

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: Tyler Van Hoomissen ADDRESS: 2650 Coeur D Alene Dr, West Linn, C EMAIL ADDRESS: tylervanhoomissen@gmail.com PHONE: 408-528-4394 MOBILE: 40 OWNER (if different from above): ADDRESS:	DR 97068 D8-528-4394 FAX: PHONE:
	PHONE:
ADDRESS:	
GENERAL INFORMATION:	
PROJECT NAME: The Darby House PROJECT DESCRIPTION/USE: Vacation rental MAP/TAX LOT NO. (i.e.3200AB-400): B3220CA 00913 COMP PLAN DESIGNATION: CURRENT USE: Single family residential	PROJECT LOCATION: 1738 E Darby Ct, Newberg, OR 97132 ZONE: R2 SITE SIZE: SQ. FT. ACRE TOPOGRAPHY: Flat
SURROUNDING USES: NORTH: Residential EAST: Creek + park	SOUTH: Residential WEST: Residential
	rent Title Report Written Criteria Response Dwner Signature riteria response, and number of copies per application type, turn to:
Comprehensive Plan / Zoning Map Amend Conditional Use Permit Historic Landmark Modification/Alteration	p. 15 Iment (site specific)p. 19p. 21p. 23p. 26
The above statements and information herein contained are in a plans must substantially conform to all standards, regulations, a application or submit letters of consent. Incomplete or missing in 10/19/22	GPOK VIA
Applicant Signature Date	Owner Signature Date
Tyler Van Hoomissen	Alexandria Van hoomissen
Print Name	Print Name



COMMUNITY DEVELOPMENT PLANNING DIVISION (503) 537-1240 planning@newbergoregon.gov FILE #: CUPZZ-0013

VACATION RENTALS CRITERIA APPLICATION

NOTE TO APPLICANTS - PROVIDE THIS INFORMATION WITH A TYPE II or TYPE III LAND USE APPLICATION AND A BUSINESS LICENSE APPLICATION.

For questions on this form, please contact the Planning Division at 503-537-1240 or email: planning@newbergoregon.gov.

SITE INFORMATION:											
Address:1738 E Darby Ct, Newberg, OR 97132											
Applicant Name:Tyler Van Hoomissen											
Mailing Address:2650 Coeur D Alene Dr, West Linn State/Zip:CA 97068											
Phone:408-528-4394 Email:tylervanhoomissen@gmail.com											
This is a single-family house: Yes No House Type:											
FUTURE REQUIREMENTS: Initial to commit to meeting these requirements if the vacation rental application is approved.											
T.V. I/we will register and pay the transient lodging tax each year.											
T.V. I/we will post the vacation rental home registration that contains the information listed in the Development Code in 15.445.340.											
T.V. I/we understand the complaint process and revocation of registration listed in the Development Code in 15.445.350.											
GENERAL INFORMATION: Provide a brief description of your proposed vacation rental including how it will be rented out.											
We will be renting the house as a whole, no individual rooms.											
We will be using AirBnB for the bookings to ensure that the guests are responsible and that everyone involved is covered should anything happen.											
It will be rented on a short term basis but also may host longer stays as well, up to 30 days. We live 30 minutes away, close enough to respond to any issues.											

VACATION RENTALS CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in 15.445.330.
1. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants. Please state where those parking spaces will be located.
The home has a one car garage where one car can be parked. The second parking spot is in the designated driveway of the home.
The guests will be instructed to park in these two spaces.
2. The applicant shall provide for regular refuse collection. Please state the location and collection day.
The refuse and recycle cans will be placed in front of 1738 E Darby Ct so as not to block or disturb any other residents.
Collection day is: Fridays.
3. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people. Please state how you'll meet this criterion.
The home is 3 bedrooms and will have an occupancy cap of 6 people.
4. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy. Please state how you'll meet this criterion.
We will have a notice in our property listing that no one may occupy a recreational vehicle, trailer, tent or temporary shelter during their stay.
We also have cameras on the property and would be able to see if a guest were to break this rule so we could remedy the situation.

City of Newberg	Vacation	Rental	Criteria	Application
Page 3				

CONDITIONAL USE CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in 15.225.060.

1. The location, size, design and operating characteristics of the vacation rental 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 the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the use.

In our listing and house rules which are sent prior to a guest's arrival, we will make note of the fact that this is a peaceful neighborhood and we want to keep it that way.

The use of this property will be compatible with the surrounding environment.													
Since there are only 6 guests allowed there will be no traffic or other issues regarding the use of the streets or neighborhood.													
Parties will not be allowed and quiet time will be noted as 10pm-8am.													
2. The proposed vacation rental 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.													
Our intention with this property is to supply a peaceful and beautiful space for people to visit Oregon Wine country and experience all that Newberg has to offer.													
We want to help the economy of Newberg and its surrounding towns by bringing in people who are interested in the area.													
The home is catered to adult professionals and should not bring any disruption to the surrounding environment.													
We will be promoting local restaurants, coffee shops, wineries and bars in our listing and welcome book hoping that the guests will take advantage of the proximity of downtown Newberg.													
As homeowners we take pride in keeping our home clean, cared for and free of disrepair. We know that it is an investment and our intention is to be a useful part of the community.													
We have a cleaning crew, yard maintenance and a handyman to ensure the home is an attractive part of the neighborhood. The home will be rented as a whole, never room by room.													
Other/Continued Response Section:													

Project Statement

We are a local family that lives 30 minutes from Newberg. Our goal with this STR is to be a useful part of the community. We want to attract upstanding people who are interested in getting to know Oregon Wine Country on a personal level. We will promote local shops and restaurants and encourage people to take a look at what Newberg has to offer.

We live close enough that we can address any issues personally should they arise. We will also have a cleaning crew and handyman who live locally to assist us and can be called in the event of an emergency. They will be contracted, not employees.

The home will be rented as a whole, never room by room which will ensure a simple in and out procedure and maintain a neighborhood environment. The home will be rented up to 30 days at a time by one person or group. There will be an occupancy cap of 6 people at a time. Quiet hours will be posted as 10pm-8am, 7 days a week. Parties will not be allowed. Pets will not be allowed so there will be no disturbance by animal noise. The quests will have two designated parking spots.



September 22, 2022

File Number: 563836AM

Report No.: 2

Title Officer: Jennifer Rush Email: jenny.rush@amerititle.com

PRELIMINARY TITLE REPORT

Property Address:

1738 E Darby Ct, Newberg, OR 97132

Policy or Policies to be issued: OWNER'S STANDARD COVERAGE Proposed Insured: Tyler Van Hoomissen and Alexandria Van Hoomissen	<u>Liability</u> \$435,000.00 Reissue Rate	<u>Premium</u> \$915.00
ALTA LENDER'S RESIDENTIAL (X) EXTENDED () STANDARD (Simultaneous) Proposed Insured: Central Trust Bank, its successors and/or assigns as their	\$326,250.00	\$401.00
interest may appear Endorsements: OTIRO - End 209.10-06, 222-06 and 208.1-06		\$100.00
Local Government Lien Search		\$50.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of WFG National Title Insurance Company, in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 21st day of September, 2022 at 7:30 a.m., title is vested in:

Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL 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.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 29.0 Account No. 710192 Map No. 3220CA 00913

NOTE: The 2021-2022 Taxes: \$3,563.58, are Paid

- 6. The 2022-2023 Taxes: A lien not yet due or payable.
- 7. City liens, if any, of the City of Newberg.
- 8. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
- Agreement to Maintain Private Stormwater Facilities, including the terms and provisions thereof, Recorded: January 3, 2018
 Instrument No.: 2018-00165
- 10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: City of Newberg Recorded: March 8, 2018
Instrument No.: 2018-03309

- 11. Easements as shown on the official plat of said Land.
- 12. Restrictions as shown on the official plat of said Land.

File No. 563836AM Page 3

13. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$332,000.00

Trustor/Grantor: Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety

Trustee: First American Title Insurance Company

Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for CMG Mortgage

Inc., DBA CMG Financial Dated: September 10, 2021 Recorded: September 15, 2021 Instrument No.:2021-18681

14. 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.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

IF THE ABOVE EXCEPTION IS TO BE REMOVED FROM A FORTHCOMING POLICY PRIOR TO THE EXPIRATION OF THE STATUTORY LIEN PERIOD, THE COMPANY MUST BE CONTACTED REGARDING ITS UNDERWRITING REQUIREMENTS FOR EARLY ISSUE.

15. Persons in possession or claiming the right of possession.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

INFORMATIONAL NOTES:

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Tyler Van Hoomissen Alexandria Van Hoomissen

NOTE: THIS IS A TITLE ONLY ORDER, and as such this office will not be performing any escrow functions such as document preparation, wiring or payoff information, signings, closing protection letters and/or sub-escrows. For questions pertaining to your escrow,

Please contact: WFG National Title Insurance Company- Team Sheila Address: 9200 SE Sunnybrook Blvd. Ste. 350 Clackamas OR 97015

Phone No.: (503)353-9975 Reference: 22-426384

(If full escrow functions are needed on this transaction by this office, please contact us immediately.) (To release recordings for title only files, please contact our recording desk at (503)581-1431 or email SalemRecorder@AmeriTitle.com)

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

NOTE: The following is the last deed of record affecting said Land,

Document: Statutory Warranty Deed

Grantor: Nova Grace LLC, an Oregon limited liability company

Grantee: Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety

Recorded: June 22, 2018 Instrument No.: 2018-08756 File No. 563836AM Page 4

NOTE: This Report No. 2 was updated to reflect the following changes:

- 1. Added proposed insured
- 2. Modified loan amount

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

File No.: 563836AM

Page 5

EXHIBIT "A" LEGAL DESCRIPTION

Lot 12, NOVA GRACE, City of Newberg, Yamhill County, Oregon.



Community Development Department

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

NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT

A property owner in your neighborhood submitted an application to the City of Newberg for a conditional use permit to allow a short term rental. The Newberg Planning Commission will hold a hearing on *(Date of hearing)* at 7 p.m. at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would change the land use of this 0.7 acre parcel to allow a short term rental property. No changes are being done to the property or site.

APPLICANT:

Tyler Van Hoomissen

TELEPHONE:

408-528-4394

PROPERTY OWNER:

Tyler & Alex Van Hoomissen

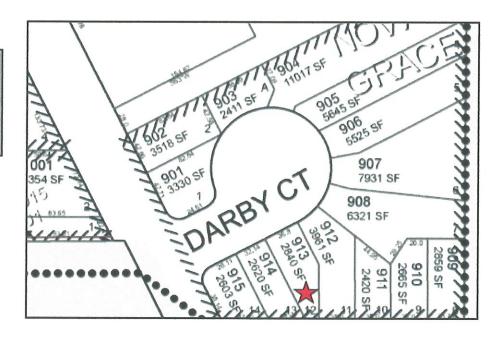
LOCATION:

1738 E Darby Ct, Newberg, OR 97132

TAX LOT NUMBER:

B3220CA 00913

Insert site map with the project location highlighted as shown on the adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed conditional use. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. Oral testimony typically is limited to five minutes per speaker.

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 noon on Monday (enter the date of the Monday before the hearing). Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

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. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. 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 a conditional use permit are found in Newberg Development Code Section 15.225.060.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: Date notice is mailed

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

Terry & Linda Holdahl	Michael Pauli	Noe Perez	Stephen & Vivian Townsend	Ricardo Chimelis	Salvador & Abel Rojo	Kelly Phelps & Patrick Thomas	James & Viva Wheaton	Scott & Karin Majdecki	Clare Sunderland	Michael & Nikki Deckon	Daren & Derek Rodrigues	Dave Jeffery	Leard Living Trust	Scott & Sheri Twenge	Andra Lunstrum & Kathleen Mann	Larry Savarino	Casey Cappoen	Faviola Olivares	Randy Miller	James & Kimberly Tingey	Ryan Voss	Jonathan Martling	Eustolio Arreola Sr & Grace Arreola	Edith Pena & Ruben Jimenez	Patricia Espinal & Pedro Hernandez	Sara Ewen & Matthew Bird	Nathan & Kristen Seaton	Thomas Robertson	Kenneth & Theresa Leard	Antonio Clement	OwnerNameLabelFormat
721 Wynooski St	809 Wynooski St	1528 Paradise Dr	1604 Merlin Ln	835 Wynooski St	815 Wynooski St	803 Wynooski St	740 Wynooski St	810 Wynooski St	730 Wynooski St		813 Wynooski St	805 Wynooski St	918 Wynooski St	1713 E 11th St	1622 Merlin Ln	1616 Merlin Ln	1610 Merlin Ln	724 Wynooski St	718 Wynooski St	918 Mill PI	920 Mill Pl	1002 Mill PI	1008 Mill PI	1010 Mill PI	1014 Mill PI	1016 Mill PI	1524 Mill Ct	1521 MIII Ct	910 Wynooski St	1525 Mill Ct	SiteAddr
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Dylan & Grace Kodad Baune Family Trust	Octavio Antillon & Rosangelica Alcaraz	Hannah & Jeremy Benedict	Philip Casper & Angela Stalker	Tarren & Rebecca Engberg	Randall & Kimberly Guillory	Hughes Family Trust	Abriana & Amber Wedin	Aron & Annie Moore	Brittney & Austin Ragland	Derek Rodrigues Jr	Jason & Haily Windell	Norman & Lorren Smith	Noe Hernandez	Christine Darby
1734 E Darby Ct 1730 E Darby Ct	1742 E Darby Ct	1746 E Darby Ct	1752 E Darby Ct	1756 E Darby Ct	1760 E Darby Ct	1764 E Darby Ct	1751 E Darby Ct	1747 E Darby Ct	1743 E Darby Ct	840 Wynooski St	1731 E Darby Ct	917 NE Wynooski Rd	1701 E 11th St	1012 NE Wynooski Rd
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