



Community Development Department  
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
503-537-1240 ▪ Fax 503-537-1272 ▪ [www.newbergoregon.gov](http://www.newbergoregon.gov)

PLANNING COMMISSION STAFF REPORT  
VACATION RENTAL CONDITIONAL USE PERMIT  
412 W Fifth Street

HEARING DATE: July 8, 2021 (first hearing), August 12, 2021 (second hearing)

FILE NO: CUP21-0001

REQUEST: Conditional use permit approval to use an existing single-family dwelling as a vacation rental home

LOCATION: 412 W Fifth Street

TAX LOT: R3219CA 00100

APPLICANT: Lauri Hines

OWNERS: Lauri Hines and Roy Neff

ZONE: R-1 (Low Density Residential)

PLAN DISTRICT: LDR (Low Density Residential)

OVERLAYS: SC (Stream Corridor), Airport Overlay (Airport Conical Surface)

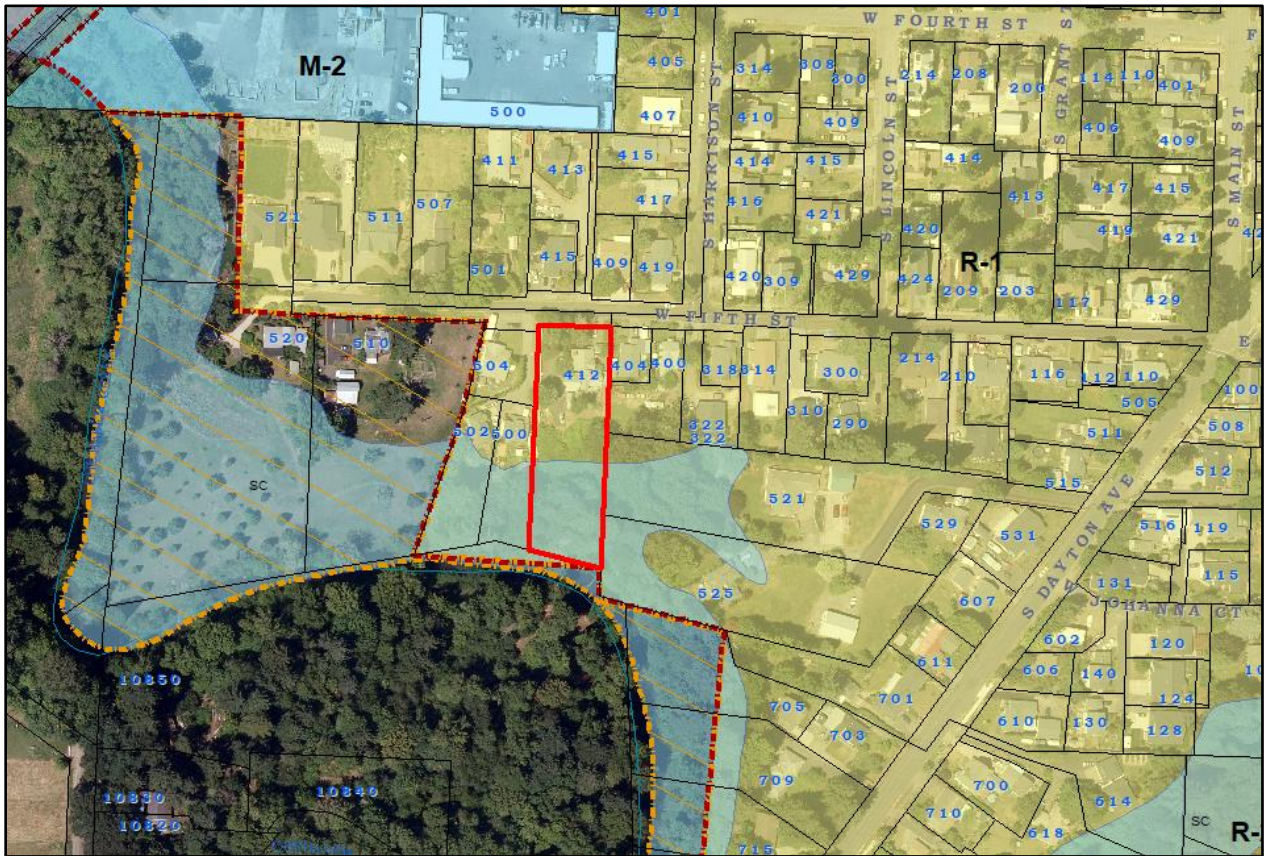
---

**ATTACHMENTS:**

Planning Commission Order 2021-06 with:  
Exhibit A: Findings  
Exhibit B: Conditions of Approval  
Attachment 1: Application  
Attachment 2: Agency Comments  
Attachment 3: Public Comments  
Attachment 4: Miscellaneous Communications (Fence)

**A. DESCRIPTION OF APPLICATION:** The applicant is requesting Conditional Use Permit (CUP) approval to use an existing five-bedroom home located at 412 W Fifth Street. The applicant has stated that at least two off-street parking spaces will be available for use by short-term tenants. The property owners, Lauri Hines and Roy Neff, have stated they plan to live at the home part-time and rent their home when they are not staying in the home themselves. The subject property is zoned R-1 (Low Density Residential) and is encumbered by a large area of Stream Corridor (SC) located on the southern portion of the subject property.

**B. LOCATION:** 412 W Fifth Street



**C. SITE INFORMATION:**

1. Location: 412 W Fifth Street
2. Total Lot Size: Approximately 37,462 square feet
3. Topography: Northern portion of the subject property is generally flat and grades downward to the southern property line. There is an approximate 60-foot drop off from the top of bank of the stream corridor to the southern property line.
4. Current Land Uses: Single-family dwelling

*"Working Together For A Better Community-Serious About Service"*

5. Natural Features: Approximately 15,610 square feet of the subject property contains a stream corridor.
6. Adjacent Land Uses:
  - a. North: Single-family residential
  - b. South: Vacant, stream corridor
  - c. East: Single-family residential, stream corridor
  - d. West: Single-family residential, stream corridor
7. Zoning:
  - a. North: R-1 (Low Density Residential)
  - b. South: Yamhill County AF-10 (Agricultural/Forestry Small Holding District)
  - c. East: R-1 (Low Density Residential)
  - d. West: R-1 (Low Density Residential)
8. Access and Transportation: Access to the vacation rental occurs via a driveway off of W Fifth Street, which is classified as a local residential street in the City's Transportation System Plan. W Fifth Street is a gravel surfaced road.
9. Utilities:
  - a. Water: The City's GIS utility map illustrates a 4-inch water line in W Fifth Street with an existing meter serving the subject property.
  - b. Wastewater: The City's GIS utility map illustrates a 15-inch wastewater line in W. 5th Street with an existing service lateral to the property.
  - c. Stormwater: The City's GIS utility map illustrates a 12-inch storm line on the west side of the property line.
  - d. Overhead Lines: Any new overhead utility connections to the property must be undergrounded. See NMC 15.430.010 for exception provisions.

**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 is to 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:

- 05/07/21: The Community Development Director deemed the application complete (with the exception of the affidavit of noticing).
- 06/05/21: The applicant mailed notice to the property owners within 500 feet of the subject property.
- 06/05/21: The applicant posted notice on the subject property.
- 06/23/21: The *Newberg Graphic* published notice of the Planning Commission hearing.
- 07/08/21: The Planning Commission held a hearing, took public comment, kept the public record open for 14-days and continued the hearing to August 12<sup>th</sup>.
- 07/20/21: The applicant mailed a second notice to property owners within 500 feet of the

*"Working Together For A Better Community-Serious About Service"*

subject property.  
08/12/21 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:

1. Tualatin Valley Fire & Rescue: Reviewed; no conflict.
2. Zply Fiber: Reviewed; no conflict.

**F. PUBLIC COMMENTS:** At the July 8, 2021, Planning Commission public hearing a number of citizens made statements in opposition to the proposed vacation rental (see draft Planning Commission minutes from July 8, 2021). The majority of these comments were centered on nuisance type activity, increased vehicle traffic and W Fifth Street, a gravel road, not being adequate to handle assumed increased traffic caused by guests at the proposed vacation rental. During the public hearing the Planning Commission voted to keep the public comment period open for an additional 14-days from July 8<sup>th</sup>. The following are summaries of the written public comments that the City has received before and since July 8<sup>th</sup>. The written and emailed public comments that have been received can be reviewed in Attachment 3.

Todd Albertson (Opposition) – Mr. Albertson expressed his concerns regarding the vacation rental disrupting the quiet neighborhood and damaging the neighborhoods quality of life. His concerns center around additional traffic on a gravel road causing dust and increased health risk. A reference is also made to increased fire danger, which stated that short term residents are unaware of fire risks and that they may engage in activities that could cause fires. He stated that signage and road markings are not in place to support increased in traffic. Concerns were raised about the impact that vacation rentals reducing the availability of affordable housing. The full context of the letter can be reviewed in Attachment 3.

Response: NMC 8.15 Nuisances regulates both public health and safety nuisances which includes the regulation of noise. Activities that would negatively impact the quality of life for those living in the surrounding neighborhood are likely regulated through Title 8.15 of the NMC. Additionally, NMC 15.445.330 through 15.445.350 are specific regulations applicable to vacation rental. NMC 15.445.350 states that “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.” At the conclusion of the hearing and assessment of facts the City Manager may choose to take one of the following five actions including 1) revoking the use of the home as a vacation rental, 2) imposing additional conditions, 3) establishing a probationary period to comply with regulations, 4) dismiss the complaint, or 5) refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction. Complaints can be filed with the Code Compliance Division at 503-554-7709. Information for the Code Compliance Division can be found at <https://www.newbergoregon.gov/legal/page/code-compliance-0>. The City’s

Engineering Division assessed the potential increase in vehicle traffic and determined even with 10 occupants in the dwelling it would not change or increase the impact from the use of the home as a single-family dwelling. Even with 10 occupants in the home the impact would not meet the threshold of 40 PM peak hour trips which would require a traffic study. W Fifth Street is a public street and therefore anyone is allowed to drive on this gravel road which could create airborne dust particles. All those who purchased a home or live in a home on W Fifth Street were aware of the road being gravel a possibly aware of the potential for airborne dust. The City cannot prohibit the use of a public street based on it being gravel. This letter stated that there could be an increase fire hazard created by those who are not aware of fire risk in this area. There is no factual proof that those staying in a vacation rental would cause an increased fire danger more than those staying in other surrounding homes. The City Engineering Division reviewed the proposal and traffic control devices or marking are not warranted based on the potential of 10 persons occupying the vacation rental. The applicant has stated they have enough room to provide off-street parking for up to 10 vehicles. It should be noted that NMC 15.445.330(A) only require a minimum of two off-street parking spaces. The City cannot require a property owner to provide affordable housing and there is no definitive proof that the proposed vacation rental will reduce the amount affordable housing in Newberg.

Erika & Brian Fox (Questions) – The Fox’s asked if there will be a limit to the amount of people that will be occupying the residence and what the limit would be. If there would be quite hours and what those hours would be? They also wondered if there would be no parking signs on the street because W Fifth Street is narrow. They went on to state they welcome the homeowners to the neighborhood and look forward to getting a chance to meet them. The full context of the letter can be reviewed in Attachment 3.

Response: Two occupants per bedroom are permitted. The home contains 5-bedrooms, so the maximum number of guests is 10. NMC 8.15.150 also regulates noise. There are noise restrictions for the entire City starting at 10 pm until 7 am. The Code Compliance Division can be contacted at 503-554-7709 to lodge a complaint regarding nuisance activities like loud noise.

Annie-Joy Bays (Opposition) – We received an email with picture and a video attached from Ms. Bays opposing the vacation rental. A statement was made that the applicants fencing/retaining wall should remain in its current location but needs improvements was made by Ms. Bays. The letter expressed concern about increased traffic, people, transients not understanding the neighborhood and its family values. A statement was made that the condition of W Fifth Street is unsafe, dusty and expressed concerns for pedestrians walking to the downtown. A reference was made about the existing business owners on W Fifth Street being a staple to their neighborhood and these businesses have the right to use the street without worrying about the increased traffic produced by the proposed vacation rental. A statement was made that guests at the vacation rental would act differently than those who live in the surrounding neighborhood. A reference was made to the mailed notice advertising the July 8, 2021, meeting failing to disclose all information necessary to have a fair response by the surrounding residents including not providing the zoom meeting login information. A statement was made that the planning commission held a quasi-judicial public hearing to consider the application and had already made their decision and had approved the CUP in

paperwork and on zoom video clip. The letter stated that the fence surrounding the subject property is in disrepair and would not prevent any of the transient customers from crossing the property line from the back of the property. A statement was made that the applicant owns four rottweiler dogs and there is insufficient fencing to keep these dogs from leaving the confines of the subject property. A statement was made that the applicant has removed natural growth from the stream corridor area located on the southern portion of the property. The letter refers to a 10'-15' area that was cut into the hillside which has altered the original landscape and caused erosion. The letter states that there is a City drain at the end of Ms. Bays driveway and that moving the fence may damage drainage, underground power lines, internet access and all other utilities running underground. The letter requests that the applicant keep the fence in the original location. The letter states that the current version of the fence and retaining wall doesn't prevent water run through. A statement is made that the current retaining wall is failing and needs to be repaired. A statement is made that moving the vacation rental fencing will prevent emergency vehicles from using driveways for maneuvering safely. Ms. Bays provided a video showing a fire truck backing out of a driveway onto what is assumed to be W Fifth Street. The full context of the letter can be reviewed in Attachment 3.

Response: The City cannot dictate to a property owner that they must keep a fence and/or retaining wall in place. The City regulates fencing in NMC 15.410.070(D), these are the only regulations that can be enforced. The applicant has stated that a surveyor has surveyed the property and a survey has been produced illustrating that the fence is not within the required front yard setback of 15 feet (Attachment 4). It does appear that there are businesses operating on W Fifth Street, including the property directly north of the subject property having a business that utilizes a forklift and large trucks. The City Engineering Division has reviewed the proposed vacation rental and determined that W Fifth Street has the capacity to accommodate vehicle traffic generated by 10 guests driving 10 separate vehicles to and from the vacation rental. It should be pointed out that it is unlikely 10 separate vehicles would be used to transport 10 separate guests to the proposed vacation rental. As previously stated, a daycare accommodating up to 16 children could be located within the same dwelling and could generate more trips than 10 occupants of the vacation rental. W Fifth Street is a public street and therefore anyone is allowed to drive on this gravel road which could create airborne dust particles. All those who purchased a home or live in a home on W Fifth Street were aware of the road being gravel and possibly aware of the potential for airborne dust. The City cannot prohibit the use of a public street based on it being gravel. NMC 8.15 regulates both public health and safety nuisances. Complaints can be filed with the Code Compliance Division at 503-554-7709. Information for the Code Compliance Division can be found at <https://www.newbergoregon.gov/legal/page/code-compliance-0>. Vacation rentals have additional regulations that are located in NMC 15.445.330 and 15.445.350. Since September 16, 2013, or when vacation rental regulations became effective, there are no known complaints pertaining to vacation rentals within the City of Newberg. The applicant mailed an additional notice advertising the August 12, 2021, meeting and has provided the zoom meeting login information. Ms. Bays is correct in stating that the applicant sent out the July 8<sup>th</sup> meeting notice without providing the zoom meeting login information. The notice listed the public hearing location as the Public Safety building, which resulted in people going to the public safety building and providing public comment for the July 8<sup>th</sup> meeting. The letter incorrectly states that the City Planning Commission has already made a decision on the CUP,

however, no decision has been made and the public hearing was continued to the August 12, 2021, meeting. Tualatin Valley Fire and Rescue (TVF&R) provided a review letter stating “reviewed; no conflict” for the proposed vacation rental. The Newberg Dundee Police Department (NDPD) responds to complaints regarding stray dogs, vicious attacks by animals and unreasonably loud noise emitted by an animal. The NDPD can be contacted at (503) 538-8321. Information is also available on the internet at <https://www.newbergoregon.gov/police/page/animal-control>.

Attorney Stamp representative of Johnathan Umfleet (Opposition) – Attorney Stamp stated that they are opposed to the application because the nuisance-related impacts of short-term rentals are well-documented, and that the City did not consider these nuisance related impacts. They also stated that “this neighborhood in particular does not have adequate streets and is not suitable for this commercial use of residential land”. The full context of the letter and supporting exhibits can be reviewed in Attachment 3.

Response: NMC 8.15 regulates both public health and safety nuisances. Complaints can be filed with the Code Compliance Division at 503-554-7709. Information for the Code Compliance Division can be found at <https://www.newbergoregon.gov/legal/page/code-compliance-0>. Vacation rentals have additional regulations that are located in NMC 15.445.330 and 15.445.350. Since September 16, 2013, or when vacation rental regulations became effective, there are no known complaints pertaining to vacation rentals within the City of Newberg. Attorney Aiello who represents the applicant has provided reference information contradicting Attorney Stamp’s information that was provided in opposition to the proposed vacation rental. The City’s Engineering Division reviewed the proposed vacation rental and did not note any measurable impacts to traffic and stated that even with 10 occupants it would not generate an impact different from a single-family home. It should be noted that daycares are uses permitted by right in the R-1 zoning district. “Family childcare home” means a registered or certified family childcare home under the laws of the State of Oregon. A registered family childcare home generally provides care for a maximum of 10 children in the family living quarters of the provider’s home. A certified family care home is located in a building constructed as a single-family dwelling and has a certificate to care for a maximum of 16 children at any one time. It is more likely that a daycare would generate more trips or more vehicle traffic than a vacation rental where 16 children were dropped off by 16 separate parents in the morning and picked up later in the day.

Jim Forkner (Opposition) – Mr. Forkner raised concerns about transient people, the narrowness of W Fifth Street and that it’s gravel, the ability for emergency equipment to use the street, the absence of no parking signs. A picture was also provided which illustrates trucks driving along W Fifth Street. The full context of the letter can be reviewed in Attachment 3.

Response: The City regulates both nuisance activities and criminal violations, which would also apply to any guests staying at a vacation rental home. The applicant has stated they have enough off-street parking on their property to accommodate 10 vehicles. Additionally, the applicant has stated that they will require their guests to utilize the off-street parking on their property.

Johnathan Umfleet (Opposition) – Mr. Umfleet sent a separate letter from the one prepared by Attorney Stamp that refers to the CUP criteria listed in NMC 15.225.060. His letter refers to E Fifth Street as being unimproved, narrow and dusty gravel road. Mr. Umfleet’s letter states that there will be increased traffic based on the permitted occupancy of 10-persons. He goes on to state that there will be an increased health hazard due to more airborne dust particles caused by the vacation rental guests driving on W Fifth Street. His letter also contains pictures of what is stated to be the surrounding neighborhood. He refers to a picture of a fence that has been recently installed as being visually unattractive and separated from the neighborhood with fencing and landscaping. The letter then claims the fencing is too tall for where it is placed and in violation of NMC 15.410.070(D). The letter incorrectly refers to the City requiring a fence permit, the City does not require a fence permit. The letter goes on to refer to issues of fence placement on the west property line, which is considered a civil matter between the property owners. The City of Newberg does not get involved in civil disputes between neighbors. The full context of the letter can be reviewed in Attachment 3.

Response: The City Engineering Division has reviewed the proposed vacation rental and determined that W Fifth Street has the capacity to accommodate vehicle traffic generated by 10 guests driving 10 separate vehicles to and from the vacation rental. It should be pointed out that it is highly unlikely 10 separate vehicles would be used to transport 10 separate guests to the proposed vacation rental. As previously stated, a daycare accommodating up to 16 children could be located within the same dwelling and could generate more trips than 10 occupants of the vacation rental. W Fifth Street is a public street and therefore anyone is allowed to drive on this gravel road which could create airborne dust particles. All those who purchased a home or live in a home on W Fifth Street were aware of the road being gravel and possibly aware of the potential for airborne dust. The City cannot prohibit the use of a public street based on it being gravel. The applicant has stated that a surveyor has surveyed the property and a survey has been produced illustrating that the fence is not within the required front yard setback of 15 feet.

Dwight Hageman (Opposition) – Mr. Hageman stated there was a lot of debris on the driveway and front yard, which is not consistent with the neighborhood’s appearance. The letter also points out that a fence has been constructed in the front of the property that is 6 feet tall and not in compliance with the NMC. Additionally, a reference was made to a fence on the west side of the property being in bad shape. A concern was raised about increased traffic caused by the vacation rental. The letter stated that there were two rottweiler dogs running loose on the property without being on a leash. The full context of the letter can be reviewed in Attachment 3.

Response: Staff have driven by the subject property but did not see the debris that was referred to by Mr. Hageman. The applicant has stated that a surveyor has surveyed the property and a survey has been produced illustrating that the fence is not within the required front yard setback of 15 feet. The applicant has stated that they intend to replace the fencing along their west property line. The City Engineering Division has reviewed the proposed vacation rental and determined that W Fifth Street has the capacity to accommodate vehicle traffic generated by 10 guests driving 10 separate vehicles to and from the vacation rental. It should be pointed out that it is highly unlikely 10 separate vehicles would be used to transport 10 separate guests to the proposed vacation rental. As previously stated, a daycare



accommodating up to 16 children could be located within the same dwelling and could generate more trips than 10 occupants of the vacation rental. The Newberg Dundee Police Department (NDPD) responds to complaints regarding stray dogs, vicious attacks by animals and unreasonably loud noise emitted by an animal. The NDPD can be contacted at (503) 538-8321. Information is also available on the internet at <https://www.newbergoregon.gov/police/page/animal-control>.

Attorney Aiello representative of Lauri Hines (Support) – Attorney Aiello provided a letter stating that noise, crime, on-street parking and access for emergency vehicles will not be negatively impacted by approval of this CUP. The full context of the letter and supporting exhibits can be reviewed in Attachment 3.

Lauri Hines (Applicant) – Ms. Hines has provided a letter as part of her attorney’s submittal supporting her application and responding to the letter provided by Attorney Stamp. Her letter disagrees with the characterization that those renting vacation rental homes will disrupt the neighborhood harmony due to parties, noise, litter and other nuisance activities. Her letter refers to documents that outline the financial benefit to the community that vacationers bring to the Willamette Valley. Her letter and other attached documents respond to statements made by Attorney Stamp and his client. Ms. Hines points out that there are two driveways accessing the subject property that can accommodate up to 10-vehicles in the unlikely event that the home is rented to the maximum occupancy of 10-persons. Her letter provides pictures and text explanation of the industrial like use across the street from the subject property. The letter goes on to state that large industrial vehicles that appear to be owned by the City of Newberg already drive down the street. The letter states that loud industrial vehicles leave the industrial like site across the street at 5:30 am in the morning. Her letter illustrates in pictures and states that they have invested over \$200,000 in renovations to the subject property. A reference is made to the financial damages caused by Mr. Umfleet. There is also a reference to a “412 W. Fifth Street Lawsuit”, this document has not been provided to the City. The letter concludes with requesting that the Planning Commission approve Ms. Hines request for a CUP to operate a vacation rental.

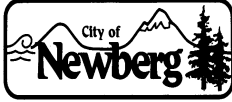
- G. ANALYSIS:** The proposed vacation rental is compatible with the surrounding residential use and neighborhood due to its size and scope, and the characteristics of a vacation rental are not dissimilar to other rented and owned dwellings. The location of the proposed vacation rental is convenient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

The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Therefore, the maximum number of guests is 10 based on the dwelling containing 5-bedrooms. There are at least two off-street parking spaces provided on the subject property. The applicant has provided a narrative statement indicating there is enough room on their property to park a total of 10-vehicles. Based on the material provided by the applicant there will be no need for on-street parking, and they can add a restriction to the guest rental agreement.

A more thorough analysis of the compatibility of the proposed vacation rental with the surrounding neighborhood is provided in the findings of this report.

**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 2021-06, which approves the requested conditional use permit with the attached conditions of approval in Exhibit "B".*



---

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP21-0001 FOR A  
VACATION RENTAL HOME AT 412 W FIFTH STREET, YAMHILL COUNTY TAX  
LOT R3219CA 00100**

---

**RECITALS**

1. Lauri Hines and Roy Neff have submitted an application for a conditional use permit for a vacation rental home at 412 W Fifth Street, Yamhill County Tax Lot R3219CA 00100.
2. After proper notice, the Newberg Planning Commission held a public hearing on July 8, 2021, to consider the application. The Commission considered testimony and kept the record open for 14-days to allow additional public comments to be submitted for inclusion into the public record.
3. On August 12, 2021, The Newberg Planning Commission continued the public hearing from July 8, 2021, to consider the application. The Commission considered testimony and deliberated.
4. 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 CUP21-0001 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 August 27, 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 12<sup>th</sup> day of August 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 2021-06  
Findings – File CUP21-0001  
Vacation Rental at 412 W Fifth Street

**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 southwest of Downtown Newberg. The property owners are planning to use the dwelling as a short-term vacation rental when they aren't staying in the home themselves.

*Location* – NMC 15.305.020 lists vacations rentals as Conditional Uses within the R-1 zoning district.

*Size* – The size of the subject property is 37,462 square feet, which is larger than most of the lots in the surrounding neighborhood. The single-family dwelling is 3,024 square feet. It is unclear how the size of the home compares to other surrounding homes. However, a home of 3,024 square feet is likely larger than the average sized dwellings within the surrounding neighborhood.

*Design* – The subject property's design is not dissimilar for the surrounding properties within the 500-foot notification area, which defines the surrounding neighborhood.

*Operating Characteristics* – The operating characteristics of a vacation rental is not unlike the surrounding neighborhood.

*Impact to Surrounding Neighborhood* – There are no clear impacts to the surrounding neighborhood. The City of Newberg has been regulating Vacation Rentals under NMC 15.445.300-350 since September 9, 2013. Thus far there have been no documented complaint or negative impact caused by other vacation rental properties.

*Harmony in scale* – The square footage of the home and lot are not indifferent from the surrounding neighborhood. The subject property appears to be larger than most of the properties within the surrounding neighborhood. It is likely that the existing home at 3,024 square feet is larger than other homes in the surrounding neighborhood. There is no measurable difference to harmony in scale that would be caused by the periodic short-term rental of the subject property as a vacation rental.

*Bulk* – The location of the building, height, mass and density of the surrounding neighborhood will not be impacted by the approval of this CUP. The subject property is not dissimilar from most of the other abutting properties and also most of the surrounding neighborhood. There are no identifiable negative impacts to the surrounding neighborhood in regard to access to light, air, and open space. Some public comments referred to the degradation of air-quality relative to increased traffic on W Fifth Street which is a gravel road. As with all public streets, they are open to the public and are allowed to be driven on by anyone with a licensed vehicle. It should be noted that the property located at 413 W Fifth Street appears

have equipment such as a forklift and other equipment that is typically associated with industrial uses. Also located within the surrounding neighborhood north of the subject is the City of Newberg Public Works building which is zoned M-2 Light Industrial and clearly functions as an industrial use.

*Coverage* – According to the City of Newberg’s GIS, the subject property is 37,462 square feet with only a small portion of the property covered by either a structure greater than 200 square feet in area or impervious driveway material. The square footage of the home is 3,024 square feet, it is not clear if this measurement is the same as building footprint. The subject property is one of the largest lots within the surrounding neighborhood. Although not specifically calculated, the subject property clearly meets lot and parking coverage requirements of NMC 15.405.040. Additionally, the applicant has not proposed creating any additional coverages. A visual survey of the City’s GIS aerial photos indicates that other surrounding lots are smaller and illustrate more lot and parking coverage than the subject property. The southern portion of the subject property is encumbered by 15,610 square feet of stream corridor. Development within a stream corridor is prohibited. NMC 15.342 regulates stream corridors. The operation of the home as a vacation rental will not increase either the existing lot or parking coverage.

*Density* – Density will not be affected given that the surrounding neighborhood homes have not limitations that clearly restrict the number of occupants they are allowed. The guests in the home are staying for a short period of time so there will be no measurable effect on the surrounding neighborhoods density.

*Availability of Public Facilities and Utilities* – The subject property is served by the same public utilities the surrounding homes are served by. There is no measurable effect on the existing utilities or facilities with the operation of the proposed vacation rental. As noted in other sections of this report, there are no continuous public sidewalks along W Fifth Street. The other residents living within the surrounding neighborhood are allowed to walk east and west along W Fifth Street and there should be no restrictions on the occupants of a vacation rental home.

*Generation of Traffic/Capacity of Surrounding Streets* – The City of Newberg Engineering Division reviewed the potential of a rental property with 10-occupants creating a measurable negative affect the capacity of W Fifth Street. The Engineering Division determined that W Fifth Street is capable of handling up to 10 additional vehicles traveling to and from W Fifth Street.

The existing single-family residence at 412 W Fifth Street is a home with five bedrooms, so the use of the home for residential purposes can also accommodate a maximum occupancy of 10 occupants or more. With a maximum of 10 occupants the proposed use of the single-family home as a vacation rental would still not exceed the threshold of generating 40 PM peak hour trips; therefore, a traffic study is not required. Even with 10 occupants in the dwelling, it will not change or increase the traffic from subject property’s use as a single-family dwelling to the use of the subject property as a vacation rental.

In conclusion, 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 short-term renters would be allowed to occupy the home. At least two off-street parking spaces are provided on the property. The applicant stated that they have enough room to park 10 vehicles. Single-family R-1 zoned properties are located to the north, east and west of the subject property. The property to the south is vacant and in Yamhill County with the zoning of AF-10 (Agricultural/Forestry Small Holding District). The southern portion of the subject property is encumbered with 15,610 square feet of stream corridor, which serves as a natural buffer to the Yamhill County property to the south. The area between the single-family dwelling and the Yamhill County property to the south is also buffered by the stream corridor. A

vacation rental use is compatible with the surrounding neighborhood and would 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 Downtown Newberg. S Main Street leads to the Downtown and is directly accessed by W Fifth Street. Although there are no continuous sidewalks along W Fifth Street, all persons are allowed to walk on any public streets or sidewalks. W Fifth Street has a low-level of vehicle traffic due to the roadway ending approximately 370 from the subject property and the closest cross street is east of the subject property. Downtown Newberg and a local grocery store are approximately a ½ mile walk from the proposed vacation rental. In terms of site planning, the home is an existing single-family home and there is no new site planning occurring. After reviewing the surrounding properties current level of maintenance, there is no measurable difference between the subject property and the surrounding neighborhood properties. It should be noted that the property owners to the west, 500 and 504 W Fifth Street, have overgrown weeds, a boat on a trailer and several other vehicles parked on or around the shared property line with the subject property. 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 then the application will be consistent with code requirements. The applicant is not doing anything that will change the existing condition of the dwelling or property. A new fence has been installed on the subject property to replace a dilapidated fence. In Mr. Umfleet’s public comment letter he stated that the fence exceeded the legal height of the City Development Code. In an email dated 7/23/2021, the applicant stated that the fence is not within the front yard and referred to a survey they were having done to demonstrate that the fence is not within the front yard setback of 15-feet for the R-1 zoning district. Within 14-days of the Planning Commission decision to approve or deny this CUP application, the applicant shall provide to the City a survey from a licensed surveyor that illustrates the newly constructed fence is in compliance with NMC 15.410.070(D). If the fence is in violation of the NMC then it shall be made conforming to current fence regulations before use of the dwelling as a vacation rental because it is unclear if this newly constructed fence is in compliance with current fence and wall regulations. The Engineering Division has identified NMC 12.05.090 as being applicable, and conditions of approval are provided below. This criterion will be met with the adherence to the conditions of approval.

***12.05.090 Permits and certificates.***

- A. *Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:***

- 1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.*
- 2. Dedicate right-of-way in accordance with the city transportation plan.*

**Finding:** The applicant's narrative describes major renovations to the property including replacing the roof and siding and repairing multiple areas of wood rot. Because the applicant did not provide a project valuation and it is anticipated that these improvements will exceed the \$30,000 threshold as noted in NMC 12.05.090, prior to renting the home as a short-term rental, the applicant will be required to dedicate the necessary right-of-way sufficient to serve W Fifth Street which is classified as a local residential street in the City's Transportation System Plan. A local residential street requires 56-feet of right-of-way, and the applicant will be required to dedicate the necessary right-of-way for their half of the street, 28-feet. The additional width of the right-of-way dedication will need to be determined by a surveyor as the width necessary to increase the right-of-way from approximately 25-feet from the existing right-of-way centerline to 28-feet from the existing right-of-way centerline. Additionally, an encroachment permit may be needed for the stone wall at the front of the property depending on its location relative to the newly dedicated right-of-way. The right-of-way dedication shall be recorded with Yamhill County and the applicant shall provide a signed and recorded copy of the document to the City of Newberg prior to use of the home as a vacation rental. These criteria will be met with the adherence to the aforementioned condition of approval.

*B. The city engineer may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section to the owner, builder or contractor when, in the city engineer's opinion, the construction of a sidewalk is impractical for one or more of the following reasons:*

- 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.*
- 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.*
- 3. Topography or contours make the construction of a sidewalk impractical.*
- 4. The noncompliance provided in subsection (B)(1) of this section shall be temporary and shall cease to exist when grades are established for sidewalks by the public works department or when public utilities or street paving have been constructed. The permit shall indicate the reason for its issuance.*

**Finding:** W Fifth Street is classified as a local residential street in the City's Transportation System Plan. The cross-section for a local residential street requires 56-feet of right-of-way and consists of the following cross-sectional elements:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane



- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The City's Online GIS illustrates variable right-of-way width along the full length of W Fifth Street west of S Main Street. The existing road surface has been gravel for the entire life of the roadway. The west end of W Fifth Street is bordered by a stream corridor. Properties on the north side of the street have sidewalks in varying degrees of condition and alignment relative to the existing right-of-way. A few segments of existing sidewalk are newer and in good condition. Most existing sidewalk segments are older and in poor repair. One property along this section of W Fifth Street has newer sidewalk that appears to be located in the correct position for a full street improvement consistent with the cross-section in the City's Transportation System Plan. There are no existing sidewalks on the south side of the road. The subject property, 412 W Fifth Street, is located on the south side of the road.

Design information for sidewalk grades on W Fifth Street are not readily available to establish sidewalk grades for the property at 412 W Fifth Street, and the City does not have a near term project which identifies the sidewalk grades as being needed. Existing conditions including the lack of sidewalks along the south side of the roadway make it difficult to establish appropriate design parameters for a portion of sidewalk along the frontage of 412 W Fifth Street. When limited or no sidewalk grade information exist, constructing frontage improvements is best done as part of a whole roadway project. The property at 412 W Fifth Street falls under these circumstances due to the lack of known sidewalk grades and/or existing street infrastructure which would establish these sidewalk grades. In accordance with 12.05.090(B)(1) it is the City Engineer's opinion, that the construction of a sidewalk along the frontage of 412 W Fifth is impractical at this time due to sidewalk grades not being established and they cannot be established within a reasonable period of time since no public roadway project is set to occur on this roadway in the immediate future.

Because in the City Engineer's opinion it is not practical at this time to build a street improvement for the 100-foot lot frontage due to sidewalk grades not being established, prior to use of the home as a vacation rental, the City is requiring that the property owner sign an agreement for the frontage improvements of 412 W Fifth Street containing (1) a waiver or remonstrance and (2) obligation of the property owner to construct the street frontage improvements at its cost (should the City so require). In accordance with 12.05.090(B)(4), the noncompliance provided in subsection (B)(1) of not constructing a sidewalk shall be temporary and shall cease to exist when grades are established for sidewalks by the public works department or when public utilities or street paving have been constructed.

These criteria will be met with the adherence to the aforementioned condition of approval.

***15.220.030 Site design review requirements.***

***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 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 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.*

**Finding:** As noted in the applicant's materials, per the Newberg Municipal Code ordinance for short-term vacation rentals, there is an occupancy limit of two people per bedroom or up to 15 occupants. The applicant has noted that the 412 W Fifth Street residence has five conforming bedrooms so the occupancy limit will be set at 10 occupants for the proposed short-term vacation rental.

The existing single-family residence at 412 W Fifth Street is a home with five conforming bedrooms, so the use of the home for residential purposes can also accommodate a maximum occupancy of 10 occupants. With 10 occupants in the residence will not change or increase from its use as a single-family residence to its use as a vacation rental.

With a maximum of 10 occupant the proposed used of the single-family home as a vacation rental would still not exceed the threshold of generating 40PM peak hour trips; therefore, a traffic study is not required. This criterion in not applicable.

***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 15.505.030(E).*

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

**Finding:** The applicant's site plan does not illustrate needed public utility easements along W Fifth Street and the title report does not describe any existing public utility easements. The City of Newberg requires 10-foot public utility easements behind the right-of-way for all new or redeveloped properties. Because the applicant has not indicated they will dedicate a 10-foot public utility easement in their application submittal, the applicant must establish a 10-foot public utility easement located behind the new right-of-way line. The 10-foot public utility easement shall be recorded with Yamhill County and the applicant shall provide a signed and recorded copy of the document to the City of Newberg prior to use of the home as a vacation rental.

This criterion will be met with the adherence to the aforementioned condition of approval.

***15.505.030 Street standards.***

***A. Purpose. The purpose of this section is to:***

*"Working Together For A Better Community-Serious About Service"*

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.*
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.*
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.*
- 7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.*
- 8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:*
  - a. Additional reinforcement is done to the sidewalk section at corners.*
  - b. Sidewalk width is six feet.*

**Finding:** W Fifth Street is classified as a local residential street. Per the Transportation System Plan and Public Works Design and Construction Standards, local residential streets require a minimum of 56-feet of right-of-way and are comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 7-foot parking lane
- 9-foot travel lane
- 9-foot travel lane
- 7-foot parking lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The City’s Online GIS illustrates a variable right-of-way width along the full length of W Fifth Street west of the S Main Street intersection. The existing road surface has been gravel for the entire life of the roadway. Properties on the north side of the street have sidewalks varying in condition and alignment relative to the existing right-of-way. A few segments of existing sidewalk are newer in good condition.

Most existing sidewalk segments are older and in poor condition. One property along this section of W Firth Street has newer sidewalk that appears to be located in the correct position for a full street improvement consistent with the cross-section in the City’s Transportation System Plan. There are no sidewalks on the south side of the road. The subject property, 412 W Fifth Street, is located on the south side of the road.

As noted in the previous section of this report pertaining to NMC 12.05.090, in the City Engineer’s opinion, it is not practical at this time to build a street improvement for the 100-foot lot frontage of 412 W Fifth Street due to sidewalk grades not being established. Prior to use of the home as a vacation rental, the City is requiring that the property owner sign an agreement for the frontage improvements of 412 W Fifth Street containing (1) a waiver or remonstrance and (2) obligation of the property owner to construct the street frontage improvements at its cost (should the City so require). The frontage improvements when completed will meet the right-of-way requirements and cross-sectional design elements consistent with a local residential street as defined in the City’s Transportation System Plan.

This requirement is met.

**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-1. 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>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RP</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
<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 at least two off-street parking spaces available on the existing driveways along the east and west side of the house. The applicant will be responsible for providing for regular refuse collection and has indicated that the existing weekly pickup on Tuesday 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. It should be noted that the applicant also stated that she would require guests to park their vehicles only on the off-street parking provided within the confines of the subject property. These criteria are met with the adherence to the aforementioned condition of approval.

**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. Additionally, the applicant has provided a draft copy of the required notice that will be posted next to the door of the vacation rental unit. 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.

Operator Name: Lauri Hines

Phone Number: (541) 414-6600

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: ten (10)

Trash Pick-Up Day: Tuesday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.

- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 10 people. This rental is limited to 10 total occupants.
- The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

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:** There were a number of public comments submitted regarding the proposed vacation rental becoming a nuisance to the surrounding neighborhood properties. The applicant has stated they require the signing of a contract that prohibits nuisance activities (see Attachment 3 Public Comments from applicant's 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.

**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 2021-06  
Conditions of Approval – File CUP21-0001  
Vacation Rental Home at 412 W Fifth Street

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

**1. Fence:**

- a. Within 14-days of the Planning Commission decision to approve or deny this CUP application, the applicant shall provide to the City a survey from a licensed surveyor that illustrates the newly constructed fence is in compliance with NMC 15.410.070(D). If the fence is in violation of the NMC then it shall be made conforming to current fence regulations before use of the dwelling as a vacation rental.

**2. Right-of-Way, Public Utility Easement and Frontage Improvements:**

- a. Prior to renting the home as a short-term rental, the applicant will be required to dedicate the necessary right-of-way sufficient to serve W Fifth Street which is classified as a local residential street in the City’s Transportation System Plan. A local residential street requires 56-feet of right-of-way, and the applicant will be required to dedicate the necessary right-of-way for their half of the street, 28-feet. The additional width of the right-of-way dedication will need to be determined by a surveyor as the width necessary to increase the right-of-way from approximately 25-feet from the existing right-of-way centerline to 28-feet from the existing right-of-way centerline. Additionally, an encroachment permit may be needed for the stone wall at the front of the property depending on its location relative to the newly dedicated right-of-way. The right-of-way dedication shall be recorded with Yamhill County and the applicant shall provide a signed and recorded copy of the document to the City of Newberg prior to use of the home as a vacation rental.
- b. Prior to use of the home as a vacation rental, the City is requiring that the property owner sign an agreement for the frontage improvements of 412 W Fifth Street containing (1) a waiver or remonstrance and (2) obligation of the property owner to construct the street frontage improvements at its cost (should the City so require). In accordance with 12.05.090(B)(4), the noncompliance provided in subsection (B)(1) of not constructing a sidewalk shall be temporary and shall cease to exist when grades are established for sidewalks by the public works department or when public utilities or street paving have been constructed.
- c. The applicant must establish a 10-foot public utility easement located behind the new right-of-way line. The 10-foot public utility easement shall be recorded with Yamhill County and the applicant shall provide a signed and recorded copy of the document to the City of Newberg prior to use of the home as a vacation rental.

**3. Transient Lodging Tax:**

- a. 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.

4. **Refuse Collection:**
  - a. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
  
5. **Parking:**
  - a. The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests.
  
6. **Posting:**
  - a. 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.

Operator Name: Lauri Hines

Phone Number: (541) 414-6600

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: ten (10)

Trash Pick-Up Day: Tuesday

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 10 people. This rental is limited to 10 total occupants.
- The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

**Other Requirements:**

1. Prior to use as a vacation rental the applicant must obtain a business license.



**Attachment 1: Application**



RECEIVED

APR 27 2021

Initial: \_\_\_\_\_

April 19, 2021

Mr. Keith Leonard, AICP  
Associate Planner  
City of Newberg  
P.O. Box 970  
414 E. First Street  
Newberg, OR 97132

**RE: CUP Application Number CUP21-0001 for 412 W. 5th Street**

Dear Keith,

Attached for your review please find a revised application package for 412 W. 5th.

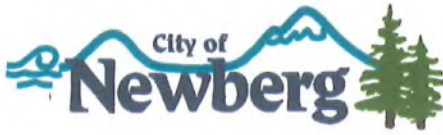
I appreciate your assistance in guiding me through the process.

Please let me know should you have any questions or require additional information.

Thank you.

Regards,

Lauri Hines, CCIM, CPM  
President  
Dream Homes of Oregon



# TYPE III APPLICATION - 2021 (QUASI-JUDICIAL REVIEW)

File #: CUP21-0001

**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) \_\_\_\_\_

RECEIVED  
APR 27 2021  
Initial: \_\_\_\_\_

**APPLICANT INFORMATION:** Application for Short Term Vacation Rental (STR) CUP

APPLICANT: Lauri Hines  
 ADDRESS: 412 W. 5th Street, Newberg OR 97132  
 EMAIL ADDRESS: dreamhomesoforegon@gmail.com  
 PHONE: 541-414-6600 MOBILE: 858-688-8261 FAX: \_\_\_\_\_  
 OWNER (if different from above): Lauri Hines and Roy Neff PHONE: N/A  
 ADDRESS: 944 N. Bayview Road, Waldport OR 97394  
 ENGINEER/SURVEYOR: N/A PHONE: N/A  
 ADDRESS: N/A

**GENERAL INFORMATION:**

PROJECT NAME: Farmhouse on Fifth PROJECT LOCATION: 412 W. 5th Street, Newberg OR 97132  
 PROJECT DESCRIPTION/USE: Short Term Vacation Rental  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3219CA-00100 ZONE: R1 SITE SIZE: .82 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: 00100-412 TOPOGRAPHY: d Level sloping to creek in back  
 CURRENT USE: SFR  
 SURROUNDING USES:  
 NORTH: SFR 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.

Lauri Hines 4-20-2021  
 Applicant Signature Date

Lauri Hines, Roy Neff 4-20-2021  
 Owner Signature Date

Lauri Hines Roy S. Neff  
 Print Name

Lauri Hines Roy S. Neff  
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

## 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.



AmeriTitle, LLC  
 320 Church St. NE, Salem, OR 97301  
 PHONE (503)581-1431 FAX (503)364-8716

---

December 4, 2020  
 File Number: 417294AM  
 Report No.: 5  
 Title Officer: Whitney Estes

**PRELIMINARY TITLE REPORT**

**Property Address: 412 W 5th Street, Newberg, OR 97132**

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	\$415,000.00	\$885.00
Proposed Insured: Lauri Hines and Roy S Neff III	Reissue Rate	
ALTA LENDER'S RESIDENTIAL ( X ) EXTENDED ( ) STANDARD (Simultaneous)	\$496,000.00	\$665.00
Proposed Insured: PacWest Funding Inc, dba Precision Capital, its successors and/or assigns as their interest may appear		
Endorsements: OTIRO - End 209.10-06, 222-06 and 208.1-06		\$100.00
Local Government Lien Search		\$40.00

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

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

and dated as of 10th day of November, 2020 at 7:30 a.m., title is vested in:

**John Allen Bertoglio and Janice L. Bertoglio, as Tenants by the Entirety**

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

FEE SIMPLE

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

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

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

**SPECIAL EXCEPTIONS:**

**Tax Information:**

Taxes assessed under Code No. 29.0 Account No. 53836 Map No. R3219CA 00100  
NOTE: The 2020-2021 Taxes: \$3,863.42, are Paid

6. City liens, if any, of the City of Newberg. (None as of November 5, 2020)
7. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.  
  
None as of the effective date herein.
8. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
9. Possession right lines as per Survey F-6822 as disclosed by instrument,  
Recorded: February 15, 1979  
Instrument No.: Film Volume: 137 Page: 584
10. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$292,000.00  
Trustor/Grantor: John Allen Bertoglio and Janice L. Bertoglio, as Tenants by the Entirety  
Trustee: Western Title & Escrow  
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Directors Mortgage, Inc.  
Dated: February 1, 2018  
Recorded: February 12, 2018  
Instrument No.: 2018-02077

11. Any statutory lien for labor or material, which now has gained, or hereafter may gain priority over the lien of the insured mortgage.

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

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

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

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

**INFORMATIONAL NOTES:**

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

Parties:

Lauri Hines  
Roy S. Neff III

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

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

Document: Statutory Warranty Deed  
Grantor: Larry L. Martin and Sharlene V. Martin  
Grantee: John Allen Bertoglio and Janice L. Bertoglio  
Recorded: May 28, 1985  
Instrument No.: MF Volume: 194 Page: 1418

NOTE: THIS IS A TITLE ONLY ORDER, and as such this office will not be performing any escrow functions such as document preparation, wiring or payoff information, signings, closing protection letters and/or sub-escrows. For questions pertaining to your escrow, Please contact: Liza Wheeler at WFG National Title  
Address: 2430 NE John Olsen Ave., Ste. 125, Beaverton, OR 97006  
Reference: 20-335927

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

NOTE: This Report No. 5 was updated to reflect the following changes:

1. Update loan amount

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

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

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

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

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

**End of Report**

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



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Being a part of the David Ramsey and wife Donation Land Claim Notification No. 1436 Claim No. 40 in Section 19, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

**BEGINNING** at an iron rod found as per survey CSP 5606 and being the Northwest corner of that certain tract of land described in Book 35, Page 631, Deed Records, said point being also South, 179.8 feet and West 266.6 feet from the intersection of centerline of 5th street in the City of Newberg and the West line of Lot 23, LITTLE HOMES SUBDIVISION; thence North 00°05'18H West, 179.83 feet to the centerline of 5th street; thence South 89°55' West, 104.69 feet; thence South 00°05'18" East to a point on the South line of that tract of land deeded to Larry L. Martin, et ux, by deed recorded November 9, 1977, in Film Volume 124, Page 1326, Deed Records of Yamhill County, Oregon; thence Easterly along the South line of said Martin tract to the Southeast corner thereof; thence Northerly along the East line of said Martin tract to the PLACE OF BEGINNING.

417294AM Amerititle

File No.: 20-335827

<b>Grantor</b>
John Allen Bertoglio and Janice L. Bertoglio 412 W 5th Street Newberg, OR 97132
<b>Grantee</b>
Lauri Hines and Roy S. Neff III 944 N Bayview Road Waldport, OR 97394
<b>After recording return to</b>
Lauri Hines and Roy S. Neff III 944 N Bayview Road Waldport, OR 97394
<b>Until requested, all tax statements shall be sent to</b>
Lauri Hines and Roy S. Neff III 944 N Bayview Road Waldport, OR 97394 Tax Acct No(s): 53836, 29

Yamhill County Official Records	<b>202022417</b>
DMR-DDMR	12/10/2020 02:50:00 PM
Str=4 JENSENC	\$91.00
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	
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	

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

John Allen Bertoglio and Janice L. Bertoglio, Grantor(s) convey and warrant to Lauri Hines and Roy S. Neff III, Grantee(s), the real property described in the attached Exhibit A, free of encumbrances EXCEPT covenants, conditions, restrictions, easements, and encumbrances of record as of the date hereof.

The true consideration for this conveyance is \$415,000.00. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 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 195.338 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.

Executed this 30 day of November, 2020

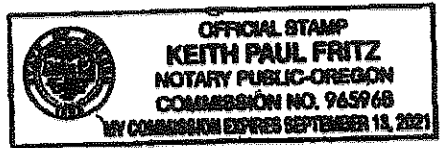
By: [Signature]  
John Allen Bertoglio

By: [Signature]  
Janice L. Bertoglio

STATE OF OREGON  
COUNTY OF Yamhill

This instrument was acknowledged before me this 30 day of November, 2020 by John Allen Bertoglio and Janice L. Bertoglio.

[Signature]  
Notary Public for Oregon  
My Commission Expires: Sept 13, 2021



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Being a part of the David Ramsey and wife Donation Land Claim Notification No. 1436 Claim No. 40 in Section

19, Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, more particularly

described as follows:

**BEGINNING** at an iron rod found as per survey CSP 5606 and being the Northwest corner of that certain tract of

land described in Book 35, Page 631, Deed Records, said point being also South, 179.8 feet and West 268.6 feet from the intersection of centerline of 5th street in the City of Newberg and the West line of Lot

23, LITTLE

**HOMES SUBDIVISION**; thence North 00°05'18H West, 179.83 feet to the centerline of 5th street; thence South

89°55' West, 104.69 feet; thence South 00°05'18" East to a point on the South line of that tract of land deeded to

Larry L. Martin, et ux, by deed recorded November 9, 1977, in Film Volume 124, Page 1326, Deed Records of

Yamhill County, Oregon; thence Easterly along the South line of said Martin tract to the Southeast corner thereof; thence Northerly along the East line of said Martin tract to the PLACE OF BEGINNING.

5th Street Farmhouse  
412 W. 5th Street  
Newberg, OR 97132

**CONDITIONAL USE PERMIT FILE NO:CUP21-0001**

**WRITTEN CRITERIA RESPONSE:**

***NEWBERG MUNICIPAL CODE 15.225.060 GENERAL CONDITIONAL USE PERMIT***

(A) The proposed use is as a Short Term Vacation Rental (STR) when owners are not in residence.

- (1) The proposed STR is a SFR that is listed on the Yamhill County tax rolls as having been built in 1920; although prior owners believe at least part of it was constructed in the 1800's by the original Land Grant owner David Ramsey (Donation Land Claim 1436) in 1857 as the original structure on the Land Grant. We have not verified this, and will be researching with the Yamhill Historical Society; regardless the site has a long-established history as a residential use.
- (2) The property is situated in a semi-rural location on a .82 acre lot. Major renovations to the property include removing 200-300 yards of trash from the lot, repairing or replacing all existing fences, removing deteriorated exterior structures (collapsing treehouse, play structure) from lot, and replacing roof, siding and multiple areas of wood-rot. Blackberry vines covering much of the lot have been removed; foundation plantings and some very old grapevines have been cleared out and will be cared for by a professional landscaper.
- (3) The property will be occupied part-time by the owners, and when the owners are not in residence the planned use is as an STR. Owners are experienced STR operators with more than 10 years of operating history providing upscale accommodations to families and couples seeking to visit the local region. Guests are pre-screened and pay a premium price for the accommodations, including a significant security deposit. Guests are also required to sign a Good Neighbor agreement as part of their lodging agreement, including specifically that no noise is permitted that can be heard from the residence prior to 9:00 AM or after 10:00 PM, an acknowledgment that they will be considerate of local residents in terms of parking, trash and general demeanor, and that canine companions must be crated inside the home when the guests are not in residence; as well as a requirement that dogs may not be left unattended outside and may not be allowed to bark at passers by.
- (4) The property has two driveways, one extending almost the depth of the lot, and therefore has significant parking for guests in addition to the existing three-car garage.

(B) The Location, Design and Site of this STR will provide convenient and functional accommodations to families or couples staying here. The property has a long-term history as residential use. Per local ordinance, occupancy is limited to two per bedroom, is not expected to generate any more traffic than long-term residents; and in actuality is expected to generate less traffic and utility use, as STRs are typically occupied only 45-50% of the time.

(C) The proposed use, being consistent with zoning regulations and Oregon Supreme Court definitions of residential use (Yogman v Parrott 1997) appears to be consistent with the Newberg Municipal Code.

## **NEWBERG MUNICIPAL CODE 15.445.300 - 15.445.350 SPECIAL USE REQUIREMENTS**

1. **Application and Purpose.** This is a single-family dwelling unit that will be used, rented or occupied for periods of less than 30 days.
2. **Where Allowed.** In accordance with the Newberg Municipal Code (NMC) single-family homes require a Conditional Use Permit.
3. **Registration Required.** In accordance with NMC ordinance, the property will be registered with the city on the forms provided, and will include the name and contact information for the owner, operator and local contact.
4. **Standards.** In accordance with NMC ordinance, the applicant will:
  - A. Provide a minimum of two parking spaces. There are two driveways, one running almost the length of the property, providing more than ample parking.
  - B. Provide regular refuse pickup. There is a service agreement in place with Waste Management for weekly pickup of trash, recycling and yard greens.
  - C. Occupancy. Per NMC ordinance, there is an occupancy limit of two people per bedroom up to 15 occupants. The property has five conforming bedrooms so the occupancy limit is expected to be set at 10.
  - D. Posting
5. **Registration Posting.** The applicant operator shall post the vacation rental home registration adjacent to the front door with the following information:
  - A. The name of the operator and a telephone number where the operator may be reached.
  - B. The telephone number for the police department.
  - C. The maximum number of occupants permitted to stay in the dwelling.
  - D. The standards for the rental occupancy.
  - E. The solid waste collection day.
6. **Complaints.** In the event two or more complaints are received in a calendar year without resolution by the code compliance officer, the applicant understands the following may occur:
  - 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.

Fifth Street Farmhouse  
412 W 5th St  
Newberg, OR 97132

**CONDITIONAL USE PERMIT FILE NO:CUP21-0001**

**PROJECT STATEMENT**

- (1) We are Oregonians who delight in sharing our amazing Oregon with visitors from out of the region or state, while recognizing that we are a part of the community and that our guests must respect our neighbors, our house rules and local ordinances while staying in our homes.
- (2) We live here too. We may be unusual in that Lauri Hines, the operating spouse, moves into the home for a period of time prior to offering the home to guests. This is to allow her to get to know the property, the neighbors, and set guest expectations for stays once they are allowed.
- (3) As a vacation destination, the Yamhill County economy is reliant on visitors and the lodging taxes and visitor spending they bring to the area. We are always cognizant of this, and actively seek local businesses and retailers that we can refer our guests to.
- (4) We do not operate in a vacuum. Our guests seek out STRs to be able to safely travel (in current times) while socially distancing, and also to experience the local community while observing Community social distancing standards.
- (5) We require our guests to meet minimum age requirements (25 years of age and up, no significant unfavorable Host reviews) and they also must comply with a Good Neighbor policy through the lodging agreement. We do not accept guests who have multiple negative reviews from hosts, or who exceed our occupancy or minimum length of stay standards.
- (6) Our goal and our intent is to be an asset and a good neighbor to the community, while helping visitors enjoy this beautiful area.



**CUP21-0001 412 W. 5th Street**

#### Existing Site Narrative

- The home and all permanent structures will be retained.
- Existing mature landscaping will be retained if healthy. One tree encroaching against the SW side of the house will be removed
- The existing fence at the front of the property was collapsing and had to be removed. It will be replaced with a cedar and wrought iron fence along the front. Existing fences along the sides will be retained and repaired
- Blackberry vines covering the back of the property were removed

#### Drainage and Grading

- No grading is being done on site.
- 412 W. 5th Street is a gravel road. No storm drains have been observed.
- Aside from the structures, the entire surface of the lot is permeable/non-paved except for a short driveway to the north and a driveway extending approximately  $\frac{3}{4}$  of the lot on the south side.
- The east side of the lot has a steep slope down to the creek

#### Utilities

- A map of all public utilities is attached

Respectfully Submitted,

Lauri Hines, CCIM, CPM  
President



# Public Utilities Map



## Addresses

## Newberg Street Lights

- ◆ NEWBERG
- ◆ PGE

## Public\_Utilities - Water Mains

- Main
- NonPotable Main
- Reuse

## Public\_Utilities - Storm Pipes

- Collector
- Collector-Pvt
- Culvert
- OpenChannel
- <all other values>

## Public\_Utilities - Storm Manholes

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 Wolf 2007-present



**Parking Two**

**Detached Garage**

**Home**

**Utility Access, Gas,  
Electric, Water**

**Mail**

**Parking 1**

**Existing exterior lighting and  
landscape**

**Exterior Drainage**

**Trash Collection**

# **CITY OF NEWBERG**

## **REQUIREMENTS FOR POSTED NOTICES**

---

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning & Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Planning & Building Office.

### **Posted notices must contain the following information:**

- Planning Division file number
- A brief description of the proposal
- Phone number and address for the Newberg Planning & Building Department, 414 E. First Street, phone 503-537-1240

### **Guidelines for Posting Notice:**

- The posted notice must be waterproof and a minimum of two (2) feet by three (3) feet in size.
- Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wynooski Street must be posted with three notices along that frontage.
- The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

### **Signs for posted notices:**

The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).

Signs may be ordered custom-made from sign companies or applicants may construct their own signs.

### **Acceptable materials for notice signs: (dimensions: minimum 2' x 3')**

- Plywood (but sign face must be white)
- Plastic or corrugated plastic
- Foam core board (available at many art and hobby supply shops)
- Water resistant poster board
- Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

### **Removal of Posted Notice:**

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

**CITY OF NEWBERG  
SAMPLE POSTED NOTICE**

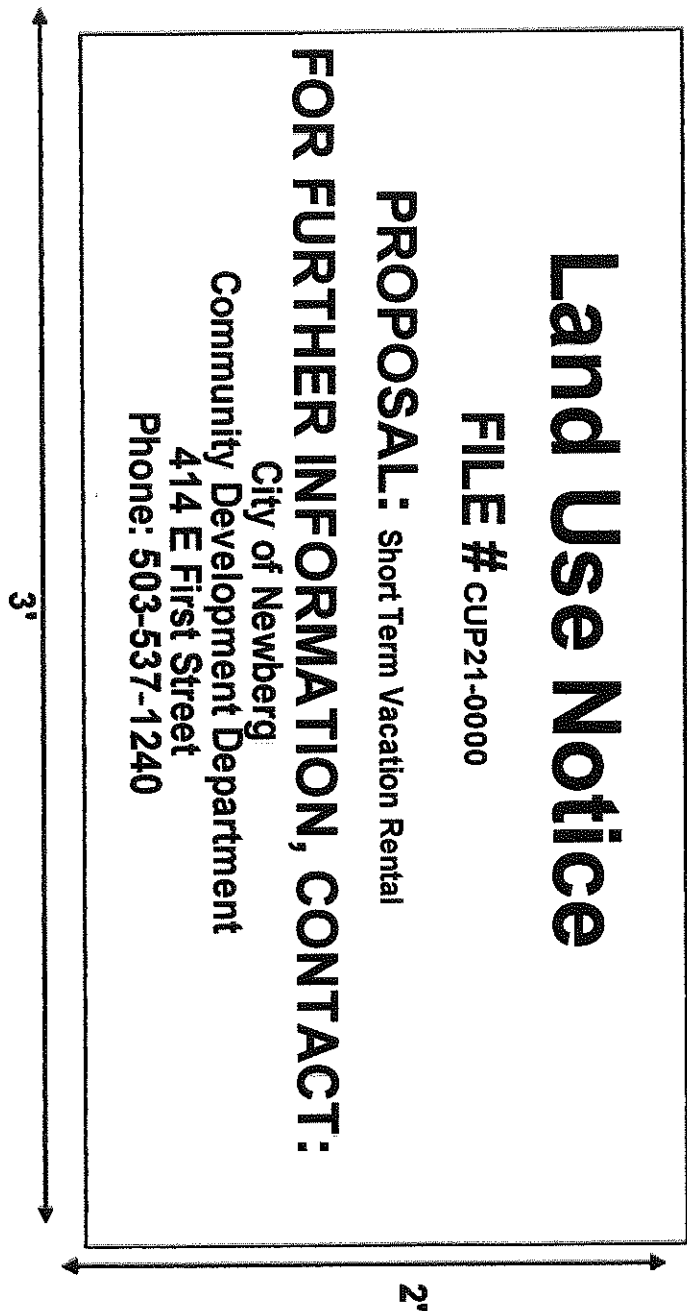
**Land Use Notice**

**FILE #** CUP21-0000

**PROPOSAL:** Short Term Vacation Rental

**FOR FURTHER INFORMATION, CONTACT:**

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



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



# Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132  
503-537-1240. Fax 503-537-1272 [www.newbergoregon.gov](http://www.newbergoregon.gov)

## NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT

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

The application would change the land use of this .82 acre parcel to allow short-term (i.e., less than 30 days) vacation rental accommodations.

APPLICANT: **Lauri Hines**  
TELEPHONE: **541-414-6600**

PROPERTY OWNER: **Roy S. Neff and Lauri Hines**

LOCATION: **412 W 5th Street, Newberg OR 97132**

TAX LOT NUMBER: **Yamhill County Tax Map and Lot Number R3219CA-00100**



ParcelId	OwnerNmFirst	OwnerNmLast	SiteAddr	SiteCity	SiteState	SiteZIP
276962		5th Street LLC	322 W 5th St	Newberg	OR	97132
276971	Monique	Heatly	424 S Lincoln St	Newberg	OR	97132
377611	Richard	Murphy	529 Dayton Ave	Newberg	OR	97132
414812	Jorge	Reyes	411 W 5th St	Newberg	OR	97132
47452	Clifford	Morgan	809 NE Dayton Ave		OR	97132
488458	Jonathan	Umfleet	502 W 5th St	Newberg	OR	97132
488461	Gabriel	Peterson	500 W 5th St	Newberg	OR	97132
500254	Bonnie	Hulett	525 Dayton Ave	Newberg	OR	97132
501835	Katherine	Gotch	703 Dayton Ave	Newberg	OR	97132
50777	Lacey	Henschel	701 Dayton Ave	Newberg	OR	97132
50795	Mary	Pineda	611 Dayton Ave	Newberg	OR	97132
50802	Sharil	Vancleave	607 Dayton Ave	Newberg	OR	97132
50820		Jones Gary A & Sheran D Trustees For	521 Dayton Ave	Newberg	OR	97132
51446	David	Alteneder	214 W 5th St	Newberg	OR	97132
51473	Jeremy	Carson	300 W 5th St	Newberg	OR	97132
51543	Leon	Blanchard	314 W 5th St	Newberg	OR	97132
51561	Todd	Albertson	400 W 5th St	Newberg	OR	97132
51598	Danika	Porter	404 W 5th St	Newberg	OR	97132
51605	Matthew	Jessup	318 W 5th St	Newberg	OR	97132
51623		Landes Lawrence E & Gracia B Trustees Of	420 S Harrison St	Newberg	OR	97132
51632	Richard	Fieldhouse	309 W 5th St	Newberg	OR	97132
51669	Shane	Harker	429 S Lincoln St	Newberg	OR	97132
51678	Dennis	Willey	209 W 5th St	Newberg	OR	97132
51696		Kost Family Trust	420 S Lincoln St	Newberg	OR	97132
51918	Dan	Divine	414 S Lincoln St	Newberg	OR	97132
52908		Newberg City Of	520 W 3rd St	Newberg	OR	97132
53015		Newberg City Of	508 W 3rd St	Newberg	OR	97132
53042		Dto LLC	414 W 3rd St	Newberg	OR	97132
53220		Yamhill County	0 S Harrison St	Newberg	OR	97132
53248	Christopher	Rugg Sr	307 S Harrison St	Newberg	OR	97132
53257		Fox Nancy Trustee For	401 S Harrison St	Newberg	OR	97132

53266	Gary	Burkholder	405 S Harrison St	Newberg OR	97132
53275	Francisco	Olivares	407 S Harrison St	Newberg OR	97132
53284	Christopher	Martin	413 S Harrison St	Newberg OR	97132
53293	Ernesto	Lazcano	0 W 5th St	Newberg OR	97132
53319	Debra	Christensen	417 S Harrison St	Newberg OR	97132
53328	Alfred	Littau	409 W 5th St	Newberg OR	97132
53337	Christian	Jorgensen	419 S Harrison St	Newberg OR	97132
53364		Carbone Silvio Rev Living Trust		Newberg OR	97132
53373	Reed	Burch	501 W 5th St	Newberg OR	97132
53382	Brian	Fox	507 W 5th St	Newberg OR	97132
53391	Lucas	Buyas	517 W 5th St	Newberg OR	97132
535318	Bryan	Cowan	310 W 5th St	Newberg OR	97132
535321	Scott	Collins	290 W 5th St	Newberg OR	97132
53845	Adrian	Kole	504 W 5th St	Newberg OR	97132
53890	Dwight	Hageman	510 W 5th St	Newberg OR	97132
54032	Fabian	Olivarez	421 S Lincoln St	Newberg OR	97132
54041		Fourbros LLC	415 S Lincoln St	Newberg OR	97132
54050	Caleb T	Cropper-Russell	414 S Harrison St	Newberg OR	97132
54069		King Allen R Trustee For	520 W 5th St	Newberg OR	97132
54078	Amy	Lefort	416 S Harrison St	Newberg OR	97132
54087	Parker	Sterling	10850 NE Stevenson	Newberg OR	97132
54096	Michael	Alligood	410 S Harrison St	Newberg OR	97132
54112	Roger	Muckey	314 W 4th St	Newberg OR	97132
54121	Roger	Martin	300 W 4th St	Newberg OR	97132
54149	Ryan	Hannaford	304 W 4th St	Newberg OR	97132
54158	Christopher	Jones	409 S Lincoln St	Newberg OR	97132
556867	Melanie	Harrison	511 W 5th St	Newberg OR	97132
558949	James	Forkner	521 W 5th St	Newberg OR	97132
56584	Edwin	Morgan		OR	97132
56619	Thomas	Greller	709 Dayton Ave	Newberg OR	97132
56628		Vannoord Debra Trust Oaks 2007	705 Dayton Ave	Newberg OR	97132

## Attachment 2: Referral Comments

*“Working Together For A Better Community-Serious About Service”*





City of Newberg  
414 E. First Street  
P.O. Box 970  
Newberg, OR 97132



City Manager  
(503) 537-1207  
(503) 537-5013 Fax

**Community Development Department - Planning Division**  
P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

**REFERRAL TO:** Ziplly Fiber, Attn: Engineering


The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to 06/21/2021. Please refer questions and comments to Keith Leonard.

**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Lauri Hines  
**REQUEST:** Short Term Vacation Rental, Farmhouse on Fifth  
**SITE ADDRESS:** 412 W Fifth Street  
**LOCATION:**  
**TAX LOT:** R3219CA 00100  
**FILE NO:** CUP21-0001  
**ZONE:** R-1

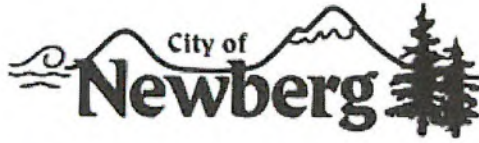
**HEARING DATE:**

- 
- Reviewed; no conflict.
  - Reviewed; recommend denial for the following reasons:
  - Require additional information to review. (Please list information required)
  - Meeting requested.
  - Comments. (Attach additional pages as needed)

  
Reviewed By: SCOTT ALBERT  
ZIPLY FIBER

6/11/21  
Date:

City of Newberg  
414 E. First Street  
P.O. Box 970  
Newberg, OR 97132



City Manager  
(503) 537-1207  
(503) 537-5013 Fax

**Community Development Department - Planning Division**  
P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

**REFERRAL TO:** TVFR , Deputy Fire Marshall, Ty Darby

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to 06/21/2021. Please refer questions and comments to Keith Leonard.


**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Lauri Hines  
**REQUEST:** Short Term Vacation Rental, Farmhouse on Fifth  
**SITE ADDRESS:** 412 W Fifth Street  
**LOCATION:**  
**TAX LOT:** R3219CA 00100  
**FILE NO:** CUP21-0001  
**ZONE:** R-1

**HEARING DATE:**

---

- Reviewed; no conflict.
- Reviewed; recommend denial for the following reasons:
- Require additional information to review. (Please list information required)
- Meeting requested.
- Comments. (Attach additional pages as needed)

  
\_\_\_\_\_  
Reviewed By: **DARBY**

**6/24/21**  
\_\_\_\_\_  
Date:

City of Newberg  
414 E. First Street  
P.O. Box 970  
Newberg, OR 97132



City Manager  
(503) 537-1207  
(503) 537-5013 Fax

**Community Development Department - Planning Division**  
P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

**REFERRAL TO:** TVFR , Deputy Fire Marshall, Ty Darby


The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to 06/24/2021. Please refer questions and comments to Patrick Davenport.

**NOTE: Full size plans are available at the Community Development Department Office.**

**APPLICANT:** Janelle Baugh  
**REQUEST:** Vermillion Street Zoning Change  
**SITE ADDRESS:** 713 E Vermillion Street  
**LOCATION:**  
**TAX LOT:** R3218DD 00600  
**FILE NO:** CPMA21-0001 / ZMA21-0001  
**ZONE:** M-2

**HEARING DATE:** August 12, 2021

- 
- Reviewed; no conflict.
  - Reviewed; recommend denial for the following reasons:
  - Require additional information to review. (Please list information required)
  - Meeting requested.
  - Comments. (Attach additional pages as needed)

 \_\_\_\_\_  
Reviewed By: **DARBY**

6/24/21  
Date:

## Attachment 3: Public Comments

*“Working Together For A Better Community-Serious About Service”*

## **Attachment 4: Miscellaneous Communications (Fence)**

## Keith Leonard

---

**From:** Lauri Hines <[dreamhomesoforegon@gmail.com](mailto:dreamhomesoforegon@gmail.com)>  
**Sent:** Friday, July 23, 2021 2:40 PM  
**To:** Keith Leonard  
**Subject:** Re: CUP21-0001 - 412 W Fifth St. (VR) public comments received

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Keith, much appreciated.

We had the surveyors out, and we are now in the process of having the survey certified.

On Fri, Jul 23, 2021 at 2:26 PM Keith Leonard <[Keith.Leonard@newbergoregon.gov](mailto:Keith.Leonard@newbergoregon.gov)> wrote:

Hi Lauri,

Okay. I'm assuming you've positively identified the location of your front property line. Ylf the fence is legally placed then it's legal. Thank you for confirming that the fence is not located in the front yard.

Have a good day.

Keith Leonard, AICP | Associate Planner

City of Newberg

(503) 537-1215

[keith.leonard@newbergoregon.gov](mailto:keith.leonard@newbergoregon.gov)



---

**From:** Lauri Hines <[dreamhomesoforegon@gmail.com](mailto:dreamhomesoforegon@gmail.com)>  
**Sent:** Friday, July 23, 2021 2:22 PM  
**To:** Keith Leonard <[Keith.Leonard@newbergoregon.gov](mailto:Keith.Leonard@newbergoregon.gov)>  
**Subject:** Re: CUP21-0001 - 412 W Fifth St. (VR) public comments received

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Keith, it is outside of the front yard setback.

On Fri, Jul 23, 2021 at 8:29 AM Keith Leonard <[Keith.Leonard@newbergoregon.gov](mailto:Keith.Leonard@newbergoregon.gov)> wrote:

Lauri,

If it is over 4 feet in height in the front yard then it is a violation. Did you measure the height and do you know where the actual right-of-way or your front property line is located? I did not measure the height but I did drive by and take a look at it. If it's over 4 feet in height and within the required front yard or setback then it's a violation.

Keith Leonard, AICP | Associate Planner

City of Newberg

(503) 537-1215

[keith.leonard@newbergoregon.gov](mailto:keith.leonard@newbergoregon.gov)



---

**From:** Lauri Hines <[dreamhomesoforegon@gmail.com](mailto:dreamhomesoforegon@gmail.com)>

**Sent:** Thursday, July 22, 2021 5:19 PM

**To:** Keith Leonard <[Keith.Leonard@newbergoregon.gov](mailto:Keith.Leonard@newbergoregon.gov)>

**Subject:** Re: CUP21-0001 - 412 W Fifth St. (VR) public comments received

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Keith. This is the same neighbor who wanted to participate in a shared fence, but only if it was 10 feet high.

I reviewed the fence regulations you sent me with our contractor prior to installing the front fence, and am confident that the fence is installed to code based on its location.

Regards,

Lauri Hines, CCIM, CPM  
President | Principal Oregon Broker  
Dream Homes of Oregon

Direct 541-414-6600  
Mobile 858-688-8261

[dreamhomesoforegon@gmail.com](mailto:dreamhomesoforegon@gmail.com)  
[www.dreamhomesoforegon.com](http://www.dreamhomesoforegon.com)

On Thu, Jul 22, 2021 at 4:36 PM Keith Leonard <[Keith.Leonard@newbergoregon.gov](mailto:Keith.Leonard@newbergoregon.gov)> wrote:

Lauri,

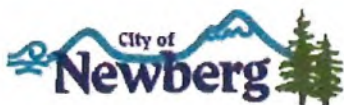
We have received the following public comments. I will be going over the file tomorrow to compile all public comments to make sure you have received all of them. Some of these have come in email and/or mailed or dropped off. Have a good day.

Keith Leonard, AICP | Associate Planner

City of Newberg

(503) 537-1215

[keith.leonard@newbergoregon.gov](mailto:keith.leonard@newbergoregon.gov)



--



Regards,

DREAM HOMES OF OREGON, INC.

Lauri Hines, CCIM CPM  
President | Principal Oregon Broker

541-414-6600 Main  
858-688-8261 Mobile

[Dreamhomesoforegon@gmail.com](mailto:Dreamhomesoforegon@gmail.com)

Dreamhomesoforegon.com

--

Regards,

DREAM HOMES OF OREGON, INC.

Lauri Hines, CCIM CPM  
President | Principal Oregon Broker

541-414-6600 Main  
858-688-8261 Mobile

[Dreamhomesoforegon@gmail.com](mailto:Dreamhomesoforegon@gmail.com)

Dreamhomesoforegon.com