



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

PLANNING COMMISSION STAFF REPORT
VACATION RENTAL CONDITIONAL USE PERMIT
1524 E Second Street

HEARING DATE: October 14, 2021
FILE NO: CUP21-0004
REQUEST: Conditional use permit approval to use a new single-family dwelling as a vacation rental home
LOCATION: 1524 E Second Street
TAX LOT: R3220BA 04401
APPLICANT/OWNER: John Laney
ZONE: R-2 (Medium Density Residential)
PLAN DISTRICT: MDR (Medium Density Residential)

ATTACHMENTS:

Planning Commission Order
2021-06 with:

Exhibit A: Findings
Exhibit B: Conditions of Approval
Attachment 1: Application
Attachment 2: Agency Comments

A. DESCRIPTION OF APPLICATION: The applicant is requesting Conditional Use Permit (CUP) approval to use an existing three-bedroom home as a vacation rental located at 1524 E Second Street. The applicant has stated that three off-street parking spaces will be available for use by short-term tenants. The property owner, John Laney, has stated they plan to live at the home during the summer and Christmas months and rent their home while living abroad during the school year, about 6-8 months. The subject property is zoned R-2 (Medium Density Residential).

B. LOCATION: 1524 E Second Street

C. SITE INFORMATION:

1. Location: 1524 E Second Street
2. Total Lot Size: Approximately 0.11 acres
3. Topography: The subject property is generally flat.
4. Current Land Uses: Single family residential
5. Natural Features: None
6. Adjacent Land Uses:
 - a. North: Single-family residential
 - b. South: Single-family (south) and multifamily residential (southeast and southwest)
 - c. East: Single-family residential
 - d. West: Single-family residential
7. Zoning:
 - a. North: R-2 (Medium Density Residential)
 - b. South: R-3 (High Density Residential)
 - c. East: R-2 (Medium Density Residential)
 - d. West: R-2 (Medium Density Residential)
8. Access and Transportation: Access to the vacation rental will occur via a new driveway off of E Second Street, which is classified as a local residential street in the City's Transportation System Plan. E Second Street is a paved road. The driveway will connect the lot through the lot to the north in an access easement.
9. Utilities:
 - a. Water: The City's GIS illustrates an 8-inch water line in E Second Street with a double meter, which is currently serving the property north of the lot.
 - b. Wastewater: The City's GIS illustrates an 8-inch wastewater line in W. 5th Street with an existing service lateral to the property.
 - c. Stormwater: The City's GIS illustrates a storm collector about 400 feet to the west side of the property.

- 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 will make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

- 9/3/21: The Community Development Director deemed the application complete.
- 9/17/21: The applicant mailed notice to the property owners within 500 feet of the site.
- 9/24/21: The applicant posted notice on the site.
- 10/6/21: The *Newberg Graphic* published notice of the Planning Commission hearing.
- 10/14/21: The Planning Commission will hold a quasi-judicial public hearing to consider the application.

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

- TVF&R: Reviewed, no conflict
- Finance: Reviewed, no conflict
- Police: Reviewed, no conflict
- Building Official: Reviewed, no conflict
- Public Works Director: Reviewed, no conflict

F. PUBLIC COMMENTS: As of the writing of this report, the City has not received any public comments. If the City receives additional written comments by the comment deadline, planning staff will forward them to the Planning Commissioners.

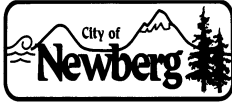
G. ANALYSIS: The proposed vacation rental is compatible with the surrounding residential use and neighborhood due to its size and scope. The characteristics of a vacation rental are not dissimilar to other rented and owned dwellings. The location of the proposed vacation rental is convenient and attractive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

The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Therefore, the maximum number of guests is 6 in the house based on the current 3-bedrooms

in the home. There are three proposed off-street parking spaces for short term tenants provided on the subject property.

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

Move to adopt Planning Commission Order 2021-07, which approves the requested conditional use permit with the attached conditions of approval in Exhibit "B".



**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP21-0004 FOR A
VACATION RENTAL HOME AT 1524 E SECOND STREET, YAMHILL COUNTY
TAX LOT R3220BA 04401**

RECITALS

1. John Laney submitted an application for a conditional use permit for a vacation rental home at 1524 E Second Street, Yamhill County Tax Lot R3220BA 04401.
2. After proper notice, the Newberg Planning Commission held a public hearing on October 14, 2021, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit "B", meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP21-0004 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective on October 28, 2021, unless appealed prior to this date.
4. This order shall expire one year after the effective date above if the applicant does not commence use of the home as a vacation rental, unless an extension is granted per Newberg Development Code 15.225.100.

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

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

Exhibit “A” to Planning Commission Order 2021-07
Findings – File CUP21-0004
Vacation Rental at 1524 E Second 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 three-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. The site landscaping, maintenance, and management will be managed by Lifestyle Properties Oregon.

The proposed vacation rental use is similar to a regular residential use in design and operating characteristics. The home has three bedrooms so a maximum of six renters would be allowed to occupy the home. Three off-street parking spaces are provided on the property. The owner is conditioned to keep at least two off-street parking spaces available for of vacation rental guests. use of vacation Single-family R-2 zoned properties are located to the north, east and west of the subject property. The subject property is zoned R-2. The property to the south is zoned R-3. A vacation rental use is compatible with the surrounding residential neighborhood and would effectively function no differently than the existing residential uses in the surrounding area. This criterion is met.

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

Finding: The location of the dwelling is attractive for a vacation rental due to its proximity to Downtown Newberg. E Second Street leads to the Downtown and is directly accessed by E First Street. Downtown Newberg and a local grocery store are approximately a ½ mile walk from the proposed vacation rental. A vacation rental is a compatible use with other residential uses because it is similar in size and scope to a long-term rented (longer than 30-days) or owned dwelling. This criterion is met.

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

Finding: The vacation rental standards are addressed in findings below; if the development complies with the standards of NMC Section 15.445.300, the application will be consistent with code requirements. The construction of the single-family home was permitted when it was built in 2021, which required demonstrating compliance with applicable NMC design standards.

B. Applicable Criteria - NMC 15.445.300 Vacation Rental Homes

15.445.310 Where allowed.

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

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

Finding: The subject property is zoned R-2. 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-2 zone. The owner has applied for conditional use permit approval for the proposed vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

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

This criterion is met.

15.445.320 Registration required.

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

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

15.445.330 Standards.

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

B. The applicant shall provide for regular refuse collection.

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

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

Finding: The proposed vacation rental would be in an existing three-bedroom single-family dwelling. There are three off-street parking spaces available on the existing driveways along the north and south side of the house. The applicant will be responsible for providing for regular refuse collection and has indicated that the existing weekly pickup on Friday will be continued. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services, in order to comply with this Section of the NMC. The home has three bedrooms; therefore, the maximum number of guests is limited to 6. Guest contracts will not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. The owner is conditioned to keep at least two off-street parking

spaces available for use of vacation rental guests. The owner has proposed three off-street parking spaces. 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. 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: John Laney

Phone Number: (503) 706-1421

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

Max Number of Guests: six (6)

Trash Pick-Up Day: Friday

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 6 people. This rental is limited to 6 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: 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 2021-07
Conditions of Approval – File CUP21-0004
Vacation Rental Home at 1524 E Second Street

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

1. **Transient Lodging Tax:** Prior to the use of the home as a vacation rental the owner or applicant will be required to register the vacation rental home with the City and will be required to pay the transient lodging tax.
2. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
3. **Parking:** The owner is conditioned to keep at two least off-street parking spaces available for use of vacation rental guests.
4. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: John Laney

Phone Number: (503) 706-1421

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

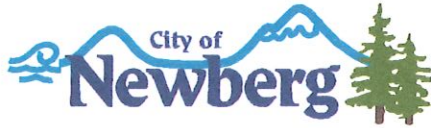
Max Number of Guests: six (6)

Trash Pick-Up Day: Friday

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 6 people. This rental is limited to 6 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.

Attachment 1: Application



TYPE III APPLICATION - 2021
(QUASI-JUDICIAL REVIEW)

File #: CUP21-0004

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration

- X Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: John Laney
ADDRESS: 1524 E 2nd Street, Newberg OR
EMAIL ADDRESS: johnlaneyllc@gmail.com
PHONE: 503-706-1421 MOBILE: na FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: PHONE:
ADDRESS:

GENERAL INFORMATION:

PROJECT NAME: Request for Short Term Rental Permit PROJECT LOCATION: at location of home
PROJECT DESCRIPTION/USE: Short term rental during 6-8 months of the year
MAP/TAX LOT NO. (i.e. 3200AB-400): R3220BA 04401 ZONE: R2 SITE SIZE: 5000 SQ. FT. ACRE
COMP PLAN DESIGNATION: TOPOGRAPHY:
CURRENT USE: Single Family home
SURROUNDING USES:
NORTH: Single Family homes SOUTH: Single Family homes
EAST: Single Family homes WEST: Single Family homes

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:

Annexationp. 15
Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
Conditional Use Permitp. 21
Historic Landmark Modification/Alterationp. 23
Planned Unit Developmentp.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.

Applicant Signature Date 7/15/2021

Owner Signature Date 7/15/2021

John C Laney
Print Name

John C Laney
Print Name

RECEIVED

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

JUL 15 2021

Initial:

8/24/2021

From: John Laney
To: Newberg Development Review Meeting

Enclosed:

- a) Site Development Plan
- b) Title Report
- c) Guest Registration Posted next to entryway
- d) Notification of Neighbors Letter

Subject: Project Statement and Written Criteria Response

Dear Newberg Development Committee

- 1) I am requesting consideration for a Type III Permit to allow the property located at 1524 E. 2nd Street to be used as a short term rental. My family is currently serving in Mexico during the school year and we intend on renting the property as a short term rental during the school year and to live in the property during the summer and Christmas months.
- 2) In accordance with Newberg Municipal Code 15.225.060 my proposal conforms to item A., B. and C
 - a) Utilizing the property for a short term rental will have minimal impact on the surrounding neighborhood. The property is designed as a family rental (1 queen bed, 1 bunk bed, 1 day/trundle bed). Furthermore, parties and gatherings will not be allowed; this property is designed and marketed to business travelers, couples and families.
 - b) The location, design and maintenance will enhance the neighborhood and the street. While the owners are gone, the property will be managed by Lifestyle Properties LLC <https://www.lifestylepropertiesoregon.com/>. This management will include weekly trash removal, professional landscaping, professional cleaning, and frequent drivebys from Lifestyle's management.
 - c) The proposed development is consistent with the requirements laid out in
- 3) In accordance with Newberg Municipal Code 15.445.330 my proposal conforms to items A-D.
 - a) A minimum of two off street parking spots are required. The subject property allows for three off-street parking locations.
 - b) Garbage collection will be picked up weekly. Currently garbage is scheduled for Fridays.
 - c) The subject property has three bedrooms; therefore a maximum of six people will be allowed to stay at the property.

- d) The premises of the property will not include any occupied recreational vehicle, trailer, or temporary shelter during the rental period.
- 4) In accordance with Newberg Municipal Code 15.445.340 registration will be posted adjacent to the front door. At a minimum it will contain: Name and phone number of the operator, phone number for the police department, maximum number of occupants, standards for rental occupancy and solid waste collection day. An example is enclosed.
- 5) In accordance with Newberg Municipal Code 15.220.050 Site Design Review the following items are addressed
- a) Parking meets the requirements of 15.440.010. There will be a minimum of three available off street parking locations.
 - b) The single family home was permitted when it was built in 2021 and complies with the setback requirements
 - c) Landscaping is in accordance with 15.420.010. The property contains grass, full growth trees, bushes and newly planted trees.
 - d) There will be no signage on the property.
 - e) The property is in Zone R-2 which allows for requesting a conditional use permit.
- 6) In accordance with the Newberg Type III application Conditional use checklist, a traffic study is required for any project that generates in excess of 40 trips per PM peak hour. Even if this short term rental was utilized to max capacity it is unlikely it would generate more than 2 trips per day. This project is forecasted to generate less traffic than normal residential use.
- 7) In conclusion I wanted to add a personal note. The property that I am applying to rent is my family's home in my family's neighborhood. I view this home first as my residential home, not as a short term rental. When we are not doing volunteer work in Mexico my family will be living in the house and we may eventually utilize this house as our full time residence. Therefore, I want this property to have only a positive impact on the neighbors, neighborhood and surrounding community.

Thank you for your consideration.

Respectfully,



John Laney

johnlaneyllc@gmail.com

503-706-1421

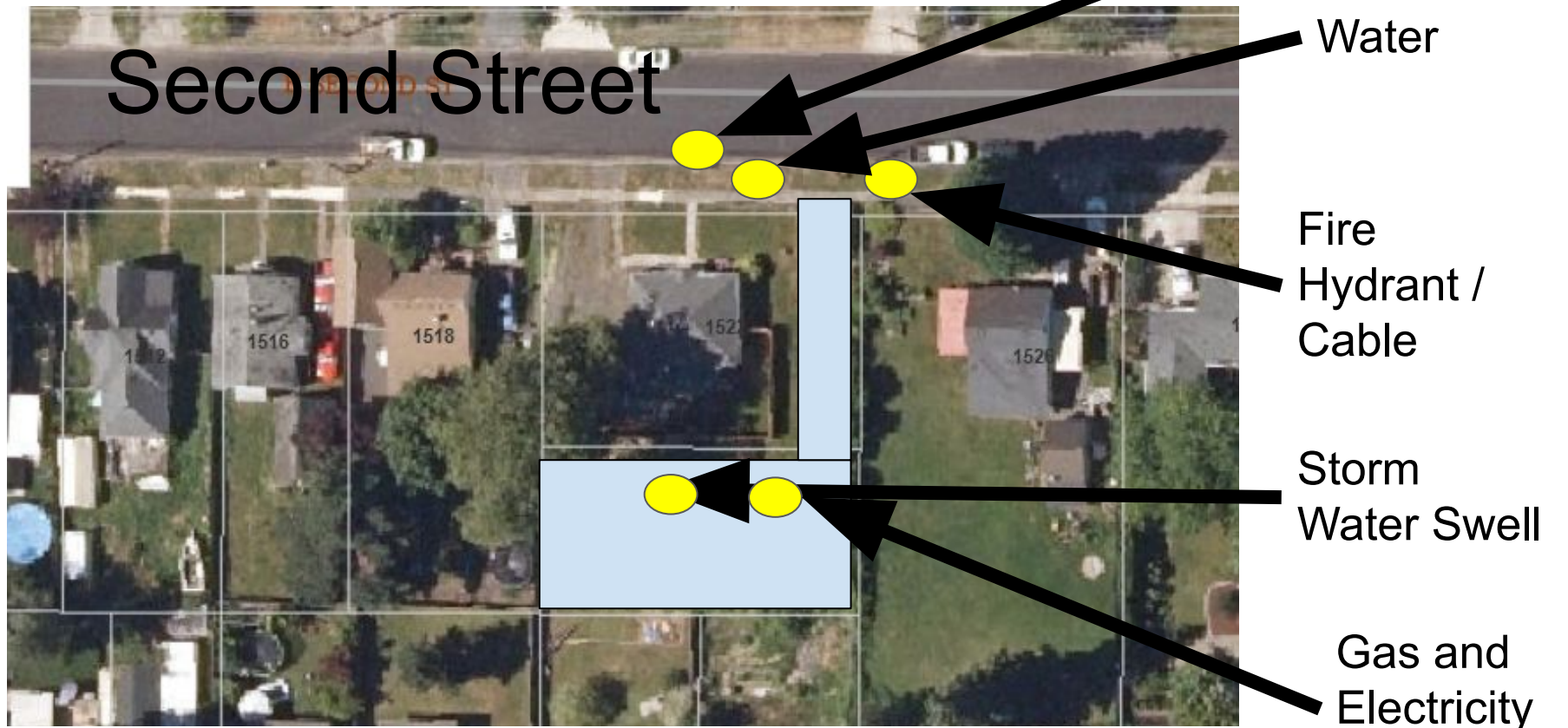
Site Development Plan

Notes for Graphics

- 1) Existing Site Features: See slide #1
- 2) Drainage & Grading: Slide #1 shows the location of the storm water swell. Driveway drainage flows into the grass
- 3) Utilities: See Slide #1 and drawings on slide #2
- 4) Public improvement: NA
- 5) Parking: See slide #3 for the location of 3 parking spots
- 6) Site Features: See slide #1
- 7) Exterior lighting plan: The area will be lit by two lights on either side of the garage and one floodlight
- 8) Landscape Plan: The area is landscaped in keeping with the neighborhood standards.
- 9) ADA Plan compliance: NA
- 10) Architectural Drawings: See slide #2
- 11) Signs and Graphics: Other than the house number, there will be no signs associated with this property

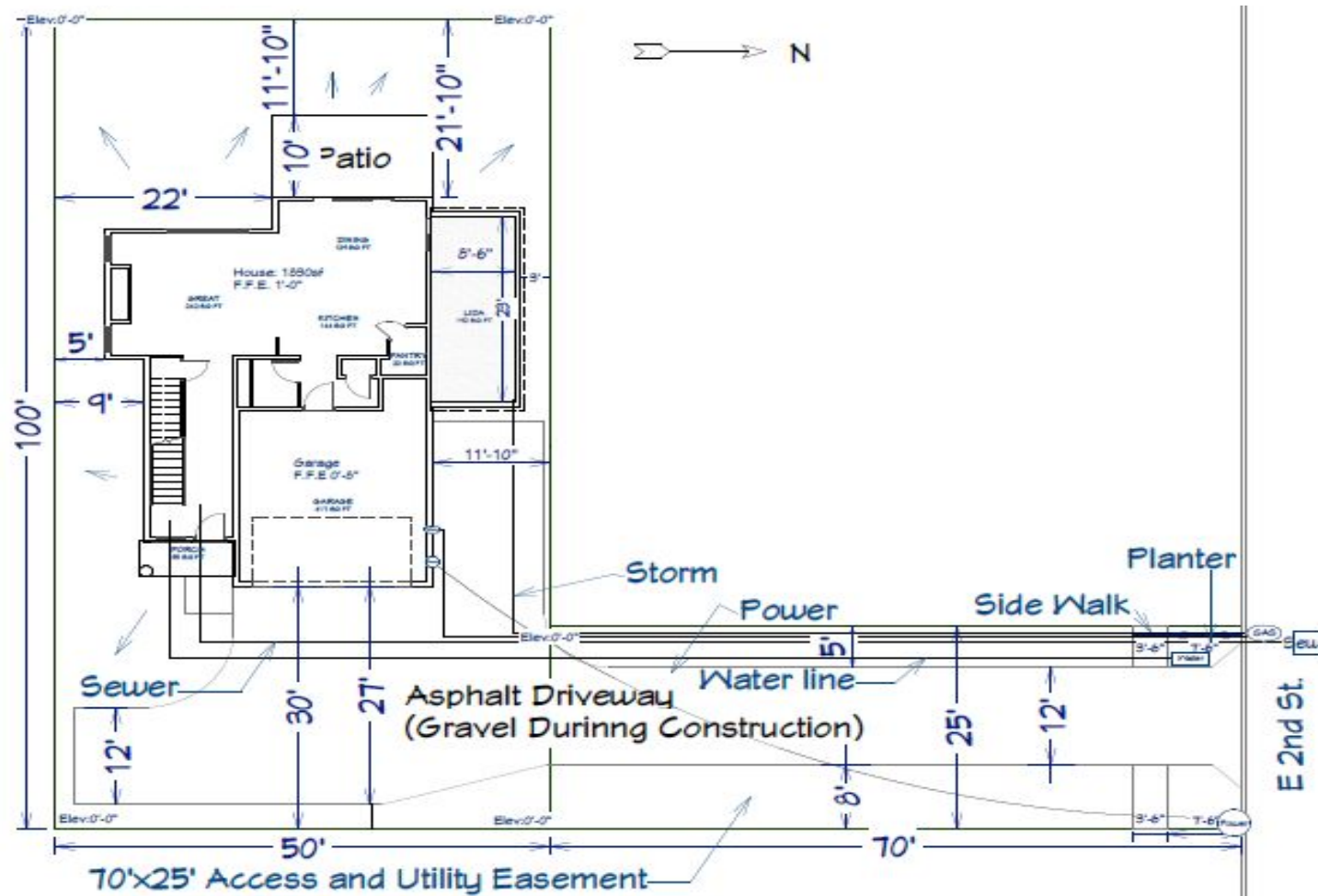


Location & Utilities



Location of Short Term Rental Tax Lot #: R3220BA 04401

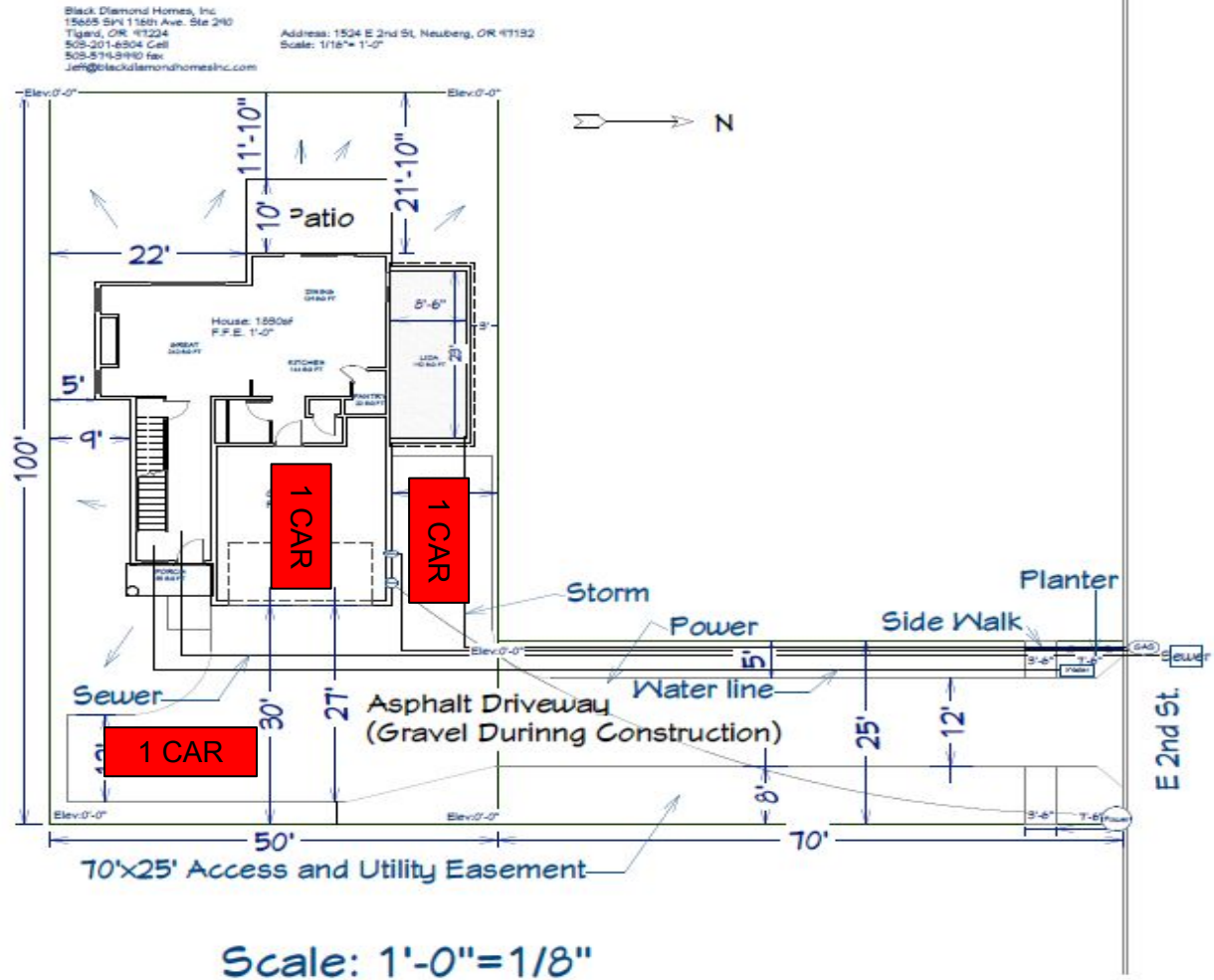
Architectural Drawings



Parking Plan

Parking consists of 3 parking locations on Asphalt Driveway (see pic)

- 1 space in the garage
- 2 spaces outside



Land Use Notice

File #: CUP21-0004

PROPOSAL: To allow the use of 1524 East 2nd Street
as a Short Term Rental

FOR FURTHER INFORMATION CONTACT:

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



First American

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Order No.: 1032-3718905
June 10, 2021

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

KEELEY DRISCOLL, Escrow Officer/Closer
Phone: (503)538-7361 - Fax: (866)800-7290 - Email: kdriscoll@firstam.com
First American Title Insurance Company
515 E Hancock, Newberg, OR 97132

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Larry Ball, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lball@firstam.com

Supplemental Preliminary Title Report

County Tax Roll Situs Address: 1524 E Second St., Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$	501,512.00	Premium \$	879.00 BR
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	480,000.00	Premium \$	493.00
Endorsement 9.10, 22 & 8.1			Premium \$	100.00
Govt Service Charge			Cost \$	20.00
Other			Cost \$	

Proposed Insured Lender: Navy Federal Credit Union

Proposed Borrower: John Carl Laney, III

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of June 08, 2021 at 8:00 a.m., title to the fee simple estate is vested in:

Black Diamond Homes, Inc.

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

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

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

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.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. City liens, if any, of the City of Newberg.

Note: There are no liens as of April 14, 2021. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. Access and Utility Easement with Maintenance Agreement, including terms and provisions thereof.
Recorded: October 21, 2019 as Instrument No. 201915260, Deed and Mortgage Records
10. Access Easement , including terms and provisions thereof.
Recorded: November 19, 2020 as Instrument No. 202020871, Deed and Mortgage Records

- 11. Deed of Trust and terms and conditions thereof.
 - Grantor/Trustor: Black Diamond Homes, Inc.
 - Grantee/Beneficiary: Bryan and Tawni Smith
 - Trustee: First American Title
 - Amount: \$330,000.00
 - Recorded: June 30, 2020
 - Recording Information: Instrument No. 202010632, Deed and Mortgage Records

- END OF EXCEPTIONS -

NOTE: This title report has been supplemented to bring forward plant date.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Small Estate Affiant's and Successors' Deed recorded June 19, 2019 as Instrument No. 201907814, Carole Diane Ashcraft, Yvonne M. Kus, Individually and Carole Diane Ashcraft , the affiant in the duly filed affidavit concerning the small estate of Marie Bertha Beardslee, also known as Marie B. Beardslee, deceased, filed in Circuit Court for Yamhill County, Oregon, Case No. 18PB07545, and Carole Diane Ashcraft, being the only successor in interest to said decedent or all of the successors in interest to said decedent to Charles B. Cox and Monica B. Cox.

Warranty Deed recorded October 21, 2019 as Instrument No. 201915261, Charles and Monica Cox to Charles and Monica Cox.

Statutory Warranty Deed recorded June 22, 2020 as Instrument No. 202009989, Charles B. Cox and Monica B. Cox to Black Diamond Homes, Inc.

NOTE: We find no matters of public record against John Carl Laney, III that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	\$516.24
Map No.:	R3220BA 04401
Property ID:	515902
Tax Code No.:	29.0

Situs Address as disclosed on Yamhill County Tax Roll:

1524 E Second St., Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION	
Filing Address:	Yamhill County 777 Commercial Street SE, Suite 100 Salem, OR 97301
Recording Fees:	\$ 81.00 for the first page \$ 5.00 for each additional page

cc: John Carl Laney, III
cc: Black Diamond Homes, Inc.

cc: Navy Federal Credit Union
820 Follin Lane SE, Vienna, VA 22180
cc: Brandon Bettinelli, Premiere Property Group, LLC
5000 Meadows Road Suite 150, Lake Oswego, OR 97035
cc: Derek Colby, Realty Advantage
15171 Southwest Bangy Road Suite 201, Lake Oswego, OR 97035



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD 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.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Exhibit "A"

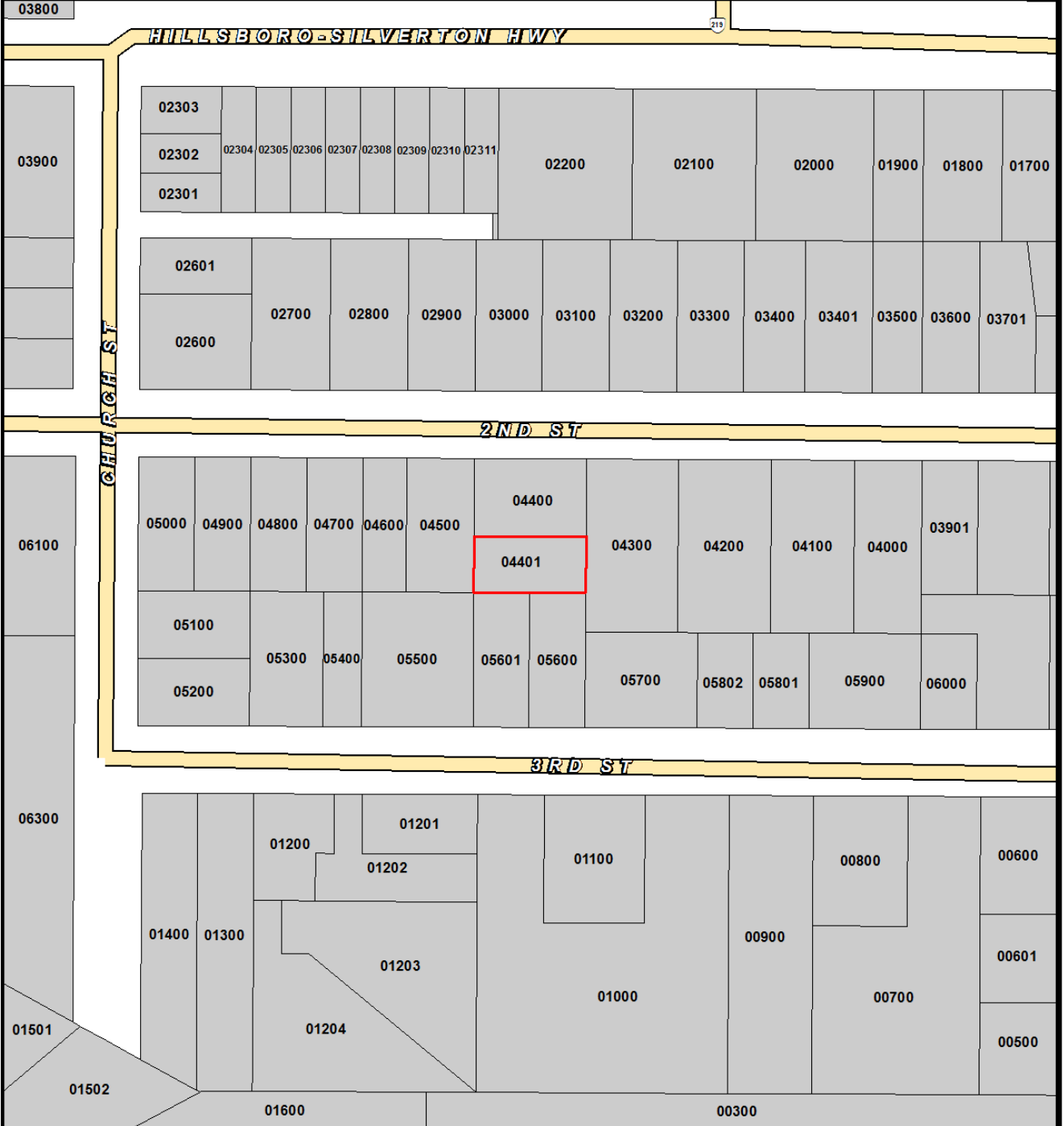
Real property in the County of Yamhill, State of Oregon, described as follows:

Part of Lots 11 and 12 of Block D, HOBSONS ADDITION to the City of Newberg, in Section 20, Township 3 South, Range 2 West, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Lot 12; thence South 89°39'51" East 100.00 feet to the southeast corner of said Lot 11; thence North 00°21'05" East 50.00 feet along the east line of said Lot 11; thence North 89°39'51" West 100.00 feet parallel with the south line of said Lots 11 and 12 to the west line of said Lot 12; thence South 00°21'05" West 50.00 feet to the point of beginning.

TOGETHER WITH A 25 FOOT WIDE access and utilities easement to perimeter of which is described as follows: Beginning on the east line of said Lot 11 at a point that is North 00°21'05" East 50.00 feet from the southeast corner of Lot 11; thence North 89°39'51" West 25.00 feet parallel with the south line of said Lot 11; thence North 00°21'05" East 70.00 feet parallel with the east line of Lot 11 to the north line of Lot 11; thence South 89°39'51" East 25.00 feet to the northeast corner of Lot 11; thence South 00°21'05" West 70.00 feet to the point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.



Taxlot



Subject



Taxlot

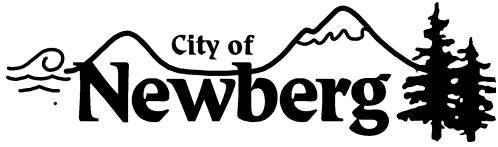
4/7/2021

Map Data is deemed reliable but not guaranteed. First American accepts no responsibility for accuracy.

EXAMPLE / DRAFT

Guest Registration Information	
Name and contact information of operator	John and Debbie Laney 503-706-1421 1001 E Fulton Street, Newberg OR 97132 johnlaney3@gmail.com
Newberg Police department	Emergency number: 911 Non Emergency: 503-538-8321
Standards for Rental Occupancy	<ul style="list-style-type: none">• Your electronic key will be provided upon payment which will give you access to the front door.• All parking must be off 2nd street, there are 2 parking spots in front of the house and 1 parking spot in the garage• Quiet hours will be observed from 9:00pm until 8:00am• Gatherings or parties of 7 or more will not be allowed• Any violations of these rules will result in being asked to vacate immediately• Periodically there will be a need for housekeepers, repair people and the owners to access the property for maintenance, cleaning and repairs. You will always be notified at least 4 hours prior to a visit.• Note: There is one video camera observing the entryway. There are no video cameras in the house.
Maximum Number of Occupants	No more than SIX
Sold Waste Collection Day	Friday

EXAMPLE / DRAFT



Community Development Department

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

NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT

A property owner in your neighborhood submitted an application to the City of Newberg for a conditional use permit to allow *1524 E 2nd Street as a short term rental*. The Newberg Planning Commission will hold a hearing on **MONTH & DAY, 2021**, at 7 p.m. Please click the link below to join the webinar: **YOU WILL BE PROVIDED WITH THE MEETING LOGIN INFORMATION ONCE YOUR PROJECT IS DEEMED COMPLETE.**

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 single family 5000 sq ft parcel to allow the property to be used as a short term rental.

Applicant Name	John Laney
Applicant Phone	503-706-1421
Property Owner	John Laney
Location	1524 E 2nd Street
Tax Lot Number	R3220BA 04401



Location of Short Term Rental
Tax Lot #: R3220BA 04401

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

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. CUP 21-0004
City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

All written comments must be turned in by noon on **Monday, XXXXXXXXX p.m.** Written information received after this time will be read out loud at the hearing subject to time limits for speakers and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a conditional use permit are found in Newberg Development Code Section 15.225.060 and special use standards of 15.445.330.

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

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

Date Mailed: **AUGUST XXXXXX**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at 503-537-1283. For TTY services please dial 711.