



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

PLANNING COMMISSION STAFF REPORT
VACATION RENTAL CONDITIONAL USE PERMIT
521 E Taylor Drive

HEARING DATE: October 14, 2021
FILE NO: CUP21-0005
REQUEST: Conditional use permit approval to use a new single-family dwelling as a vacation rental home
LOCATION: 521 E Taylor Drive
TAX LOT: R3207AA04100
APPLICANT/OWNER: Amanda Bolliger
ZONE: R-1 Low Density Residential
PLAN DISTRICT: LDR (Low Density Residential)

ATTACHMENTS:

Planning Commission Order: 2021-08

Exhibit A: Findings

Exhibit B: Conditions of Approval

Attachment 1: Application

Attachment 2: Public Comments

- A. DESCRIPTION OF APPLICATION:** The applicant is requesting Conditional Use Permit (CUP) approval to use an existing five-bedroom home as a vacation rental located at 521 E Taylor Drive. The applicant has stated that four off-street parking spaces (two in the garage and two in the driveway) will be available for use by short-term tenants. The subject property is zoned R-1 (Low Density Residential).
- B. LOCATION:** 521 E Taylor Drive
- C. SITE INFORMATION:**
1. Location: 521 E Taylor Drive
 2. Total Lot Size: Approximately 0.11 acres
 3. Topography: The subject property is generally flat.
 4. Current Land Uses: Single family residential
 5. Natural Features: None
 6. Adjacent Land Uses:
 - a. North: Agricultural Resident (Very Low Residential District - Yamhill County)
 - b. South: Single-family residential
 - c. East: City-owned stormwater facility
 - d. West: Single-family residential
 7. Zoning:
 - a. North: AF-10 (Agriculture and Forest District – Yamhill County)
 - b. South: R-1 (Low Density Residential)
 - c. East: R-1 (Low Density Residential)
 - d. West: R-1 (Low Density Residential)
 8. Access and Transportation: Access to the vacation rental will occur via a driveway off of E Taylor Drive, which is classified as a local residential street in the City’s Transportation System Plan. E Taylor Drive is a paved road.
 9. Utilities:
 - a. **Water:** The City’s online GIS utility map shows there is a 8-inch water line in E Taylor Street.
 - b. **Wastewater:** The City’s online GIS utility map shows there is a 8-inch wastewater line in E Taylor Street.
 - c. **Stormwater:** The City’s online GIS utility map shows there is a 15-inch stormwater line in E Taylor Street.
 - d. **Overhead Lines:** This development was completed in 2017. All utilities are underground.

D. PROCESS: This Conditional Use Permit request is a Type III application and follows the procedures in Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial public hearing on the application. The Commission will make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

9/07/21: The Community Development Director deemed the application complete.

9/23/21: The applicant mailed notice to the property owners within 500 feet of the site.

9/29/21: The *Newberg Graphic* published notice of the Planning Commission hearing.

10/4/21: The applicant posted notice on the site.

10/14/21: The Planning Commission will hold a quasi-judicial public hearing to consider the application.

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

Referrals were returned from the following City of Newberg departments with no comment: Police, Finance, Public Works, Waster Water Plant, Community Development.

The City of Newberg Engineering department reported findings, which are included in this report. Newberg Engineering found that all related code requirements are either met or not applicable to this application.

F. PUBLIC COMMENTS: As of the writing of this report, the City has received three public comments. The comments were centered on nuisance type activity, increased vehicle traffic, and public safety concerns caused by guests at the proposed vacation rental. If the City receives additional written comments by the comment deadline, planning staff will forward them to the Planning Commissioners.

Unknown commenter (Opposition) – The commenter expressed their concerns regarding the vacation rental disrupting the quiet neighborhood and damaging the neighborhoods quality of life. Commenter also expressed concerns required increased street parking and increased traffic speed. Commenter expressed concerned of existing traffic speed issues. Commenter also suggested that vacation rentals be located in “other communities where these types of rental properties already exist”. The full context of the letter can be reviewed in Attachment 2.

David & Rebecca Beasley (Opposition) – Commenters noted concerns that “turning a single-family home into a commercial business would be detrimental to the neighborhood” and noted that there was very limited parking, commercial trucks, and many families with young children who play near the property. The writers of the letter expressed that they did not feel that use of the garage as off-street parking was practical. The full letter can be seen in Appendix 2.

Jennifer Congdon (Opposition) – Commenter writes to express concerns over possible public

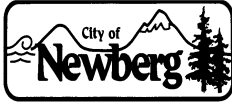
safety, quality of life, and the character of the neighborhood which the commenter feels will be negatively impacted by the approval of this application for a short-term vacation home. The commenter specifically mentions concerns over potential gang activity and inebriated drivers returning from visiting wineries in the area. The writer is concerned about the potential proliferation of short-term vacation rentals in the area which will degrade the character of the neighborhood

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

The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Therefore, the maximum number of guests is 10 in the house based on the current 5-bedrooms in the home. There are four proposed off-street parking spaces for short term tenants provided on the subject property.

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

Move to adopt Planning Commission Order 2021-08, which approves the requested conditional use permit with the attached conditions of approval in Exhibit “B”.



**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP21-0005 FOR A
VACATION RENTAL HOME AT 521 E Taylor Drive, YAMHILL COUNTY TAX
LOT R3207AA 04100.**

RECITALS

1. Amanda Bollinger has submitted an application for a conditional use permit for a vacation rental home at 521 E Taylor Drive, Newberg, Yamhill County Tax Lot R3207AA 04100.
2. After proper notice, the Newberg Planning Commission held a public hearing on October 14, 2021, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit "B", meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP21-0005 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective on October 28, 2021, unless appealed prior to this date.
4. This order shall expire one year after the effective date above if the applicant does not commence use of the home as a vacation rental, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 14th day of October 2021.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

Exhibit A to Planning Commission Order 2021-08
Findings – File CUP21-0005
Vacation Rental at 521 E Taylor Drive

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

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

Finding: The vacation rental would be in an existing five-bedroom, single-family dwelling in a neighborhood in north Newberg. The property owner is planning to use the dwelling as a short-term vacation rental when they aren't staying in the home themselves. The property will be managed by the professional management company Vacasa. The applicant has provided the contact information for the management company in the required property posting.

The proposed vacation rental use is similar to a regular residential use in design and operating characteristics. The home has five bedrooms so a maximum of ten renters would be allowed to occupy the home. Four off-street parking spaces are provided on the property consisting of two spaces in the driveway and two in the garage. Single-family R-1 zoned properties are located to the south, east and west of the subject property. Property to the east is a vacant green space with a storm water detention facility. The subject property is zoned R-1. The property to the north is zoned AF-10 by Yamhill County. A vacation rental use is compatible with the surrounding residential neighborhood and would effectively function no differently than the existing residential uses in the surrounding area. This criterion is met.

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

Finding: The location of the dwelling is attractive for a vacation rental due to its proximity to a cluster of wineries outside the Newberg City Limits to both the north and east of the property. The property is located in close proximity to N College Street / Highway 219, which will provide convenient access to attractions both inside and outside of Newberg. The property is less the 1-quarter mile from two Chehalem Park & Recreation sites (Crater Park and Oak Knoll Park). The property is adjacent to a City-owned r quality facility to the east and a single family farm and pasture to the north. A vacation rental is a compatible use with other residential uses because it is similar in size and scope to a long-term rented (longer than 30-days) or owned dwelling. This criterion is met.

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

Finding: The vacation rental standards are addressed in findings below; if the development complies with the standards of NMC Section 15.445.300, the application will be consistent with code

requirements. The construction of the single-family home was permitted when it was built in 2017, which required demonstrating compliance with applicable NMC design standards.

B. Applicable Criteria - NMC 15.445.300 Vacation Rental Homes

15.445.310 Where allowed.

Vacation rental homes are permitted in areas shown on Chapter 15.305 NMC.

The vacation rental home must be a structure approved for occupancy as a single-family dwelling unit.

Finding: The subject property is zoned R-12. The table below is an excerpt from Chapter 15.305 of the NMC, which states vacation rental homes are permitted as a conditional use in the R-1 zone. The owner has applied for conditional use permit approval for the proposed vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

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

This criterion is met.

15.445.320 Registration required.

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

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

15.445.330 Standards.

A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.

B. The applicant shall provide for regular refuse collection.

C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.

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

Finding: The proposed vacation rental would be in an existing five-bedroom single-family dwelling. There are four off-street parking spaces available on the existing driveways south of the attached garage. The applicant will be responsible for providing for regular refuse collection and has indicated that the existing weekly pickup on Friday will be continued. Prior to the use of the home as a vacation rental, the

property must be enrolled in regular weekly refuse collection services, in order to comply with this Section of the NMC. The home has five bedrooms; therefore, the maximum number of guests is limited to 10. Guest contracts will not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests. The owner has proposed four off-street parking spaces, including the two-car garage. These criteria are met with the adherence to the aforementioned condition of approval.

The Newberg Engineering Department has found that: The applicant's narrative indicates that the short-term rental will accommodate up to 10 with 5 bedrooms. The off-street parking available can accommodate up to two vehicles [outside of the garage] which meets the City's requirements of two-off street parking spaces. The property use will be similar to the use of the existing single-family dwelling and will not meet the City's threshold to conduct a traffic study. This requirement is met.

15.445.340 Registration posting.

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

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

B. The telephone number for the police department.

C. The maximum number of occupants permitted to stay in the dwelling.

D. The standards for the rental occupancy.

E. The solid waste collection day.

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

The applicant provided the following posting for the front door of the vacation rental. It meets all the required information for NMC 15.445.040

Dear Guests,

Hello and welcome to our home! We're so happy you chose our property for your vacation.

If you should have any questions during your stay, please contact Vacasa at 1-800-544-0300. Someone will be able 24/7 to answer your questions. In the event of an emergency dial 911. If you need to contact the Newberg Police Department about a non-emergency matter, their telephone number is (503) 538-8321. Garbage collection occurs on Wednesday mornings.

Before you settle in and get comfortable, we would like to make sure you are aware of the Vacation Rental Agreement in place at our vacation rental. Understanding and complying with the Vacation Rental Agreement will make for a comfortable and fun stay for everybody! Please review your Vacation Rental Agreement carefully in order to avoid any danger or deductions from your security deposit upon check-out. Some key House Rules are listed below.

The maximum number of occupants permitted to stay in the home shall be no more than ten people or

the number of occupants specified in your Vacation Rental Agreement, whichever is less. You must be at least 21 years of age to rent the property and a parent or legal guardian must accompany all guests under 21 years of age for the entire duration of the rental. The responsible renter must be an occupant of the property for the entire duration of the rental period and will be solely responsible for your actions and the actions of all other guests and invitees present during your stay.

Please treat the property with the same care as you would your own residence and leave it in the same condition as it was when you arrived. To prevent theft or damage to furnishings and your personal property, you agree to close and lock doors and windows when you are not present at the property and at check-out.

You and all guests and invitees on the property agree to conduct yourselves throughout your stay in a respectful manner that is not disruptive to neighbors, traffic flow, or the community and that will not prompt any complaints from police, neighbors, or neighborhood associations. Noise audible outside the property is strictly prohibited between 10pm and 8am.

No pets of any kind are permitted at the property.

No smoking is permitted at the property (including porches, decks, or outdoor areas) at any time.

Events and commercial photography and filming at the property are prohibited. No tents or other structures may be erected on the property.

Use of the property for any criminal activity, including use of the property's Internet service for unlawful downloads, is prohibited. We will cooperate fully with investigation of any alleged criminal activity during your stay, including sharing your information with the authorities.

You agree to abide by all posted parking rules. Per city code, no recreational vehicle can be parked at the curb of any city street for more than 48 hours."

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

15.445.350 Complaints and revocation of registration.

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

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

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

C. Establish a probationary period to monitor compliance.

D. Dismiss the complaint.

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

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

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

15.220.030 Site design review requirement.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirements maybe 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 prosed 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 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

Finding: The applicant's narrative indicates that the short-term rental will accommodate up to 10 with 5 bedrooms. The off-street parking available can accommodate up to two vehicles [outside of the garage] which meets the City's requirements of two-off street parking spaces. The property use will be similar to the use of the existing single-family dwelling and will not meet the City's threshold to conduct a traffic study. This requirement is met.

15.505.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exchs. B, C), 1219-16]

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.050 (E).

- A. Public Works Design and Construction Standards.** The design and construction of all improvements within existing and proposed rights-of-ways and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg

public works design and construction standards.

- B. Street Improvements. All projects subject o a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.**

Finding: The single-family residential home being proposed for a short-term rental was recently constructed. As such all-required street improvements were completed as part of the building permit. All requirements have been met.

- C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.**

Finding: The single-family residential home being proposed for a short-term rental was recently constructed. It is served by the municipal water system. All requirements have been met.

- D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.**

Finding: The single-family residential home being proposed for a short-term rental was recently constructed. As such a wastewater connection and required wastewater improvements were completed as part of the building permit.

- E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.**

Finding: The single-family residential home being proposed for a short-term rental was recently constructed. As such as stormwater system was installed and completed as part of the building permit. All requirements have been met.

- F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future developments of the area.**

Finding: The Single-family residential home being proposed for a short-term rental was recently constructed and has the necessary public utility easements. No additional utility easements are required. This criteria is not applicable.

- G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director or are otherwise bonded for tin a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards. [Ord. 2810 § 2 (EXCHS. B, C), 12-19-16.]**

C. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the

Newberg Development Code, subject to completion of and adherence to the attached conditions of approval in Exhibit “B”.

Exhibit "B" to Planning Commission Order 2021-08
Conditions of Approval – File CUP21-0005
Vacation Rental Home at 521 E Taylor Drive

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

1. **Transient Lodging Tax:** Prior to the use of the home as a vacation rental the owner or applicant will be required to register the vacation rental home with the City and will be required to pay the transient lodging tax.
2. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
3. **Parking:** The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests.
4. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental. *15.445.340 Registration posting. At a minimum, the posting will contain the following information:*
 - A. *The name of the operator and a telephone number where the operator may be reached.*
 - B. *The telephone number for the police department.*
 - C. *The maximum number of occupants permitted to stay in the dwelling.*
 - D. *The standards for the rental occupancy.*
 - E. *The solid waste collection day.*

Attachment 1: Application



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

RECEIVED
AUG 16 2021

Initial: _____

File #: CUP 21-0005

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: Amanda Bolliger
 ADDRESS: 521 E. Taylor Dr. Newberg Or. 97132
 EMAIL ADDRESS: aabolliger@gmail.com
 PHONE: _____ MOBILE: 213-880-1858 FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: N/A PHONE: N/A
 ADDRESS: N/A

GENERAL INFORMATION:

PROJECT NAME: Wine Country Garden Oasis PROJECT LOCATION: 521 E. Taylor Dr. Newberg, Or. 97132
 PROJECT DESCRIPTION/USE: Short Term Vacation Rental
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3207AA 04100 ZONE: R2 SITE SIZE: 5227 SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
 CURRENT USE: SFR
 SURROUNDING USES:
 NORTH: Farm 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.

Amanda Bolliger 8/16/21
 Applicant Signature Date

Amanda Bolliger
 Print Name

Amanda Bolliger 8/16/21
 Owner Signature Date

Amanda Bolliger
 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.

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.
-

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)

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$182
PROPERTY CONSOLIDATION	\$182
CODE ADJUSTMENT	\$455
DESIGN REVIEW - TYPE I (DUPLIX 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
TYPE II (LAND USE DECISION)	
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
TYPE III (QUASI-JUDICIAL REVIEW)	
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
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
APPEALS	
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
OTHER FEES	
TECHNOLOGY FEE (<i>This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees</i>) 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
LICENSE FEES	
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 99-2122, July 6, 1998
 Amended by: Resolution 99-2214, December 8, 1999
 Resolution 2000-2365, 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.

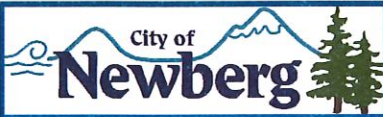
ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.

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.



Cash Register Receipt

City of Newberg

Receipt Number
R10055

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$2,035.95
CUP21-0005	Address: 521 E TAYLOR DR	APN: R3207AA 04100	\$2,035.95
TECHNOLOGY FEE			\$96.95
TECHNOLOGY FEE	01-0000-341006	0	\$96.95
TYPE III			\$1,939.00
CONDITIONAL USE PERMIT	01-0000-341003	0	\$1,939.00
TOTAL FEES PAID BY RECEIPT: R10055			\$2,035.95

Date Paid: Monday, August 16, 2021

Paid By: BOLLIGER AMANDA

Cashier: BMGN

Pay Method: OTC CARD 199-04





1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Amanda Bolliger
521 E Taylor Drive
Newberg, OR 97132

Customer Ref.: Amanda Bolliger
Order No.: 471821110648
Effective Date: August 5, 2021 at 08:00 AM
Charge: \$300.00

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 MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

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

Amanda Bolliger

Premises. The Property is:

(a) Street Address:

521 Taylor Drive, Newberg, OR 97132

(b) Legal Description:

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

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-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: 2020-2021
Amount: \$4,286.45
Levy Code: 29.0
Account No.: 561670
Map No.: R3207AA 04100

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021-2022.
2. City Liens, if any, in favor of the City of Newberg.
3. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Terra Estates Phase 2

4. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Public Utilities
Affects: Northerly 10 feet and Southerly 10 feet

5. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 16, 2015
Recording No.: 201516497

6. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$497,800.00
Dated: July 29, 2020
Trustor/Grantor: Amanda Bolliger
Trustee: Lawyers of Oregon, LLC
Beneficiary: Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Nations Direct Mortgage, LLC,
Loan No.: 8010104649 / MERS: 1006118-0000149229-9

Ticor Title Company of Oregon
Order No. 471821110648

Recording Date: July 30, 2020
Recording No: 2020-12960

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that Nations Direct Mortgage, LLC 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

Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

Lot 44, TERRA ESTATES PHASE 2, as platted and recorded March 7, 2016, as Instrument No. 201603409, Yamhill County Records, in the City of Newberg, County of Yamhill and State of Oregon.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

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

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

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

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

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

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

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

AFTER RECORDING RETURN TO:

Order No.: 262001180-ET

Amanda Bolliger
521 E Taylor Dr
Newberg, OR 97132

SEND TAX STATEMENTS TO:

Amanda Bolliger
521 E Taylor Dr
Newberg, OR 97132

APN: 561670
Map: R3207AA 04100

Yamhill County Official Records **202012959**
DMR-DDMR
Stn=1031 SUTTONS **07/30/2020 01:24:06 PM**
3Pgs \$15.00 \$11.00 \$5.00 \$60.00 **\$91.00**

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Darrick M. Swartout and Jenna M. Swartout, Grantor, conveys and warrants to **Amanda Bolliger**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

Lot 44, TERRA ESTATES PHASE 2, as platted and recorded March 7, 2016 as Instrument No. 201603409, Yamhill County Records, in the City of Newberg, County of Yamhill and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED TWENTY-FOUR THOUSAND AND NO/100 DOLLARS (**\$524,000.00**). (See ORS 93.030).

Subject to:

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

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.

TKOR # 471820095687

STATUTORY WARRANTY DEED

(continued)

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

Dated: 7/29/20

~~_____~~

Darrick M. Swartout

Jenna Swartout
Jenna M. Swartout

State of Oregon
County of Clatsop

This instrument was acknowledged before me on 7.29.2020 by Darrick M. Swartout and Jenna M. Swartout.

[Signature]

Notary Public - State of Oregon

My Commission Expires: 6.15.2021



EXHIBIT "A"
Exceptions

Subject to:

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Terra Estates Phase 2

Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Public Utilities

Affects: Northerly 10 feet and Southerly 10 feet

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 16, 2015

Recording No: 201516497

Wine Country Garden Oasis
521 E. Taylor 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 while owners are not in the residence
 - The proposed STR is a SFR that was built in 2017 in the newer Terra Estates Subdivision.
 - The house is a 2 story, 4-bedroom SFR on a 5,227 SQ Ft. Lot. It has 1 direct neighbor to the west. The east is a green space and to the north is a pasture.
 - The Property will be occupied by the owner part-time. When owner is 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 that will provide a professional screening process and 24-hour assistance during STR occupation. There will be no loud noise outdoors after 10pm. And an animal policy that will include a requirement that dogs may not be left outside unattended.
 - The property has a 2-car garage and 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.

521 E. Taylor Dr. Is a Single-family home that will be available, advertised, or listed by an 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 - Registration Required.

In agreement with this application all information will be submitted with the forms and will include the name and contact info 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 - There is a service currently set up with waste management for trash, recycle and yard debris.

- c. Occupancy – The SFR has 5 conforming bedrooms so the occupancy limit is expected to be set at 10 people.
- d. Premises – This STR will not allow the use of occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.

15.445.340 - Registration Postings.

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

- 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. (10)
- 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 understands the above code and will make every effort to follow up with all complaints.



Wine Country Garden Oasis
521 E. Taylor Dr.
Newberg, Or. 97132

Existing Site Narrative

- This home is very new. Built in 2017. No changes need to be made to existing structure
- Yard has a garden and manicured lawn in the front and garden planters on a deck in the back yard. Everything has a timed sprinkler system.
- Back yard is completely fenced in with gates on both side of the house.

Drainage and Grading

- House has very good drainage. Slight slope on the front and back of the home. The back yard is tiered and the driveway in the front slopes away from the house.

Utilities

- City of Newberg Public utilities map is attached

Public Utilities Map



Addresses

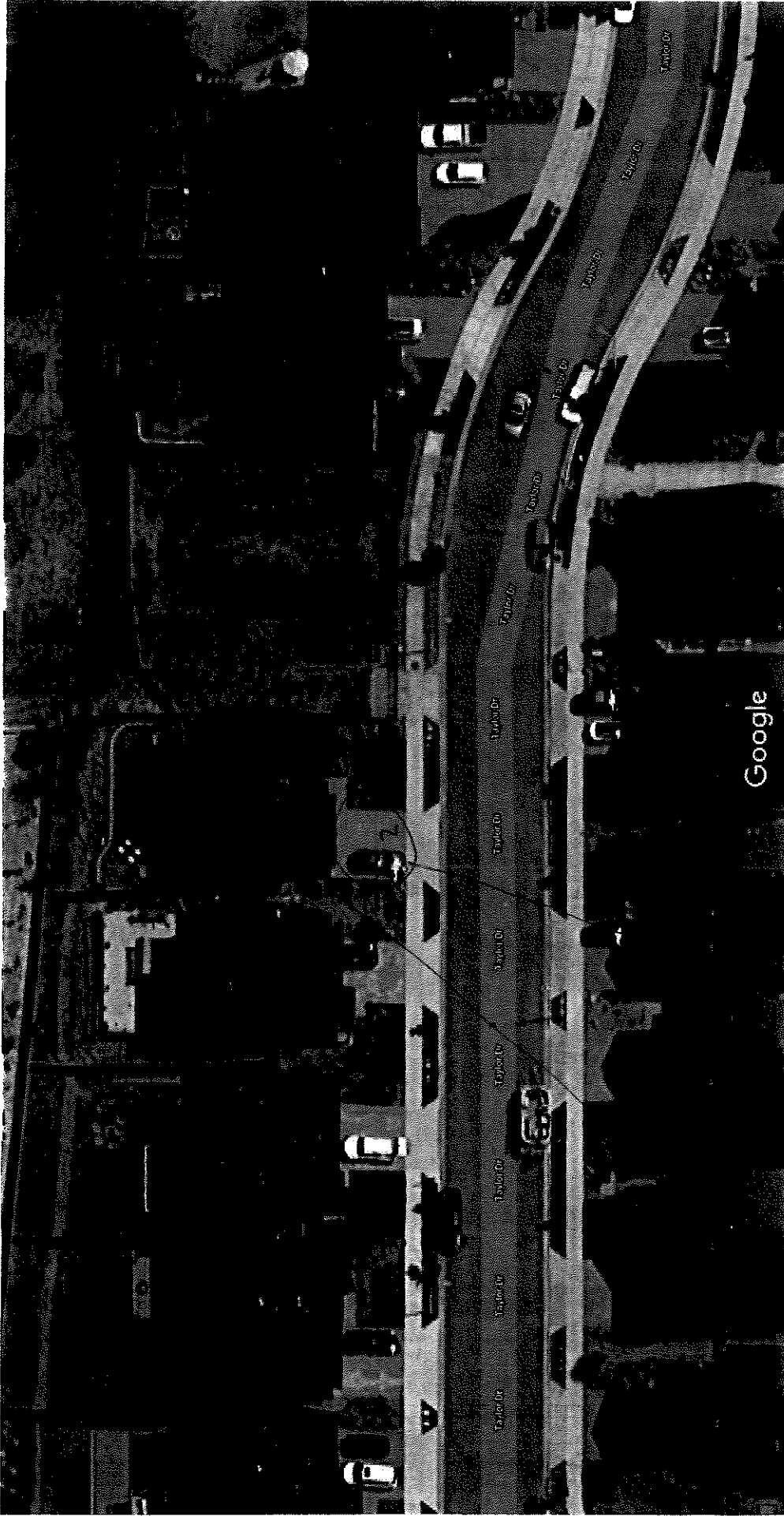
- NEWBERG
- PGE

Public_Utilities

- Water Meter
- Water Mains
 - Main
 - NonPotable Main
 - Reuse
- Water Laterals
 - Abandoned
 - Active
- Wastewater Mains
 - Force Main
 - Gravity Main
- Fire Hydrant
- Storm Pipes
 - Collector

60ft

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, INCREMENT P, USGS, EPA, USDA | City of Newberg, Oregon Metro, Geoterra | Originally created by Jan Van der ... -present



- ① CHARTERITY
 - ② Z CAR DRIVEWAY
- GIAS
CABLE

Attachment 2: Public Comments

To: The City of Newberg Planning Commission (Community Development Department)

From: (Homeowner)

RE: File No. CUP21-0005 (Neighbor applying for short term vacation rental)

RECEIVED
OCT -4 2021

Initial: _____

I object to this proposal and its approval!

If approved, this plan would not only help to turn our residential neighborhood into some sort of weekend party spot for "short term renters" but also allow out of town folks (who do not live here, raise their kids here, do not work here, Etc.) to add even more cars to the already massive congestion and speeding issues our neighborhood faces every day.

As it stands now, our narrow residential neighborhood already has a problem with speeding cars and congested parking along homes all up and down Taylor Street. As a parent of two young children, I have spoken with multiple other families in this neighborhood, the majority being parents of young children as well, and they have noticed the massive issue with speeding cars ever since the expansion of Taylor Street. I am mentioning speeding cars and congested parking because it is a MASSIVE SAFETY issue in our small community here on Taylor St. Our kids cannot play freely without the fear of potentially getting struck by a speeding car. Not to mention the constant battle of navigating the congestion of curb parked cars all along Taylor Street.

I believe in homeowner's rights to do what they feel with their home to a degree. When it comes to living in a community like ours, your choices as the property owner should not negatively affect your neighbors such as this decision would. I feel as a neighbor/property owner who would be directly affected by this decision, this is a poor decision. It would be my property the renters are curb parking in front of, my property getting congested with extra cars, my property losing valuable playing space for my kids, my property losing parking for guests I may have over at the time, and more. I am a property owner NOT a weekend renter. My wife, kids and I do not deserve to lose out on these perks of homeownership because my neighbor wants to turn their home into a short-term rental property.

If they are looking for investment opportunities, they should look to other communities where these types of rental properties already exist. Not look to turn our family based small community neighborhood into a weekend rental spot for travelers who will not respect our community as much as the property owners do.

I absolutely object to this decision and am praying for the Planning commission to do their due diligence and reject this proposal as it will do nothing positive for the community here off Taylor St.

Thank you for your time.

DAVID BEASLEY

September 30, 2021

City of Newberg
Community Development Dept.
PO Box 970
Newberg, OR 97132

RECEIVED
OCT - 4 2021
Initial: _____

Re: CUP21-0005

Dear Members,

My wife and I are writing to oppose the conditional use permit for the residence at 521 Taylor Drive in Newberg as a short term rental.

If you review the property and surrounding area, you will note very limited parking, commercial trucks and many families with young children who play on the sidewalks around this property. The notice said there are 4 parking spaces which would have to include the garage area which is not practical or reasonable.

Turning single family homes into a commercial business would be detrimental to the neighborhood and should be denied.

Sincerely,


David Beasley Rebecca Beasley

RECEIVED

OCT - 5 2021

Initial: _____

To: City of Newberg Planning Commission

From: Jennifer Congdon, 420 Taylor Dr Newberg, OR 97132

RE: File No. CUP21-0005 (Neighbor applying for short term vacation rental)

My name is Jennifer Congdon and my husband and I live just three doors down from the proposed short term vacation rental property. We bought our home brand new in 2017. Our friends and next door neighbors were the first to move into Terra Estates, and after a dinner at their beautiful new home we put an offer in on the house next door. Since then, we have had three additional friends and their young families join our dream neighborhood.

This neighborhood isn't full of strangers living next to each other, it is a small, close knit community. We take pride in our homes and the trust we have in one another. This is a neighborhood where we all look out for each other, take each other's trash cans out when on vacation, and where our children have a safe environment to be children. Our kids can play outside and grow up knowing the values of family and community. Any given day, rain or shine, you will see children playing in their yards bouncing from one home to another. If you approve this short term rental, it will be the demise of our beautiful neighborhood and will lead to an overall decrease in our home values.

One of my favorite things about living in Newberg is being so close to North Valley Road and Oregon wine country. One thing I know for certain is that Uber and Lyft are rarely available in this area, leaving those who come here to wine taste with very few transportation options. One of my concerns is a drastic increase in impaired drivers making their way back to their vacation rental while our children play in our streets.

I know that companies such as Air B&B do not conduct background checks on their guests, and this is a huge safety concern for us. We all know one another in our neighborhood, and do not want a revolving cast of strangers living next door to us.

Additionally, my husband is in law enforcement in Portland. The latest trend is for known Portland gang members to rent Air B&Bs in the suburbs. As of the date of this letter, known Kirby Block Crips are renting a vacation rental in a Dundee neighborhood. I do not want our neighborhood to be a hub for gang parties and other nefarious activities. Is this something that you would feel comfortable living next door to?

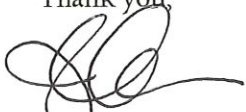
The problem with this proposed short term vacation rental is that we never wanted to live next to a hotel. The idea of this hotel-ification in our neighborhood is an insidious business trend that will work to the detriment of us residents who spent our hard earned money on a home in our dream neighborhood surrounded by friends and family.

I want to preserve our sense of community and ensure there is accessible housing available for long term renters and home buyers who value thriving, safe, and family oriented neighborhoods like ours. If this short term rental is approved, more short term rentals will be created, and full time residents will be forced to move out of the community.

What will be left is a revolving door of strangers who have no allegiance or interest in the welfare of our community. This short term vacation rental will completely change the sense of place that we call home, and will ultimately change the social fabric of our neighborhood.

I ask that the planning commission strongly denies the proposed short term vacation rental.

Thank you,



Jennifer Congdon