT RESIDENT
403 N COLLEGE ST
NEWBERG OR 97132

BETSY BINGHAM
OR CURRENT RESIDENT
12544 NW HARTFORD ST
PORTLAND OR 97229

MARTIN & LAURIE TROIANI
OR CURRENT RESIDENT
180 CANYON LAKES WAY
SAN RAMON CA 94582

PATRICIA ODENWELLER
OR CURRENT RESIDENT
608 E FRANKLIN ST
NEWBERG OR 97132

BRETT TALLMAN & MARYANNE
SAMPLES
OR CURRENT RESIDENT
606 E FRANKLIN ST
NEWBERG OR 97132

MARK GAIDOS
OR CURRENT RESIDENT
414 N COLLEGE ST
NEWBERG OR 97132

PATRICIA CAPASSO
OR CURRENT RESIDENT
313 N EDWARDS ST
NEWBERG OR 97132

JOHN CAMPBELL
OR CURRENT RESIDENT
712 E SHERMAN ST
NEWBERG OR 97132

HEIDEMARIE & JOHN CZARNECKI
OR CURRENT RESIDENT
610 N EDWARDS ST
NEWBERG OR 97132

JAMES CURTIS & LINDA NEWTON-
CURTIS
OR CURRENT RESIDENT
314 N COLLEGE ST
NEWBERG OR 97132

ROBERT & STEPHANIE CANEDAY
OR CURRENT RESIDENT
310 N COLLEGE ST
NEWBERG OR 97132

ROBERT SOPPE & ANNIE
NAVETTA
OR CURRENT RESIDENT
709 E SHERIDAN ST
NEWBERG OR 97132

HANS & KRISTI LARSEN
OR CURRENT RESIDENT
85125 BATTLE CREEK RD
EUGENE OR 97402

SHELLEY WILLMORE
OR CURRENT RESIDENT
807 E NORTH ST
NEWBERG OR 97132

BETTY MORRISON
OR CURRENT RESIDENT
717 E SHERIDAN ST
NEWBERG OR 97132

DAVID & SUSAN HAMPTON
OR CURRENT RESIDENT
607 N MERIDIAN ST
NEWBERG OR 97132

LLP PROPERTIES LLC
OR CURRENT RESIDENT
PO BOX 1060
NEWBERG OR 97132

MICHAEL & ELIZABETH SIMMONS
OR CURRENT RESIDENT
611 N MERIDIAN ST
NEWBERG OR 97132

GABRIEL & RACHAEL KUBIK
OR CURRENT RESIDENT
610 E SHERMAN ST
NEWBERG OR 97132

CONRADO & NABOR PEREDA
OR CURRENT RESIDENT
615 N MERIDIAN ST
NEWBERG OR 97132

KATHLEEN HOLMAN
OR CURRENT RESIDENT
606 E SHERMAN ST
NEWBERG OR 97132

KOSMICKI CRAIG B TRUSTEE FOR
OR CURRENT RESIDENT
23855 NE OLD YAMHILL RD
NEWBERG OR 97132

FORSYTH, TIMOTHY L TRUSTEE
OR CURRENT RESIDENT
511 N MERIDIAN ST
NEWBERG OR 97132

MARTHA & DENTON BROWN
OR CURRENT RESIDENT
800 E NORTH ST
NEWBERG OR 97132

EVAN & KIMBERLY BELLINGAR
OR CURRENT RESIDENT
24055 NE NORTH VALLEY RD
NEWBERG OR 97132

ADAM & REBECCA CARPENTER
OR CURRENT RESIDENT
508 N EDWARDS ST
NEWBERG OR 97132

CHERYL HOWARD
OR CURRENT RESIDENT
501 N MERIDIAN ST
NEWBERG OR 97132

TIMOTHY & LORI HOFFMAN
OR CURRENT RESIDENT
515 N EDWARDS ST
NEWBERG OR 97132

STEBBINS, JOAN M TRUST
OR CURRENT RESIDENT
511 N EDWARDS ST
NEWBERG OR 97132

STEVEN & PATRICIA VAN MARTEF
OR CURRENT RESIDENT
704 E NORTH ST
NEWBERG OR 97132

HOLSTER LLC
OR CURRENT RESIDENT
31163 NE CORRAL CREEK RD
NEWBERG OR 97132

JOSE VARGAS
OR CURRENT RESIDENT
510 N COLLEGE ST
NEWBERG OR 97132

GEORGE FOX UNIVERSITY
OR CURRENT RESIDENT
414 N MERIDIAN ST
NEWBERG OR 97132

JAMES FAMILY INVESTMENTS LLC
OR CURRENT RESIDENT
20280 SW SEELY LN
SHERWOOD OR 97140

RYAN & EMILY FORBES
OR CURRENT RESIDENT
511 N COLLEGE ST
NEWBERG OR 97132

NABOR & MARIA PEREDA
OR CURRENT RESIDENT
615 N MERIDIAN ST
NEWBERG OR 97132

Land Use Notice

FILE # _____

PROPOSAL:

Application for conditional use: Lodging/Vacation Home Rental.

Maximum Occupancy: 4 Adults, No Pets, No Street Parking, Quiet Hours
After 9pm

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Community Development Department
414 E. First Street
Phone: 503-537-1240

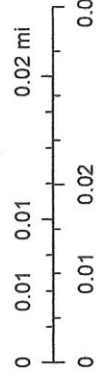


© 2020

NOTE: NO NEW PROPOSED FEATURES. ALL FEATURES SHOWN ARE EXISTING AND TO REMAIN.
Yamhill County Map



1:1,200



July 28, 2021

- SL City Boundary
- County Roads
- Townships
- Taxlots
- UGB_YamhillCo County
- Tax Label

Public Utilities Map



City of Newberg, Oregon Metro, Bureau of Land Management, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | City of Newberg, Oregon Metro, Geoterra | Originally created by Jan Wolf 2007-present

Public Utilities Map



City of Newberg, Oregon Metro, Bureau of Land Management, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | City of Newberg, Oregon Metro, Geoterra | Originally created by Jan Wolf 2007-present



1433 SW 6th Avenue
Portland, OR 97201
Phone: (503)646-4444 / Fax: (503)219-9984

TITLE PLANT RECORDS REPORT
Report of Requested Information from
Title Plant Records

Erin Lynch & Richard Rupp
134 N 45th Circle
Camas, WA 98607

Customer Ref.: _____
Order No.: 471821109953
Effective Date: August 3, 2021 at 08:00 AM
Fee(s): \$100.00

The information contained in this report is furnished by Tigor Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE NOR IS IT A PRELIMINARY TITLE REPORT OR A COMMITMENT FOR TITLE INSURANCE. No examination has been made of the Company's records, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the customer, and the Company will have no greater liability by reason of this report. THIS REPORT ("THE REPORT") IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT

County and Time Period

This report is based on a search of the Company's title plant records for County of Yamhill, State of Oregon, for the time period from February 16, 2006 through August 3, 2021 (with the through date being "the Effective Date").

Ownership and Property Description

The Company reports the following, as of the Effective date and with respect to the following described property ("the Property"):

Owner. The apparent vested owner of the Property is:

Richard Rupp and Erin Lynch, as tenants by the entirety

Premises. The Property is:

(a) Street Address:

709 E Franklin Avenue, Newberg, OR 97132

(b) Legal Description:

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

Encumbrances

THE FOLLOWING LIST OF ENCUMBRANCES (CHECK THE APPLICABLE BOX):

- INCLUDES NON-MONETARY AND MONETARY ENCUMBRANCES.**
 INCLUDES ONLY MONETARY ENCUMBRANCES.

Encumbrances. For the above stated time period, the Company reports that, as of the Effective Date, the Property appears to be subject to the following encumbrances, not necessarily shown in order of priority:

EXCEPTIONS

SPECIFIC ITEMS AND EXCEPTIONS:

1. A deed of trust to secure an indebtedness in the amount shown below,
Amount: \$438,450.00
Dated: March 2, 2021
Trustor/Grantor: Richard Rupp and Erin Lynch
Trustee: First American Title Company
Beneficiary: Mortgage Electronic Registration Systems, Inc., as nominee for Provident Funding Associates, L.P.
MIN: 1000179-0131010149-6
Recording Date: March 3, 2021
Recording No.: 202104361

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that Provident Funding Associates, L.P. was the then owner of the indebtedness secured by the trust deed. It may be possible, for a MERS trust deed, to obtain information regarding the current owner of the indebtedness and the servicer, if any, by contacting MERS at 888-679-6377 or through the MERS website.

General Index Liens against Named Party

[If no information appears in this section, the section is intentionally omitted.]

Recorded Documents

[If no information appears in this section, the section is intentionally omitted.]

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Deborah Clark
5035353743
FAX 877-470-2875
Deborah.Clark@titlegroup.fntg.com
Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

Lot 8 and the West Half of Lot 9, Block 2, DESKINS SECOND ADDITION TO NEWBERG OREGON, in the City of Newberg, County of Yamhill and State of Oregon.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS.

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 471821109953

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

RECORDING REQUESTED BY:



Fidelity National Title
Company of Oregon

10200 SW Greenburg Rd, Suite 110
Portland, OR 97223

GRANTOR'S NAME:

Constance Mary Woodberry and Mark John Woodberry

GRANTEE'S NAME:

Erin Rebecca Lynch and Richard Wayne Rupp

AFTER RECORDING RETURN TO:

Order No.: 45142100560-KW
Erin Rebecca Lynch and Richard Wayne Rupp
709 E Franklin Street
Newberg, OR 97132

SEND TAX STATEMENTS TO:

Erin Rebecca Lynch and Richard Wayne Rupp
709 E Franklin Street
Newberg, OR 97132

APN: 46532

Map: R3218DD/06100
709 E Franklin Street, Newberg, OR 97132

Yamhill County Official Records	202104360
DMR-DDMR	
Stn=6 MILLSA	03/03/2021 01:46:00 PM
2Pgs \$10.00 \$11.00 \$5.00 \$60.00	\$86.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY WARRANTY DEED

Constance Mary Woodberry and Mark John Woodberry, Grantor, conveys and warrants to

Richard Rupp and Erin Lynch, Husband and Wife

~~Erin Rebecca Lynch and Richard Wayne Rupp~~, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

Lot 8 and the West Half of Lot 9, Block 2, DESKINS' SECOND ADDITION TO NEWBERG, ORE., in the City of Newberg, County of Yamhill and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$555,000.00). (See ORS 93.030).

Subject to:

City Liens, if any, in favor of the City of Newberg. None found as of date of recording.

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

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

Dated: 2/18/21

Constance Mary Woodberry
Constance Mary Woodberry

Mark John Woodberry
Mark John Woodberry

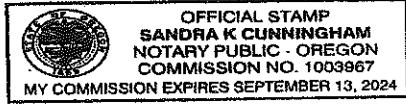
Fidelity National Title of Oregon 45142100560-170

STATUTORY WARRANTY DEED
(continued)

State of Oregon
County of Washington

This Instrument was acknowledged before me on February 18, 2021 by Constance Mary Woodberry and Mark John Woodberry.

[Signature]
Notary Public - State of Oregon
My Commission Expires: 9-13-2024



Attachment 2: Agency Comments



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: City Manager , Will Worthey

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

RECEIVED

DEC 15 2021

Initial: _____

HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 - Reviewed; recommend denial for the following reasons:
 - Require additional information to review. (Please list information required)
 - Meeting requested.
 - Comments. (Attach additional pages as needed)

WILL WORTHY
CM P/T *[Signature]*
Reviewed By: _____

12/15/21
Date: _____



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Public Works: Waste Water Plant, April Catan

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

RECEIVED
DEC 16 2021
Initial. _____

HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 - Reviewed; recommend denial for the following reasons:
 - Require additional information to review. (Please list information required)
 - Meeting requested.
 - Comments. (Attach additional pages as needed)

ALM
Reviewed By:

12/15/21
Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Ziplly Fiber, Attn: Engineering

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 Reviewed; recommend denial for the following reasons:
 Require additional information to review. (Please list information required)
 Meeting requested.
 Comments. (Attach additional pages as needed)

ziply
fiber

12/20/21

Reviewed By:

Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Building Official, Brooks Bateman

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

HEARING DATE: January 13, 2022



- Reviewed, no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

Brooks Bateman
Reviewed By:

12-17-21
Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Finance,

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

HEARING DATE: January 13, 2022



-
- Reviewed, no conflict. *NO LIENS (CITY)*
 - Reviewed; recommend denial for the following reasons:
 - Require additional information to review. (Please list information required)
 - Meeting requested.
 - Comments. (Attach additional pages as needed)

Barbara Harris

Reviewed By:

12/20/2021

Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Police Department, Chief Jeff Kosmicki


The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

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ZONE: R-2

HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 Reviewed; recommend denial for the following reasons:
 Require additional information to review. (Please list information required)
 Meeting requested.
 Comments. (Attach additional pages as needed)



Reviewed By:

12-21-2021

Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Public Works: Maintenance Superintendent, Preston Langeliers

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

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TAX LOT: R3218DD 06100
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ZONE: R-2



HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 Reviewed; recommend denial for the following reasons:
 Require additional information to review. (Please list information required)
 Meeting requested.
 Comments. (Attach additional pages as needed)

Carl Pense
Reviewed By:

12/17/2021
Date:



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Director of Public Works, Russ Thomas

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

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LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2



HEARING DATE: January 13, 2022

- Reviewed, no conflict.
 Reviewed; recommend denial for the following reasons:
 Require additional information to review. (Please list information required)
 Meeting requested.
 Comments. (Attach additional pages as needed)

Reviewed By: _____

12/17/2021
 Date: _____



Community Development Planning Division
Land Use Application Referral

REFERRAL TO: Engineering , Brett Musick

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: December 28, 2021. Please refer questions and comments to Doug Rux.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Erin Lynch & Richard Rupp
REQUEST: Lodging / Vacation Home Rental
SITE ADDRESS: 709 E Franklin Ave
LOCATION: Newberg, OR
TAX LOT: R3218DD 06100
FILE NO: CUP21-0007
ZONE: R-2

HEARING DATE: January 13, 2022

-
- Reviewed, no conflict.
 Reviewed; recommend denial for the following reasons:
 Require additional information to review. (Please list information required)
 Meeting requested.
 Comments. (Attach additional pages as needed)

Karyn J. Hanson
Reviewed By:

12/25/21
Date:

Attachment 3: Public Comments

December 20th, 2021

City of Newberg (copy to Mayor Rogers)
Community Development Department
414 E. First Street
Newberg, Oregon 97132

Dear Mayor Rogers and staff:

Over the past several years we have had numerous conversations regarding attainable housing in our community as well as finding ways to strengthen our neighborhoods. As president of George Fox University, I am supportive of both strategic efforts. I know that the University is often seen as eroding affordable housing in Newberg but we have continued to build residence housing on our campus and favor Newberg policies which would enhance attainable housing and support local neighborhoods.

I write today, (and I believe with the support of my neighbors), in opposition to a recent proposal to take a home that was recently purchased and turn it into a VRBO – 709 E. Franklin Street. We are opposed to this request for several reasons. First, the home represents one of the most attainable houses in the area near the University. It is slightly over 1600 square feet and sits among other larger homes. If allowed to turn into essentially a local hotel, it takes another home off line for possible family purchase. Further, the city approved turning another home on the same street into a VRBO recently (804 E. Franklin St.) Both homes were smaller and more attainable homes in the area. If you continue to approve such requests it will be increasingly difficult for local families to purchase homes near the city center.

Second, half of the homes between Meridian and College are now either rentals to university students (501 N. Edwards and 501 N. Meridian) or VRBOs (804 E. Franklin Street and if you approve 709 E. Franklin Street.). I would argue that when 50% of the homes in an area are moved into categories of rentals or VRBOs it erodes the nature of the community. Further, if you proceed west on Franklin across College even more local homes have been turned into rentals. The city should carefully reflect on how local policies erode the nature of residential communities. We believe that hotels would better serve wine tourism or other visitor strategies in the region. In any case, efforts of citizens to use their homes as revenue opportunities should not come at the expense of the local community.

If you are serious about encouraging attainable housing and strengthen local communities near downtown, we would encourage you to reject this request to turn 709 E. Franklin Street into a VRBO. Thank you for your thoughtful consideration.

Sincerely,

Robin Baker
President, George Fox University and resident of 701 E. Franklin Street, Newberg

January 1, 2022

Community Development Department
414 E 1st Street
Newberg, Oregon 97132



I am writing to you concerning the application for a VRBO at 709 E Franklin Street. The city should seriously consider the cumulative effect of the proliferation of rentals and vacation rental units within the neighborhoods surrounding the central downtown core. I have lived in Newberg just short of 30 years and have witnessed the steady decline of the sense of community and overall livability in these neighborhoods as the housing stock has been changed from single-family owner-occupied to rentals and VRBO's. The loss of available affordable housing ownership, coupled with the loss of good family-wage jobs, as employers such as the paper mill have closed, has had a serious destructive effect. A community of absentee landlords and vacation renters is not a viable community. Given the general historic nature and character of these neighborhoods, the maintaining of existing affordable housing as owner-occupied should be encouraged over VRBO's or infill with new and incongruous higher-density housing. Instead of accelerating the hollowing-out of these neighborhoods, we should be working to ensure their vitality, and not promoting a hotel industry that is better served with properly constructed infrastructure elsewhere.

Sincerely,

Mark Gaidos

414 N College Street

cc: Mayor Rick Rogers

Housing Work Program - City Council Accpeted 11-2-20 (Updated 10-13-21)

	Jan-June 17	July-Dec 17	Jan-June 18	July-Dec 18	Jan-June 19	July-Dec 19	Jan-June 20	July-Dec 20	Jan-June 21	July-Dec 21	Jan-June 22	July-Dec 22	Jan-June 23	July-Dec 23	Jan-June 24	July-Dec 24	Jan-June 25	Future	
Housing Ombudsman (Education/Community Awareness)																			
Subsidized Work and Living Spaces																			
Expedited Review and Permitting																			
Public Street Standards																			
Lift building height restrictions outside of downtown																			
System Development Charge Deferrals/Loans																			
Manufactured Home/Mobile Home Park preservation																			
Limit street lighting requirements for partitions																			
Modify efficiency dwelling unit size for SDC reduction																			
Vest SDC charge at time of land use application																			