

TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

	File #: CUP22-0010
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:	
	FAX:
	PHONE:
ADDRESS:	PHONE:
GENERAL INFORMATION:	
CURRENT USE: Single Family Residence	PROJECT LOCATION: 3951 N Boomer Dr, Newberg ntal ZONE: R1 SITE SIZE: 5130 SQ. FT. ACRE TOPOGRAPHY: Flat
SURROUNDING USES: NORTH: Single Family Residence EAST: Single Family Residence	SOUTH: Single Family Residence WEST: Single Family Residence
SPECIFIC PROJECT CRITERIA AND REQUIREMENTS	ARE ATTACHED
General Checklist: Fees Public Notice Information Current T	itle Report Written Criteria Response Dwner Signature
For detailed checklists, applicable criteria for the written criteria	response, and number of copies per application type, turn to:
Annexation	t (site specific)p. 19 p. 21 p. 23
The above statements and information herein contained are in all resplans must substantially conform to all standards, regulations, and prapplication or submit letters of consent. Incomplete or missing inform	spects true, complete, and correct to the best of my knowledge and belief. Tentative ocedures officially adopted by the City of Newberg. All owners must sign the ation may delay the approval process.
Ther Mrs 6/30/2022	Christopher Lists 6/30/2027
Applicant Signature Date	Owner Signature Date
Kelley Kish	Christopher Kish
Print Name	Print Name



Ticor Title Company of Oregon 1433 SW 6th Avenue (503)646-4444

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS

Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Chris and Kelley Kish

3951 N Boomer Drive Newberg, OR 97132

Customer Ref.:

Order No.:

471822118541

Effective Date:

May 11, 2022 at 08:00 AM

Charge:

\$100.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

Christopher A. Kish and Kelley E. Kish, as tenants by the entirety

Premises. The Property is:

(a) Street Address:

3951 N Boomer Drive, Newberg, OR 97132

(b) Legal Description:

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

Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: Amount:

2021-2022 \$4,615.82

Levy Code:

29.0 710470

Account No.: Map No.:

R3207BA 04000

- 1. City Liens, if any, in favor of the City of Newberg.
- 2. A deed of trust to secure an indebtedness in the amount shown below,

Amount:

\$292,000.00

Dated:

June 30, 2020

Trustor/Grantor:

Christopher A. Kish and Kelley E. Kish, as tenants by the entirety

Trustee:

Lawyers Title

Beneficiary:

Mortgage Electronic Registration Systems, Inc., solely as nominee for Directors

Mortage, Inc.

Loan No.:

200506428/MIN: 1002473-3000103809-2

Recording Date:

July 7, 2020

Recording No: 202011057

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that Directors Mortage, Inc. 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.

End of Reported Information

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

Deborah Clark 5035353743 deborah.clark@titlegroup.fntg.com

EXHIBIT "A"

Legal Description

Lot 52, GRACIES LANDING PHASE 3, according to the Plat thereof, recorded May 17, 2018, as Instrument No. 201807016 and being in the City of Newberg, County of Yamhill and State of Oregon.

Ticor Title Company of Oregon Order No. 471822118541

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 SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES. EMPLOYEES. 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. 471822118541

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:



6000 Meadows Rd, Ste 100 Lake Oswego, OR 97035

AFTER RECORDING RETURN TO:

Christopher A. Kish and Kelley E. Kish, as tenants by the entirety 3951 N Boomer Drive Newberg, OR 97132

SEND TAX STATEMENTS TO:

Christopher A. Kish and Kelley E. Kish 3951 N Boomer Drive Newberg, OR 97132

710470 3951 N Boomer Drive, Newberg, OR 97132 Yamhill County Official Records

202011056

DMR-DDMR

Stn=1014 JENSENC

07/07/2020 11:15:00 AM

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

Brian Van Bergen - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM

(INDIVIDUAL or CORPORATION)

Christopher A. Kish, Grantor, conveys to Christopher A. Kish and Kelley E. Kish, as tenants by the entirety. Grantee, the following described real property, situated in the County of Yamhill, State of Oregon,

Lot 52, GRACIES LANDING PHASE 3, in the City of Newberg, County of Yamhill and State of Oregon.

The true consideration for this conveyance No Dollars And No/100 Dollars (\$0.00). (See 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.

BARGAIN AND SALE DEED - STATUTORY FORM

(continued)

IN WITHESS WHEREOF, the undersigned have executed this document on the date(s) set form by	VHEREOF, the undersigned have executed this do	ocument on the date(s) set forth belo
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Christopher A. Kish

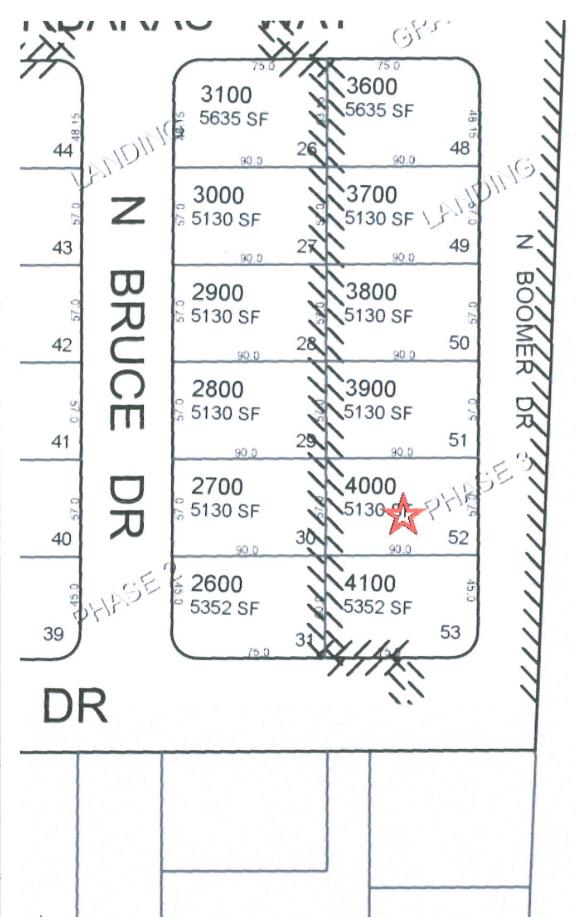
State of Oregon
County of Oregon

This instrument was acknowledged before me on ______ - by Christopher A. Kish.

Notary Public - State of Oregon

My Commission Expires: 6/21/2022

OFFICIAL STAMP
CHRISTINA LEE CONROY
NOTARY PUBLIC-OREGON
COMMISSION NO. 976255
MY COMMISSION EXPIRES JUNE 21, 2022





This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



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. You also may request that the Planning Commission hold a hearing on the application. 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 eight adults and prohibiting smoking, events or parties. Quiet hours after 9pm. No street parking allowed. No changes to the existing structure or site – and to retain an appearance and consistency with the current neighborhood.

APPLICANT:

Chris & Kelley Kish

TELEPHONE:

971-373-0084

PROPERTY OWNER:

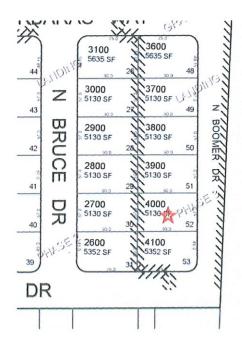
Chris & Kelley Kish

LOCATION:

3951 N Boomer Dr, Newberg, OR 97132

TAX LOT NUMBER:

R3207BA 04000



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 TBD
City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

All written comments must be turned in by 4:30 p.m. on <u>July 15th, 2022</u> 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: July 1st, 2022

CITY OF NEWBERG SAMPLE POSTED NOTICE

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: (insert general description of project)

FOR FURTHER INFORMATION, CONTACT:

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

3'

Notice must be white with black letters, and must be landscape orientation, as shown above. The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

2'

WRITTEN CRITERIA RESPONSE

Existing Site Narrative

- The home was built in 2018 and no changes need to be made to the existing structure.
- The backyard is completely fenced
- Yard has a manicured lawn in front and synthetic lawn in back with all foliage being watered using a timed irrigation system.

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







Your Wine Country Home

3951 N Boomer Dr

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 (STR) while owners are not in the residence.
 - The proposed STR is a SFR that was built in 2018 in the newer Gracies Landing subdivision.
 - 2. The house is a 1-story 4 bedroom single family residence on a 5130 sf lot. It has a direct neighbor to the north, south east and west. The property has a 2-car garage and 2 car parking in the driveway
- B. The location, design and site of this proposed STR will not generate any more traffic than long-term residents would living full time in the home.
- C. The proposed STR use will be consistent with ORD. 2451, 12-2-96. Code 2001 c 151.210

City of Newberg Municipal code 15.445.300 - 15.445-350

15.445.300 - Application and purpose.

3951 N Boomer Dr is a single family home that will be available, advertised or listed by an agent as available for rent for occupancy for periods of less than 30 days.

15.445.310 Where Allowed.

This home is zoned R1 for use as a vacation rental with a conditional use permit.

15.445.320 - Registration Required

In agreement with this application all information will be submitted with the forms and will include the name and contact information for the owner, operator and local contact.

15.445.330 - Standards.

- A. Provide a minimum of 2 parking spaces There are 2 spaces in the garage and 2 spaces in the driveway.
- B. Provide regular refuse pick up This is a service currently set up Waste Management for trash, recycling and yard debris.
- C. Occupancy The SFR has 4 conforming bedrooms so the occupancy limit will be set at 8 people.
- D. Premises This STR will not allow the use of occupied recreational vehicles, trailers, tents or temporary shelters during the rental occupancy.

15.445.340 Registration Posting.

This STR will have a vacation rental home registration adjacent to the entry 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 (8)
- D. The standards for the rental occupancy.
- E. The solid waste collection day.

15.445.350 - Complaints and revocation of registration

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

Project Statement

The property is located within 1 mile of the Darnell Wright Sport Complex and multiple local wineries. It is also within a few miles of George Fox University, downtown businesses and restaurants. This short term rental will provide a place for visiting university parents, wine enthusiasts, and baseball/softball families to stay and will bring tourists and revenue to local Newberg businesses. As a short term rental the impact to the surrounding properties will not be significantly impacted.

Updates to the property include light fixtures, interior paint, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Front and rear landscaping will be professionally maintained on a weekly schedule to keep in line with the neighborhood.

Tax revenue will support the local economy through annual property tax as well as the short term rental lodging tax that is required payment by each guest booking.

Local businesses and restaurants will also be promoted and featured through a welcome book with menus and information flyers as well as welcome gifts left for gusts upon check in.