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

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RECITALS

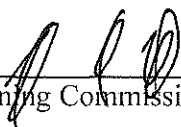
1. Amanda Bollinger has submitted an application for a conditional use permit for a vacation rental home at 521 E Taylor Drive, Newberg, Yamhill County Tax Lot R3207AA 04100.
2. After proper notice, the Newberg Planning Commission held a public hearing on October 14, 2021, to consider the application. 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 14<sup>th</sup> 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.

Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3
Vacation rental home	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.*