

# TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: \_\_\_\_\_

## TYPES – PLEASE CHECK ONE:

- ☐ Annexation  
☐ Comprehensive Plan Amendment (site specific)  
☐ Zoning Amendment (site specific)  
☐ Historic Landmark Modification/alteration

- ☒ Conditional Use Permit  
☐ Type III Major Modification  
☐ Planned Unit Development  
☐ Other: (Explain) \_\_\_\_\_

### APPLICANT INFORMATION:

APPLICANT: Todd and Melissa Nelson  
ADDRESS: 2035 N Heritage Way Newberg, OR 97132  
EMAIL ADDRESS: tjn76@live.com  
PHONE: \_\_\_\_\_ MOBILE: 480-250-6307 FAX: \_\_\_\_\_  
OWNER (if different from above): SAA  
ADDRESS: 765 N Tatum Ln Gilbert, AZ 85234  
ENGINEER/SURVEYOR: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

### GENERAL INFORMATION:

PROJECT NAME: Short term Rental PROJECT LOCATION: 2035 N Heritage Way Newberg, OR  
PROJECT DESCRIPTION/USE: Short Term Rental  
MAP/TAX LOT NO. (i.e. 3200AB-400): R3218AB-01211 ZONE: R2 SITE SIZE: 5414 SQ. FT. ☐ ACRE ☐  
COMP PLAN DESIGNATION: \_\_\_\_\_ TOPOGRAPHY: \_\_\_\_\_  
CURRENT USE: \_\_\_\_\_  
SURROUNDING USES:  
NORTH: SFR SOUTH: SFR  
EAST: SFR WEST: SFR

### 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.

Todd Nelson  
Digitally signed by Todd Nelson  
Date: 2022.01.11 20:19:34 -0700  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Todd Nelson  
Print Name \_\_\_\_\_

Melissa Nelson  
Digitally signed by Melissa Nelson  
Date: 2022.01.18 15:40:19 -0700  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Melissa Nelson  
Print Name \_\_\_\_\_

## **GENERAL INFORMATION**

### **Type III Development Permit Process (Quasi-Judicial Hearing)**

**Overview:** Type III Permit applications are reviewed by the Planning Commission and include a mix of objective and subjective standards. Public notice is provided to property owners within 500 ft of the site. Any interested party may appear before the Planning Commission and comment on the project. The applicant or anyone commenting at the hearing may appeal the decision to the City Council. Some Type III decisions automatically proceed to the City Council with a recommendation by the Planning Commission. Type III decisions must be issued within 120 days of an application being determined complete.

#### **Type III Permits Include:**

- Annexations\*
- Comprehensive Plan and Zoning Map Amendments – site specific\*
- Conditional Use Permits
- Historic Landmark Reviews
- Planned Unit Developments
- Subdivisions not meeting the criteria in Newberg Development Code (NDC) §15.100.040(A), or proposed for Type III review by the applicant, or converted from a Type II to a Type III process.

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#### **Pre-Application Conference:**

Please call to schedule a time for a pre-application meeting (**required on Type III applications**) prior to submitting an application. The Development Review Meetings are held every Wednesday. This meeting provides the opportunity to get advance information from Planning, Engineering and Building divisions all at once. It is likely to save you time and effort later. The non-refundable pre-application conference fee is \$105.00, payable prior to the conference.

#### **Submit Application**

- Pay fees
- Complete application form(s)
- Submit plans and other required information

#### **Processing**

- Staff will perform a completeness check of the application and notify applicant of any information that is missing or incomplete. Processing time 0 to 30 days.
- Staff will route the application to affected agencies and City departments Processing time 14 to 20 days
- Applicant will provide copies of mailed and posted notices to the City for review, mail the approved notice to property owners within 500 ft. of the site, post the site, and provide staff with an affidavit verifying that the notice was mailed and posted. Processing time 14 to 20 days
- Staff will prepare a written report for review by the Planning Commission. A copy will be available for review seven (7) days prior to the hearing. A copy will be mailed to the applicant seven prior to the hearing.

#### **Planning Commission Hearing**

- At the Planning Commission Hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing.
- After public testimony, the Planning Commission may approve, deny, table, make a recommendation to the City Council or continue the item. If the decision is final at the Planning Commission, then proceed to Appeals. Planning Commission decisions become effective upon completion of the 14 day appeal period.

### **City Council Hearing**

- If the decision is a recommendation from the Planning Commission that requires adoption of an ordinance, then a new public hearing will be held at the City Council. At the City Council hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing. After public testimony, the City Council may approve, deny, table, or continue the item.

### **Appeals**

- If the applicant, or other parties providing written testimony prior to or at the hearing, or parties providing oral testimony at the hearing; are dissatisfied with the decision of the Planning Commission, they may file an appeal within 14 calendar days of the issuance of the decision. Appeals of Type III decisions proceed to the City Council for a hearing on the record. City Council decisions may only be appealed to the Land Use Board of Appeals.

### **Permits**

- Once a final decision has been made, the applicant may proceed or submit other permits, if necessary (i.e.: design review, building permits, subdivision approval, etc.). For applications involving more than one application type, the permits may be processed individually under each procedure or under the highest procedure number that applies.
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### **Helpful Hints:**

- **Questions?** Information is free! Please do not hesitate to call (503) 537-1240 prior to submitting the application.
- **Partial Applications:** Please do not submit partial applications. If the application, plans, and fee are not submitted together; processing will be delayed and the application may not be accepted for review.
- **Face-to-Face:** It is best to submit an application in person. That way you can receive immediate feedback if there's missing information or suggestions for improvements.



# NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: April 1, 2021

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

<b>PRE-APPLICATION REVIEW</b>	\$100
<b>TYPE I (ADMINISTRATIVE REVIEW)</b>	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$182
PROPERTY CONSOLIDATION	\$182
CODE ADJUSTMENT	\$455
DESIGN REVIEW - TYPE I (DUPLEX OR COM. /IND. MINOR ADDITION REVIEW)	0.3% OF PROJECT VALUE, \$455 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$182
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
PARTITION FINAL PLAT	\$913 + \$80 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$913
SIGN REVIEW	\$10 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$1830 + \$80 PER LOT OR UNIT
<b>TYPE II (LAND USE DECISION)</b>	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$913
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$182
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS)	0.6% OF TOTAL PROJECT COST, \$913 MINIMUM*
PARTITION PRELIMINARY PLAT	\$913 PLUS \$80 PER PARCEL
SUBDIVISION PRELIMINARY PLAT	\$1830 PLUS \$80 PER LOT
VARIANCE	\$913
<b>TYPE III (QUASI-JUDICIAL REVIEW)</b>	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$1939
ANNEXATION	\$2549 PLUS \$244 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2389
CONDITIONAL USE PERMIT	\$1939
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$182
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$2223
SUBDIVISION PRELIMINARY PLAT	\$1830 PLUS \$80 PER LOT
PLANNED UNIT DEVELOPMENT	\$3872+\$80 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC)	\$2415
<b>TYPE IV (LEGISLATIVE AMENDMENTS)</b>	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
<b>APPEALS</b>	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$524
TYPE I OR II APPEAL TO CITY COUNCIL	\$950
TYPE III APPEAL TO CITY COUNCIL	\$1115
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT)	\$294
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCIL	50% OF EXHIBITOR LICENSE FEE
<b>OTHER FEES</b>	
TECHNOLOGY FEE (This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees) 5% OF TOTAL EXPEDITED LAND DIVISION	\$6803 + \$80 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$4348
VACATION OF PUBLIC RIGHT-OF-WAY	\$1804
FEE-IN-LIEU OF PARKING PROGRAM	\$13,780 PER VEHICLE SPACE
BIKE RACK COST SHARING PROGRAM	\$100 PER RACK
<b>LICENSE FEES</b>	
GENERAL BUSINESS	\$50
HOME OCCUPATION	\$25
PEDDLER/SOLICITOR/STREET VENDOR	No fee (Business License fee only)
EXHIBITOR	\$134
TEMPORARY MERCHANT	\$109/45 days or \$361/perpetual

## ADDITIONAL LAND USE REVIEW FEES - ENGINEERING DEPARTMENT

Planning Review, Partition, Subdivision & PUD's (Type 11/111 Application) - \$296.71 - 19 lots, Plus \$13.90 per lot over 19 lots

Final Plat Review, Partition and subdivision .....\$296.71 Plus .....\$7.45 per lot or parcel

Development review for public improvements on Commercial, Industrial, Multifamily Developments & Institutional zones  
\$414.95 1st Acre \$237.02 Additional acre

**ADOPTION AND REVISION HISTORY:**  
Adopted by: Resolution 98-2122, July 6, 1998  
Amended by: Resolution 99-2214, December 8, 1999  
Resolution 2000-2265, October 2, 2000  
Resolution 2001-2318, November 19, 2001  
Executive Order January 2, 2007 (Reso. 99-2210)  
Executive Order October 24, 2008  
Executive Order, December 16, 2002 pursuant to Resolution 99-2210

Executive Order, January 22, 2002 pursuant to Resolution 99-2210  
Resolution 2004-2466, November 3, 2003  
Resolution 2007-2752, December 3, 2007  
Executive Order November 29, 2011(2011-32)  
Executive Order October 24, 2012(2012-34)  
Resolution 2014-3140, May 19, 2014  
Executive Order April 1, 2015 (2015-42)  
Resolution 2016-3268, April 18, 2016

Resolution 2017-3361 March 2017  
Resolution 2018-3443 March 2018  
Resolution 2019-3539 March 2019  
Resolution 2020-3646 March 2020  
Resolution 2021-3722 March 2021



## § 15.225.060 - TYPE III CONDITIONAL USE PERMIT CRITERIA

It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as out-right uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the types of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.

### **Conditional Uses Permitted in Any Zoning District (with an approved conditional use permit application):**

- (A) Airports and landing fields.
- (B) Amusement parks.
- (C) Carnivals and circuses, if established for more than two weeks, except those in conjunction with a county fair or other outdoor governmentally sponsored event.
- (D) Cemeteries.
- (E) Facilities for the care and/or lodging of alcoholics, except publicly or privately operated rehabilitation centers providing clinical supervision, care and intensive treatment to persons with alcohol and/or chemical dependency problems.
- (F) Garbage dumps, sanitary land fills. Solid waste collection facility when under franchise by the city. This conditional use would include temporary storage and transfer of recyclable solid waste, supply storage, vehicle and equipment storage, service or repair and related accessory uses including disposal or landfill sites.
- (G) Heliports and helistops.
- (H) Jails or penal farms.
- (I) Mental hospitals.
- (J) Pound, dog or cat, (kennel).
- (K) Race tracks, including drag strips and go-cart tracks.
- (L) Sewage treatment plants.
- (M) Home occupations with more than one outside paid employee working at the residence at any given time.
- (N) Modifications to public street standards for the purpose of ingress and egress to a minimum of three and not more than six lots.

### **Provide a written response that specifies how your project meets the following criteria:**

- (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.
- (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. The proposed development will be consistent with this code.
- (C) The proposed development will be consistent with this code.

## CONDITIONAL USE PERMIT CHECKLIST

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

☐ FEES

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

☒ CURRENT TITLE REPORT (within 60 days old)

Submit one original 8 ½" x 11" or 11" x 17" reproducible document together with 10 copies of the following information. In addition, submit two (2) full size copies of all plans.

☒ WRITTEN CRITERIA RESPONSE – Address the criteria listed on page 21.

☒ PROJECT STATEMENT – Provide a written statement that addresses the operational data for the project, including hours of operation, number of employees, traffic information, odor impacts, and noise impacts.

☒ SITE DEVELOPMENT PLAN. Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):

☒ Existing Site Features: Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.

☒ Drainage & Grading: Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary.

☒ Utilities: Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.

☒ Public Improvements: Indicate any public improvements that will be constructed as part of the project, including sidewalks, roadways, and utilities.

☒ Access, Parking, and Circulation: Show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points from adjacent streets. Provide dimensions for parking aisles, back-up areas, and other items as appropriate. Indicate where required bicycle parking will be provided on the site along with the dimensions of the parking spaces.

☒ Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.

☒ Exterior Lighting Plan: Show all exterior lighting, including the direction of the lighting, size and type of fixtures, and an indication of the amount of lighting using foot candles for analysis.

☒ Landscape Plan: Include a comprehensive plan that indicates the size, species and locations of all planned landscaping for the site. The landscape plan should have a legend that indicates the common and botanical names of plants, quantity and spacing, size (caliper, height, or container size), planned landscaping materials, and description of the irrigation system. Include a calculation of the percentage of landscaped area.

☒ ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.

☒ Architectural Drawings: Provide floor plans and elevations for all planned structures.

☒ Signs and Graphics: Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.

☐ Other: Show any other site elements which will assist in the evaluation of the site and the project.

☒ **TRAFFIC STUDY.** A traffic study shall be submitted for any project that generates in excess of forty (40) trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for projects below forty (40) trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service.





**First American**

**First American Title Insurance Company**

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

Order No.: 1032-3883905

January 13, 2022

**FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:**

**KEELEY DRISCOLL**, Escrow Officer/Closer

Phone: (503)538-7361 - Fax: (866)800-7290 - Email: kdriscoll@firstam.com

First American Title Insurance Company

515 E Hancock, Newberg, OR 97132

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Clayton Carter**, Title Officer

Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

**Preliminary Title Report**

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

**County Tax Roll Situs Address:** 2035 N Heritage Way, Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$	605,000.00	Premium \$	1,131.00 <b>STR</b>
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9.10, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	25.00
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

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

and as of January 07, 2022 at 8:00 a.m., title to the fee simple estate is vested in:

Joshua W. Perdue and Miklyn K. Perdue, as tenants by the entirety

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings

by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.**

**In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:**

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
  - i. Satisfactory evidence that no construction liens will be filed; or
  - ii. Adequate security to protect against actual or potential construction liens;
  - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. City liens, if any, of the City of Newberg.

Note: There are no liens as of January 11, 2022. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. Easement for public utilities as shown on the plat of Madison's Garden.
10. Covenant of Waiver of Rights and Remedies, including terms and provisions thereof.

Recorded: November 30, 2005, Instrument No. 200526991, Deed and Mortgage Records
11. Covenant of Waiver of Rights and Remedies, including terms and provisions thereof.

Recorded: November 30, 2005, Instrument No. 200526995, Deed and Mortgage Records



12. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: August 10, 2007, Instrument No. 200717901, Deed and Mortgage Records
13. Subdivision Compliance Agreement and the terms and conditions thereof:  
Between: Coyote Homes, Inc.  
And: City of Newberg  
Recording Information: August 10, 2007, Instrument No. 200717902, Deed and Mortgage Records
14. Easement, including terms and provisions contained therein:  
Recording Information: August 10, 2007, Instrument No. 200717903, Deed and Mortgage Records  
In Favor of: City of Newberg  
For: Emergency vehicle and waste disposal vehicle turnaround
15. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: Joshua W Perdue and Miklyn K Perdue, as tenants by the entirety  
Grantee/Beneficiary: First Technology Federal Credit Union  
Trustee: Brad L Williams  
Amount: \$290,500.00  
Recorded: November 30, 2020  
Recording Information: Instrument No. 202021477, Deed and Mortgage Records

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Taxes for the year 2021-2022 PAID IN FULL

Tax Amount: \$4,330.53  
Map No.: R3218AB 01211  
Property ID: 540421  
Tax Code No.: 29.0

Situs Address as disclosed on Yamhill County Tax Roll:

2035 N Heritage Way, Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!**  
**WE KNOW YOU HAVE A CHOICE!**

**RECORDING INFORMATION**

Filing Address: **Yamhill County**  
777 Commercial Street SE, Suite 100  
Salem, OR 97301

Recording Fees: \$ **81.00** for the first page  
\$ **5.00** for each additional page

cc: Todd J. Nelson and Melissa D. Nelson  
cc: Joshua W. Perdue and Miklyn K. Perdue  
cc: Laura Oviatt, Berkshire Hathaway HomeServices Northwest Real Estate  
2501 Portland Road, Newberg, OR 97132  
cc: Amanda Recker, Oregon First  
6600 Southwest 92nd Avenue Suite 200, Portland, OR 97223



**Exhibit "A"**

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

LOT 12, MADISON'S GARDEN, IN THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON.



## First American Title Insurance Company

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (06/17/06)

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

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

#### ALTA OWNER'S POLICY (06/17/06)

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

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

### SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



## Privacy Notice

**Effective:** October 1, 2019

**Notice Last Updated:** January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

**What Type Of Information Do We Collect About You?** We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Collect Your Information?** We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

**How Do We Use Your Information?** We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Share Your Information?** We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Store and Protect Your Information?** The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

**How Long Do We Keep Your Information?** We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

**Your Choices** We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

**International Jurisdictions:** Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

**Contact Us** [dataprivacy@firstam.com](mailto:dataprivacy@firstam.com) or toll free at 1-866-718-0097.





### **For California Residents**

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

**Right to Know.** You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at [www.firstam.com/privacy-policy](http://www.firstam.com/privacy-policy) to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at [www.firstam.com/privacy-policy](http://www.firstam.com/privacy-policy) to submit your request or by calling toll-free at 1-866-718-0097.

**Right of Deletion.** You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at [www.firstam.com/privacy-policy](http://www.firstam.com/privacy-policy) to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at [www.firstam.com/privacy-policy](http://www.firstam.com/privacy-policy) to submit your request or by calling toll-free at 1-866-718-0097.

**Verification Process.** For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

**Notice of Sale.** We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

**Right of Non-Discrimination.** You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

**Notice of Collection.** To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

**Notice of Sale.** We have not sold the **personal information** of California residents in the past 12 months.

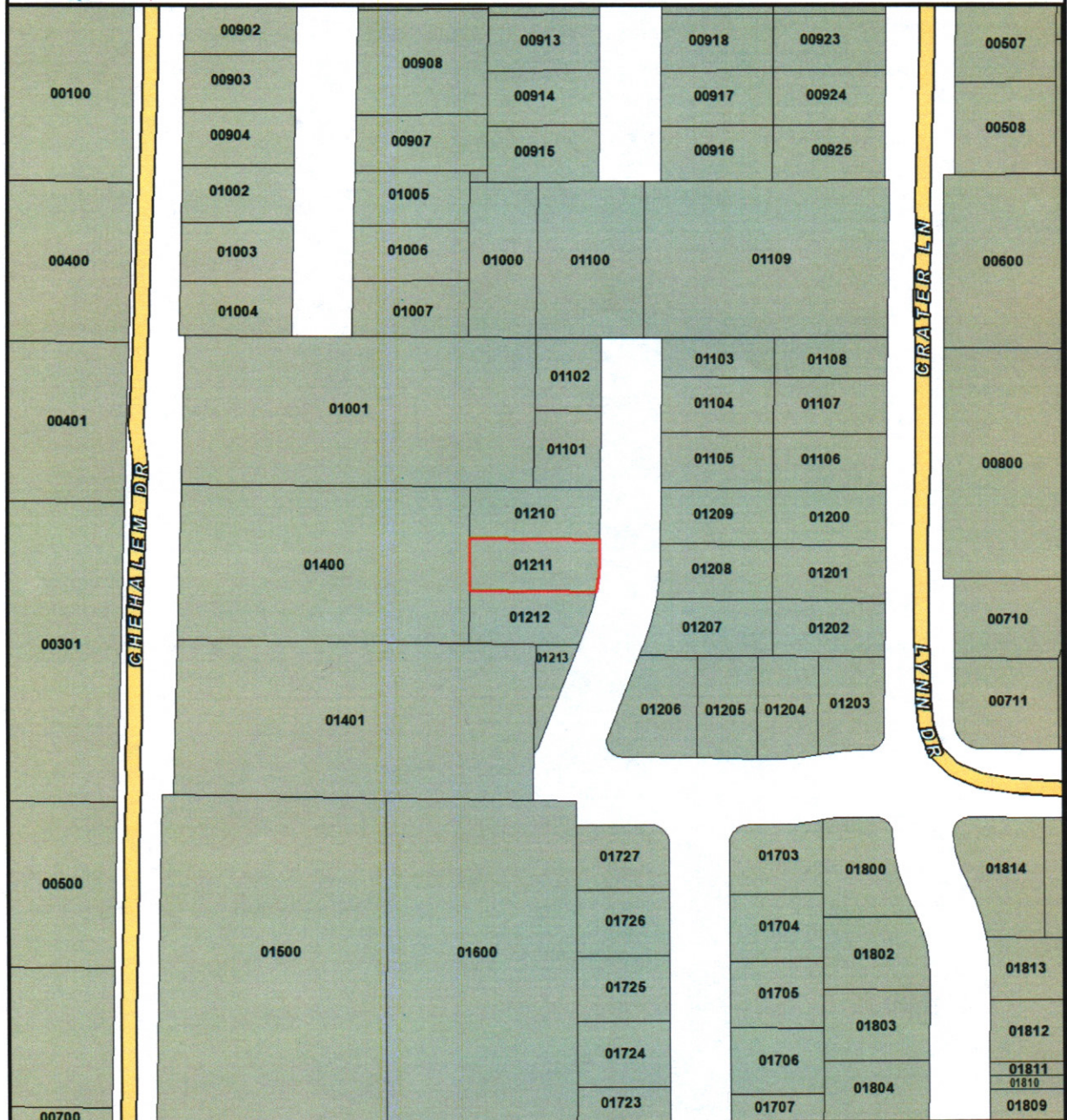
**Notice of Disclosure.** To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.





First American Title

R3218AB 01211  
2035 N Heritage Way  
Newberg, OR 97132



Taxlot



Subject



Taxlot

1/11/2022

First American Title Insurance Company makes no express or implied warranty regarding the information presented and assumes no responsibility for errors or omissions. FIRST AMERICAN, the Eagle logo, and FIRST AMERICAN TITLE INSURANCE COMPANY are trademarks owned by First American Financial Corporation. Information is provided by: Home Junction, <https://www.homejunction.com>; School Information is copyright and provided by GreatSchools.org, <https://www.greatschools.org>



After recording return to:  
Todd J. Nelson and Melissa D. Nelson  
765 North Tatum Lane  
Gilbert, AZ 85234

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Todd J. Nelson and Melissa D. Nelson  
765 North Tatum Lane  
Gilbert, AZ 85234

File No.: 1032-3883905 (kd)  
Date: January 11, 2022

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records

**202201824**

**DMR-DDMR**

**02/04/2022 09:33:00 AM**

Str=3 SUTTONS

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

**Joshua W. Perdue and Miklyn K. Perdue, as tenants by the entirety**, Grantor, conveys and  
warrants to **Todd J. Nelson and Melissa D. Nelson as tenants by the entirety**, Grantee, the  
following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**LOT 12, MADISON'S GARDEN, IN THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$605,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 3 day of February, 2022.

Joshua W. Perdue  
Joshua W. Perdue

Miklyn K. Perdue  
Miklyn K. Perdue

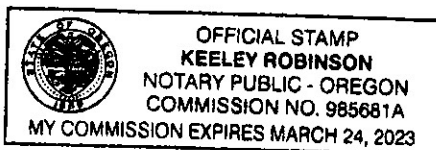
STATE OF Oregon )  
 )ss.  
County of Yamhill )

This instrument was acknowledged before me on this 3 day of February, 2022  
by **Joshua W. Perdue and Miklyn K. Perdue.**

Raeley Ode

Notary Public for Oregon  
My commission expires:

3.24.23



**2035 N Heritage Way**

**Newberg, OR 97132**

City of Newberg Conditional Use Permit

Written Criteria Response:

City of Newberg Municipal Code 15.225.06

- A. Proposed use will be a short-term vacation rental while owners are not in the residence.
  - The proposed STR is a SFR that was built in 2011.
  - The house is a 2-story, 3-bedroom, 3-bathroom SFR on a 5414 sq/ft lot. It has a direct neighbor to the north and south.
  - The property will be occupied by the owners part-time. When the owners are not in the home it is planned to be used as a STR property. The STR will be managed by a qualified short-term property management group (Lifestyle Properties) that will provide a professional screening process and 24-hour assistance during STR occupation. There will be no loud noise outdoors after 10pm. There will be an animal policy that will include a requirement that dogs may not be left outside unattended.
  - The property has a 2-car garage and a 2-car driveway.
- B. The location, design, and site of this proposed STR will provide functional accommodations to families and travelers that want to experience the loveliness of Oregon wine country. The STR is not expected to generate any more traffic than long-term residents as it will not be occupied as much.
- C. The proposed STR use will be consistent with Ord. 2451, 12-2-96. Code 2001 & 151.210.

City of Newberg Municipal code 15.445.300 - 15.445.350

**15.445.300-Application and purpose**

2035 N Heritage Way is a Single-family home that will be available, advertised, or listed by the agent as available for use, rent for occupancy for periods of less than 30 days.

15-445-310- Where allowed

This home is zoned R-2 for use as a vacation rental with a conditional permit.

**15-445-320- Standards.**

- A. Provide a minimum of 2 parking spaces: There are 2 full-size spaces in the garage as well as 2 full-size spaces in the driveway.



- B. Provide regular refuse pick up: There is a service currently set up with waste management for trash, recycle and yard debris.
- C. Occupancy: The STR has 3 conforming bedrooms so the occupancy limit is expected to be set at 6 people.
- D. Premises: This STR will not allow the use of occupied recreational vehicles, trailers, tent or temporary shelter during rental occupancy.

**15.445.340- Registration Postings**

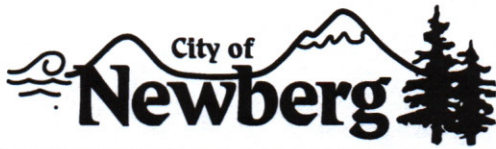
This STR will have a vacation rental home registration adjacent to the front door with the following information:

- A. The name of the operator and telephone number where the operator may be reached.
- B. The telephone number of 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.

**15.445.350- Complaints and revocation of registration**

Owner/management is fully aware and understands the above code and will make every effort to follow up with all complaints.

*Sample mailer Attached:*



## Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132  
503-537-1240. Fax 503-537-1272 [www.newbergoregon.gov](http://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 6 people and prohibiting events or parties. Quiet hours after 10pm. No changes to existing structure or site and will retain an appearance and consistency with the current neighborhood.

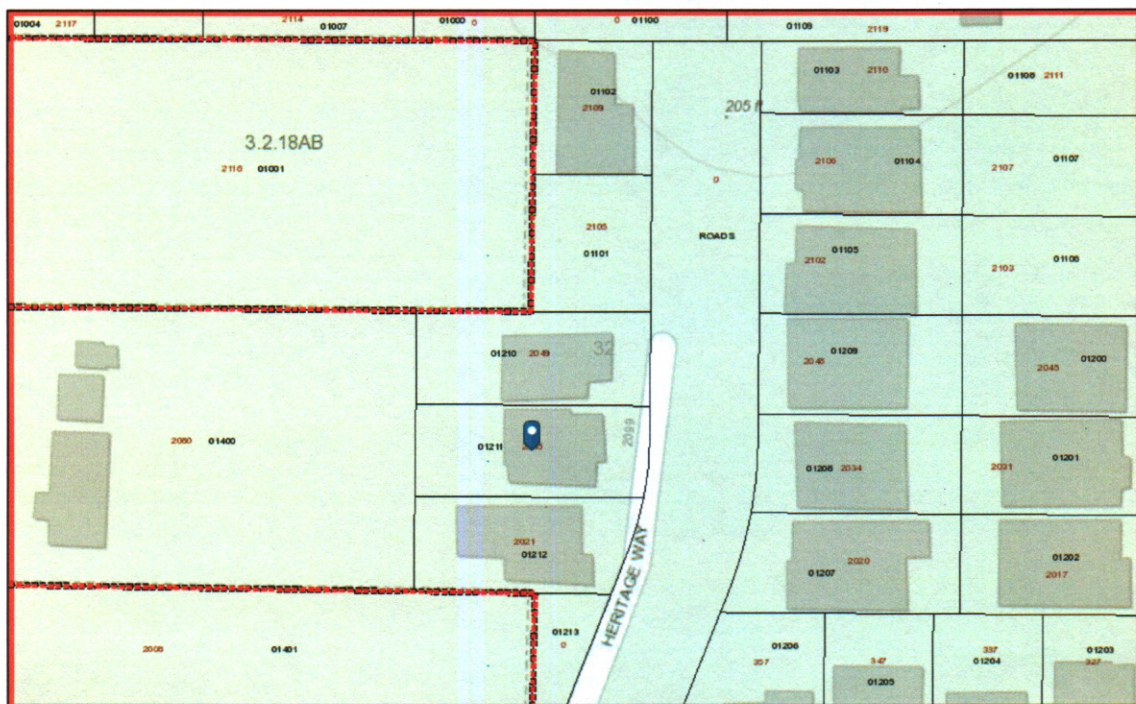
APPLICANT: Todd and Melissa Nelson  
TELEPHONE: 480-250-6307

PROPERTY OWNER: *Todd and Melissa Nelson*

LOCATION: *2035 N. Heritage Way Newberg, OR 97132*

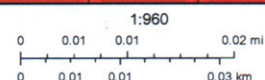
TAX LOT NUMBER: *Yamhill County Tax Map R3218AB-01211*

Yamhill County Map



February 7, 2022

SL City Boundary County Roads Taxlots  
UGB\_YamhillCo County Townships Tax Label



City of Newberg, Oregon Metro, Bureau of Land Management, State of

Yamhill County GIS



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. You also may request that the Newberg Planning Commission hold a hearing on the application by sending a written request during this 14-day period and identifying the issues you would like the Planning Commission to address.

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

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 preliminary subdivision plan approval are found in Newberg Development Code 15.235.060(A).

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.

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***

2035 N Heritage Way

Newberg, OR 97132

#### Existing Site Narrative

- This home was built in 2011 and no changes need to be made to existing structure.
- Yard has a manicured lawn in the front and back with all foliage being watered using a timed irrigation system.
- The backyard is completely fenced.

#### Drainage and Grading

- The house has very good drainage. The grading is from the backyard to the front and the driveway slopes to the street allowing for all drainage to move away from the home.

#### Utilities

- City of Newberg public utilities map attached.



Public Utilities Map



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



Google Maps 2034 Heritage Way

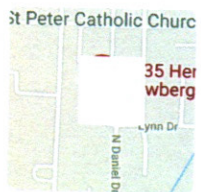


Newberg, Oregon

Image capture: Jun 2012 © 2022 Google

Google

Street View - Jun 2012







Imagery ©2022 Metro, Portland Oregon, Map data ©2022 20 ft