

# 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 8/16/21  
 Owner Signature Date

Amanda Bolliger  
 Print Name

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.

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

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

#### **Submit Application**

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

#### **Processing**

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

#### **Planning Commission Hearing**

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

## City Council Hearing

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

## Appeals

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

## Permits

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

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

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

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

<b>PRE-APPLICATION REVIEW</b> .....	<b>\$100</b>
<b>TYPE I (ADMINISTRATIVE REVIEW)</b>	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$182
PROPERTY CONSOLIDATION .....	\$182
CODE ADJUSTMENT .....	\$455
DESIGN REVIEW - TYPE I (DUPLX OR COM. /IND. MINOR ADDITION REVIEW) .....	0.3% OF PROJECT VALUE, \$455 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION .....	\$182
MAJOR MODIFICATION OF TYPE I DECISION .....	50% OF ORIGINAL FEE
PARTITION FINAL PLAT .....	\$913 + \$80 PER PARCEL
PROPERTY LINE ADJUSTMENT .....	\$913
SIGN REVIEW .....	\$10 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT .....	\$1830 + \$80 PER LOT OR UNIT
<b>TYPE II (LAND USE DECISION)</b>	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$913
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION .....	\$182
MAJOR MODIFICATION OF TYPE II DECISION .....	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) .....	0.6% OF TOTAL PROJECT COST, \$913 MINIMUM*
PARTITION PRELIMINARY PLAT .....	\$913 PLUS \$80 PER PARCEL
SUBDIVISION PRELIMINARY PLAT .....	\$1830 PLUS \$80 PER LOT
VARIANCE .....	\$913
<b>TYPE III (QUASI-JUDICIAL REVIEW)</b>	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$1939
ANNEXATION .....	\$2549 PLUS \$244 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) .....	\$2389
CONDITIONAL USE PERMIT .....	\$1939
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION .....	\$182
MAJOR MODIFICATION OF TYPE III DECISION .....	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION .....	\$0
HISTORIC LANDMARK ELIMINATION .....	\$2223
SUBDIVISION PRELIMINARY PLAT .....	\$1830 PLUS \$80 PER LOT
PLANNED UNIT DEVELOPMENT .....	\$3872+\$80 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC) .....	\$2415
<b>TYPE IV (LEGISLATIVE AMENDMENTS)</b>	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION .....	\$2747
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION .....	\$2747
<b>APPEALS</b>	
TYPE I OR II APPEAL TO PLANNING COMMISSION .....	\$524
TYPE I OR II APPEAL TO CITY COUNCIL .....	\$950
TYPE III APPEAL TO CITY COUNCIL .....	\$1115
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT) .....	\$294
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCI .....	50% OF EXIBITOR LICENSE FEE
<b>OTHER FEES</b>	
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
<b>LICENSE FEES</b>	
GENERAL BUSINESS .....	\$50
HOME OCCUPATION .....	\$25
PEDDLER/SOLICITOR/STREET VENDOR .....	No fee (Business License fee only)
EXHIBITOR .....	\$134
TEMPORARY MERCHANT .....	\$109/45 days or \$361/perpetual

## ADDITIONAL LAND USE REVIEW FEES - ENGINEERING DEPARTMENT

Planning Review, Partition, Subdivision & PUD's (Type 11/111 Application) -	<b>\$296.71 - 19 lots, Plus \$13.90 per lot over 19 lots</b>
Final Plat Review, Partition and subdivision .....	<b>\$296.71 Plus .....\$7.45 per lot or parcel</b>
Development review for public improvements on Commercial, Industrial, Multifamily Developments & Institutional zones	<b>\$414.95 1st Acre \$237.02 Additional acre</b>

**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.

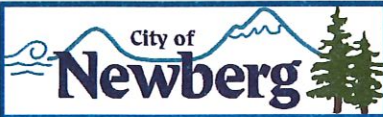
ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.

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

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

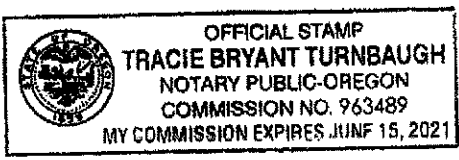
State of Oregon  
County of Clatsop

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



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

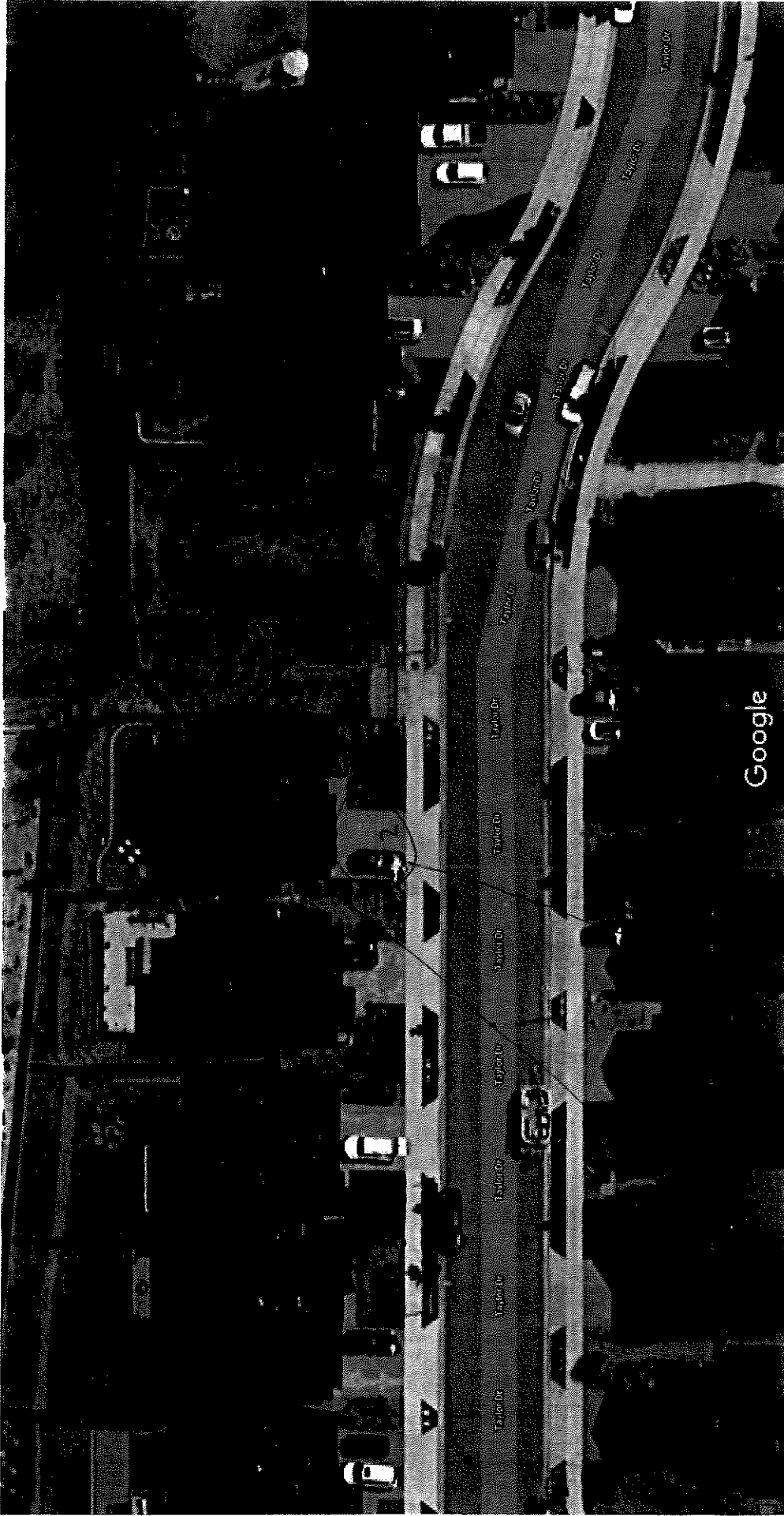
## Addresses

### Newberg Street Lights

- 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



① UTILITY @ 2 CAR DRIVEWAY  
GAS  
CABLE