



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

RECEIVED

3/31/2022

Batesf

CUP22-0005

File #: _____

TYPES – PLEASE CHECK ONE:

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

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

APPLICANT INFORMATION:

APPLICANT: _____

ADDRESS: _____

EMAIL ADDRESS: _____

PHONE: _____ MOBILE: _____ FAX: _____

OWNER (if different from above): _____ PHONE: _____

ADDRESS: _____

ENGINEER/SURVEYOR: _____ PHONE: _____

ADDRESS: _____

GENERAL INFORMATION:

PROJECT NAME: _____ PROJECT LOCATION: _____

PROJECT DESCRIPTION/USE: _____

MAP/TAX LOT NO. (i.e. 3200AB-400): _____ ZONE: _____ SITE SIZE: _____ SQ. FT. ACRE

COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____

CURRENT USE: _____

SURROUNDING USES:

NORTH: _____ SOUTH: _____

EAST: _____ WEST: _____

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.

Jennifer Goldenberg 3/30/2022
Applicant Signature Date

Ryan Thomas 3/30/2022
Owner Signature Date

Print Name

Print Name

GENERAL INFORMATION

Type III Development Permit Process (Quasi-Judicial Hearing)

Overview: Type III Permit applications are reviewed by the Planning Commission and include a mix of objective and subjective standards. Public notice is provided to property owners within 500 ft of the site. Any interested party may appear before the Planning Commission and comment on the project. The applicant or anyone commenting at the hearing may appeal the decision to the City Council. Some Type III decisions automatically proceed to the City Council with a recommendation by the Planning Commission. Type III decisions must be issued within 120 days of an application being determined complete.

Type III Permits Include:

- Annexations*
- Comprehensive Plan and Zoning Map Amendments – site specific*
- Conditional Use Permits
- Historic Landmark Reviews
- Planned Unit Developments
- Subdivisions not meeting the criteria in Newberg Development Code (NDC) §15.100.040(A), or proposed for Type III review by the applicant, or converted from a Type II to a Type III process.

Pre-Application Conference:

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

Submit Application

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

Processing

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

Planning Commission Hearing

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

City Council Hearing

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

Appeals

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

Permits

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

Helpful Hints:

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

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

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

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$182
PROPERTY CONSOLIDATION	\$182
CODE ADJUSTMENT	\$455
DESIGN REVIEW - TYPE I (DUPLIX OR COM. /IND. MINOR ADDITION REVIEW)	0.3% OF PROJECT VALUE, \$455 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$182
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
PARTITION FINAL PLAT	\$913 + \$80 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$913
SIGN REVIEW	\$10 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$1830 + \$80 PER LOT OR UNIT
TYPE II (LAND USE DECISION)	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$913
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$182
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS)	0.6% OF TOTAL PROJECT COST, \$913 MINIMUM*
PARTITION PRELIMINARY PLAT	\$913 PLUS \$80 PER PARCEL
SUBDIVISION PRELIMINARY PLAT	\$1830 PLUS \$80 PER LOT
VARIANCE	\$913
TYPE III (QUASI-JUDICIAL REVIEW)	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$1939
ANNEXATION	\$2549 PLUS \$244 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2389
CONDITIONAL USE PERMIT	\$1939
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$182
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$2223
SUBDIVISION PRELIMINARY PLAT	\$1830 PLUS \$80 PER LOT
PLANNED UNIT DEVELOPMENT	\$3872+\$80 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC)	\$2415
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2747
APPEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$524
TYPE I OR II APPEAL TO CITY COUNCIL	\$950
TYPE III APPEAL TO CITY COUNCIL	\$1115
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT)	\$294
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCI	50% OF EXIBITOR LICENSE FEE
OTHER FEES	
TECHNOLOGY FEE (<i>This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees</i>) 5% OF TOTAL EXPEDITED LAND DIVISION	\$6803 + \$80 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$4348
VACATION OF PUBLIC RIGHT-OF-WAY	\$1804
FEE-IN-LIEU OF PARKING PROGRAM	\$13,780 PER VEHICLE SPACE
BIKE RACK COST SHARING PROGRAM	\$100 PER RACK
LICENSE FEES	
GENERAL BUSINESS	\$50
HOME OCCUPATION	\$25
PEDDLER/SOLICITOR/STREET VENDOR	No fee (Business License fee only)
EXHIBITOR	\$134
TEMPORARY MERCHANT	\$109/45 days or \$361/perpetual

ADDITIONAL LAND USE REVIEW FEES - ENGINEERING DEPARTMENT

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

ADOPTION AND REVISION HISTORY:
 Adopted by: Resolution 98-2122, July 6, 1998
 Amended by: Resolution 99-2214, December 8, 1999
 Resolution 2000-2265, October 2, 2000
 Resolution 2001-2318, November 19, 2001
 Executive Order January 2, 2007 (Reso. 99-2210)
 Executive Order October 24, 2008
 Executive Order, December 16, 2002 pursuant to Resolution 99-2210

Executive Order, January 22, 2002 pursuant to Resolution 99-2210
 Resolution 2004-2466, November 3, 2003
 Resolution 2007-2752, December 3, 2007
 Executive Order November 29, 2011(2011-32)
 Executive Order October 24, 2012(2012-34)
 Resolution 2014-3140, May 19, 2014
 Executive Order April 1, 2015 (2015-42)
 Resolution 2016-3268, April 18, 2016

Resolution 2017-3361 March 2017
 Resolution 2018-3443 March 2018
 Resolution 2019-3539 March 2019
 Resolution 2020-3646 March 2020
 Resolution 2021-3722 March 2021

§ 15.225.060 - TYPE III CONDITIONAL USE PERMIT CRITERIA

It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as out-right uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the types of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.

Conditional Uses Permitted in Any Zoning District (with an approved conditional use permit application):

- (A) Airports and landing fields.
- (B) Amusement parks.
- (C) Carnivals and circuses, if established for more than two weeks, except those in conjunction with a county fair or other outdoor governmentally sponsored event.
- (D) Cemeteries.
- (E) Facilities for the care and/or lodging of alcoholics, except publicly or privately operated rehabilitation centers providing clinical supervision, care and intensive treatment to persons with alcohol and/or chemical dependency problems.
- (F) Garbage dumps, sanitary land fills. Solid waste collection facility when under franchise by the city. This conditional use would include temporary storage and transfer of recyclable solid waste, supply storage, vehicle and equipment storage, service or repair and related accessory uses including disposal or landfill sites.
- (G) Heliports and helistops.
- (H) Jails or penal farms.
- (I) Mental hospitals.
- (J) Pound, dog or cat, (kennel).
- (K) Race tracks, including drag strips and go-cart tracks.
- (L) Sewage treatment plants.
- (M) Home occupations with more than one outside paid employee working at the residence at any given time.
- (N) Modifications to public street standards for the purpose of ingress and egress to a minimum of three and not more than six lots.

Provide a written response that specifies how your project meets the following criteria:

- (A) The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
- (B) The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants. The proposed development will be consistent with this code.
- (C) The proposed development will be consistent with this code.

CONDITIONAL USE PERMIT CHECKLIST

The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

- FEES**
- PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500’.
- CURRENT TITLE REPORT** (within 60 days old)

Submit one original 8 ½" x 11" or 11" x 17" reproducible document together with 10 copies of the following information. In addition, submit two (2) full size copies of all plans.

- WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 21.
- PROJECT STATEMENT** – Provide a written statement that addresses the operational data for the project, including hours of operation, number of employees, traffic information, odor impacts, and noise impacts.
- SITE DEVELOPMENT PLAN.** Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):
 - Existing Site Features:** Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
 - Drainage & Grading:** Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary.
 - Utilities:** Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.
 - N/A **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.
 - N/A **ADA Plan Compliance:** Indicate compliance with any applicable ADA provisions.
 - N/A **Architectural Drawings:** Provide floor plans and elevations for all planned structures.
 - N/A **Signs and Graphics:** Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.
 - N/A **Other:** Show any other site elements which will assist in the evaluation of the site and the project.

- N/A **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.



PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

A handwritten signature in black ink, appearing to read 'Peter H. ...', written over a horizontal line.



1433 SW 6th Avenue, Portland, OR 97201
(503)646-4444 FAX (503)219-9984

PRELIMINARY REPORT

TITLE OFFICER: Deborah Clark
deborah.clark@titlegroup.fntg.com
(503)535-3743

ORDER NO.: 471822116246
CUSTOMER NO.: 262200238

TO: Lawyers Title of Oregon, LLC
Patty White
825 NE Multnomah Street, Suite 1175
Portland, OR 97232

OWNER/SELLER: Traci A. Bowman
BUYER/BORROWER: Jennifer Goldenberg and Ryan Thomas
PROPERTY ADDRESS: 219 Levi Way, Newberg, OR 97132

EFFECTIVE DATE: February 14, 2022, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006 Owner's Standard	\$ 382,250.00	\$ 1,116.00
ALTA Loan Policy 2006 Extended Lender's	\$ 305,750.00	\$ 389.00
OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current Violations (ALTA 9.10-06)		\$ 100.00
OTIRO 222-06 - Location (ALTA 22-06)		\$ 0.00
OTIRO 208.1-06 - Environmental Protection Lien (ALTA 8.1-06)		\$ 0.00
Government Lien Search		\$ 20.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS [VESTED IN:](#)

Traci Ann Bowman

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF NEWBERG, COUNTY OF YAMHILL, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

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

EXHIBIT "A"
Legal Description

Lot 45, CREEKSIDE PHASE 2, in the City of Newberg, County of Yamhill and State of Oregon.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

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. Any 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, which are 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 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.

SPECIFIC ITEMS AND EXCEPTIONS:

6. City Liens, if any, in favor of the City of Newberg. None found as of February 16, 2022.
7. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Creekside Phase 2

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

Purpose: Public utilities
Affects: 10 feet wide along street right of way line

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

Recording Date: November 26, 1997
Recording No: 199719743

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1998
Recording No: 199804145

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 17, 1998
[Recording No.: 199816007](#)

- 10. Liens and assessments, if any, by the Creekside Homeowner's Association.
- 11. Roadway Easement and Maintenance Agreement

Recording Date: November 24, 1997
[Recording No.: 199719662](#)

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

Amount: \$173,950.00
Dated: April 30, 2012
Trustor/Grantor: Traci Ann Bowman, a single person
Trustee: First American Title
Beneficiary: Mortgage Electronic Registration Systems, Inc., solely as nominee for Sterling Savings Bank dba Sterling Bank
MIN No.: 1001863-0000140459-7
Recording Date: May 4, 2012
[Recording No.: 201205902](#)

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that Sterling Savings Bank dba Sterling Bank was the then owner of the indebtedness secured by the trust deed. It may be possible, for a MERS trust deed, to obtain information regarding the current owner of the indebtedness and the servicer, if any, by contacting MERS at 888-679-6377 or through the MERS website.

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

Amount: \$40,000.00
Dated: May 14, 2021
Trustor/Grantor: Traci Ann Bowman
Trustee: Brad Williams
Beneficiary: Umpqua Bank
Loan No.: Not Disclosed
Recording Date: May 18, 2021
[Recording No.: 202110192](#)

The Deed of Trust set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Trustor/Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

- 14. 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.

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

15. 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.

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

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$2,882.59
Levy Code: 29.0
Account No.: [510583](#)
Map No.: R3218AC 02008

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.
- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:
- Parties: Jennifer Goldenberg and Ryan Thomas
- D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- F. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

H. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Yamhill	\$81.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:

Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

Please email your release to the following email address: or-ttc-yamhillrecording@ticortitle.com

I. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

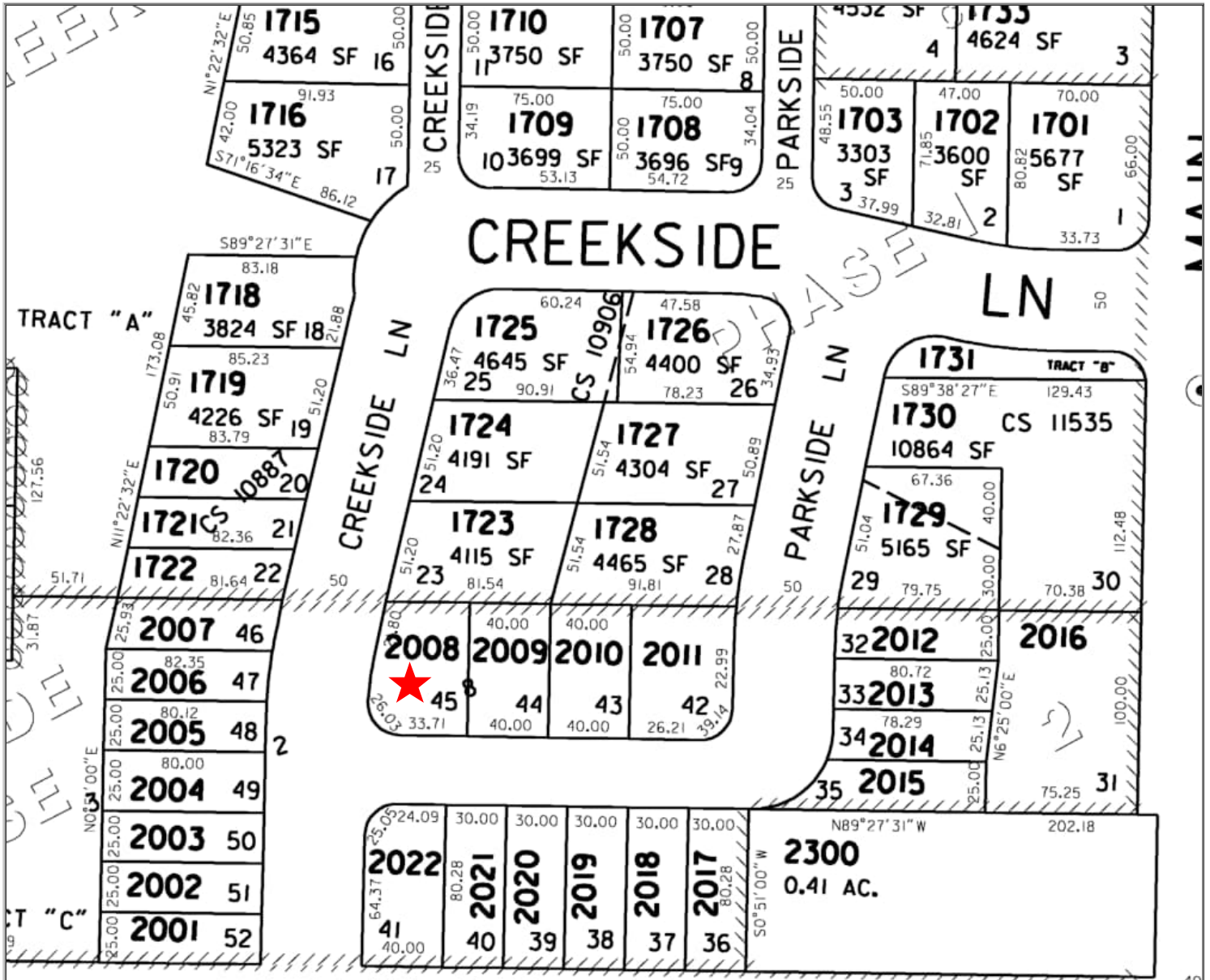
J. Note: This [map/plat](#) is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

K. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS:

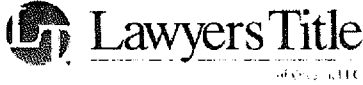
Fiscal Year:	July 1st through June 30th
Taxes become a lien on real property, but are not yet payable:	July 1st
Taxes become certified and payable (approximately on this date):	October 15th
First one third payment of taxes is due:	November 15th
Second one third payment of taxes is due:	February 15th
Final payment of taxes is due:	May 15th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply. If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.



RECORDING REQUESTED BY:



825 NE Multnomah St, Ste 1175
Portland, OR 97232

GRANTOR'S NAME:

Traci Ann Bowman

GRANTEE'S NAME:

Ryan S Thomas and Jennifer V Goldenberg

AFTER RECORDING RETURN TO:

Order No.: 262200238-PW
Ryan S Thomas and Jennifer V Goldenberg
9011 Zelzah Ave
Los Angeles, CA 91325

SEND TAX STATEMENTS TO:

Ryan S Thomas and Jennifer V Goldenberg
9011 Zelzah Ave
Los Angeles, CA 91325

APN: 510583

219 W Levi Way, Newberg, OR 97132

Yamhill County Official Records	202204110
DMR-DDMR	03/18/2022 01:05:01 PM
Stn=6 MILLSA	
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	\$91.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

Tilcar Title 471822110246

STATUTORY WARRANTY DEED

Traci Ann Bowman, Grantor, conveys and warrants to **Ryan S Thomas and Jennifer V Goldenberg, as tenants by the entirety**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (**\$382,250.00**). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

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

Dated: 03-16-2022

Traci Bowman
Traci Ann Bowman

State of Oregon
County of Washington

This instrument was acknowledged before me on 3/16/2022 by Traci A Bowman.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 5/28/24

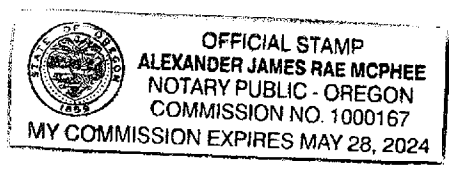


EXHIBIT "A"
Exceptions

Subject to:

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

Name of Plat: Creekside Phase 2

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

Purpose: Public utilities

Affects: 10 feet wide along street right of way line

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

Recording Date: November 26, 1997

Recording No: 199719743

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1998

Recording No: 199804145

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 17, 1998

Recording No: 199816007

4. Roadway Easement and Maintenance Agreement

Recording Date: November 24, 1997

Recording No.: 199719662

Project Overview

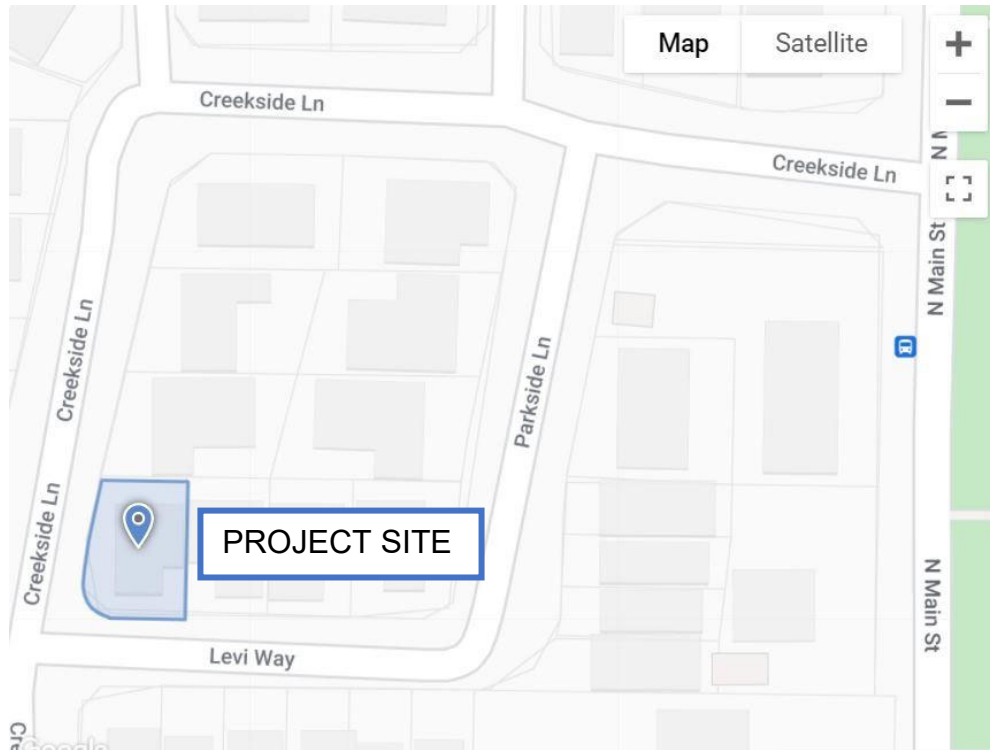
Property Description: Tax Lot R3218AC02008
219 W Levi Way
Newberg, OR 97132

Zoning: R-1

Zoning Use Table: Vacation Rental – Conditional Use

Project Summary

The owners are submitting this application to allow for the use of their existing single family residence as a vacation rental home subject to the standards identified in City Code 15.225.060



Newberg Municipal Code 15.225.060 – General Conditional Use Permit

- A. The proposed use is a Short-Term Vacation Rental (STR) when the owners are not occupying the residence.
1. The proposed Short-Term Rental is a Single-Family Residence; per public record the property was built in 2002.
 2. The property is located within 1 mile of George Fox University, 3 blocks away from Jaquith Park, and a short walk to downtown businesses and restaurants. Short-term rentals will allow a place to stay for parents visiting their student children and will bring tourists and revenue to local Newberg businesses. As a short-term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. Updates to the property include updated roof and sewer, flooring, hardware and light fixtures, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Curb appeal on the property will be constantly maintained to keep in line with the neighborhood. The lawn is mowed regularly.
 3. The property will be managed directly by an independent management company. Owners' have immediate family that live in Sherwood, Oregon, which is less than 9 miles away from the property. For short-term guests, we will allow a maximum of 6 adults at one time (2 per room). Guests will be held to standard of respect and awareness of the surrounding properties and homes. The guests will be held to a strict no parties or events policy. Quiet hours will begin at 9:00 pm and will be enforced with noise monitoring devices that will alert the owners if not in compliance.
- B. The property has a driveway and garage which can house two vehicles. Street parking will not be permitted. The location, design, and site of the property and home will provide a convenient and functional accommodation to families and couples visiting the Short-Term Rental. 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 – Special Use Requirements

- A. **Application and Purpose.** This is a single-family dwelling that will be used, rented, or occupied for periods of less than 30 days.
1. **Where Allowed.** In accordance with the Newberg Municipal Code (NMC) single-family homes require a Conditional Use Permit.
 2. **Registration Required.** In accordance with NMC ordinance, the property will be registered with the city on the forms provided and will include the contact information for the owner, operator, and local contact.

Newberg Municipal Code 15.445.320 – Registration Required

In accordance with NMC ordinance, the property will be registered with the city on the forms provided, and will include the contact information for the owner, operator and local contact.

Newberg Municipal Code 15.445.330 – Standards

- A. **Provide a minimum of two parking spaces on-site that are available for use for rental occupants:**
The property provides two parking spaces in the driveway of the home.
- B. **Provide for regular refuse collection:**
Trash, yard debris, and recycling has been arranged through the Newberg Waste management, trash will be picked up weekly.
- C. **Vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people:**
The property has three bedrooms available for use and the maximum occupancy will be set to 6.
- D. **The premise of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter:**
Guests will be informed, and policy will be enforced.

Newberg Municipal Code 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.

Newberg Municipal Code 15.445.350 – Complaints and Revocation of Registration

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 another appropriate jurisdiction.

Project Statement

The property is located within 1 mile of George Fox University, 3 blocks away from Jaquith Park, and a short walk to downtown business and restaurants. Short-term rentals will allow a place to stay for parents visiting their student children and will bring tourists and revenue to local Newberg businesses. As a short-term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted.

Updates to the property include updated roof and sewer, flooring, hardware and light fixtures, landscaping, front door security hardware, and all add to the value of the home and in turn, the neighborhood. Curb appeal and property will be constantly maintained to keep in line with the neighborhood. The lawn is mowed regularly.

Tax revenue will support the economy in multiple ways through the annual property tax averaging \$3,000.00 per year and the Short-Term Rental Lodging Tax that is required by each guest booking and is 1.5% of the total rental cost.

In addition, local businesses will be promoted through a welcome book with menus and informational flyers about the local infrastructure.

SAMPLE LETTER ATTACHED



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon
97132

503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

WE WANT YOUR COMMENTS ON A CONDITIONAL USE PERMIT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg to operate a short-term rental on the subject property. You are invited to take part in the City's review of this project by sending in your written comments. For more details about giving comments, please see the back of this sheet.

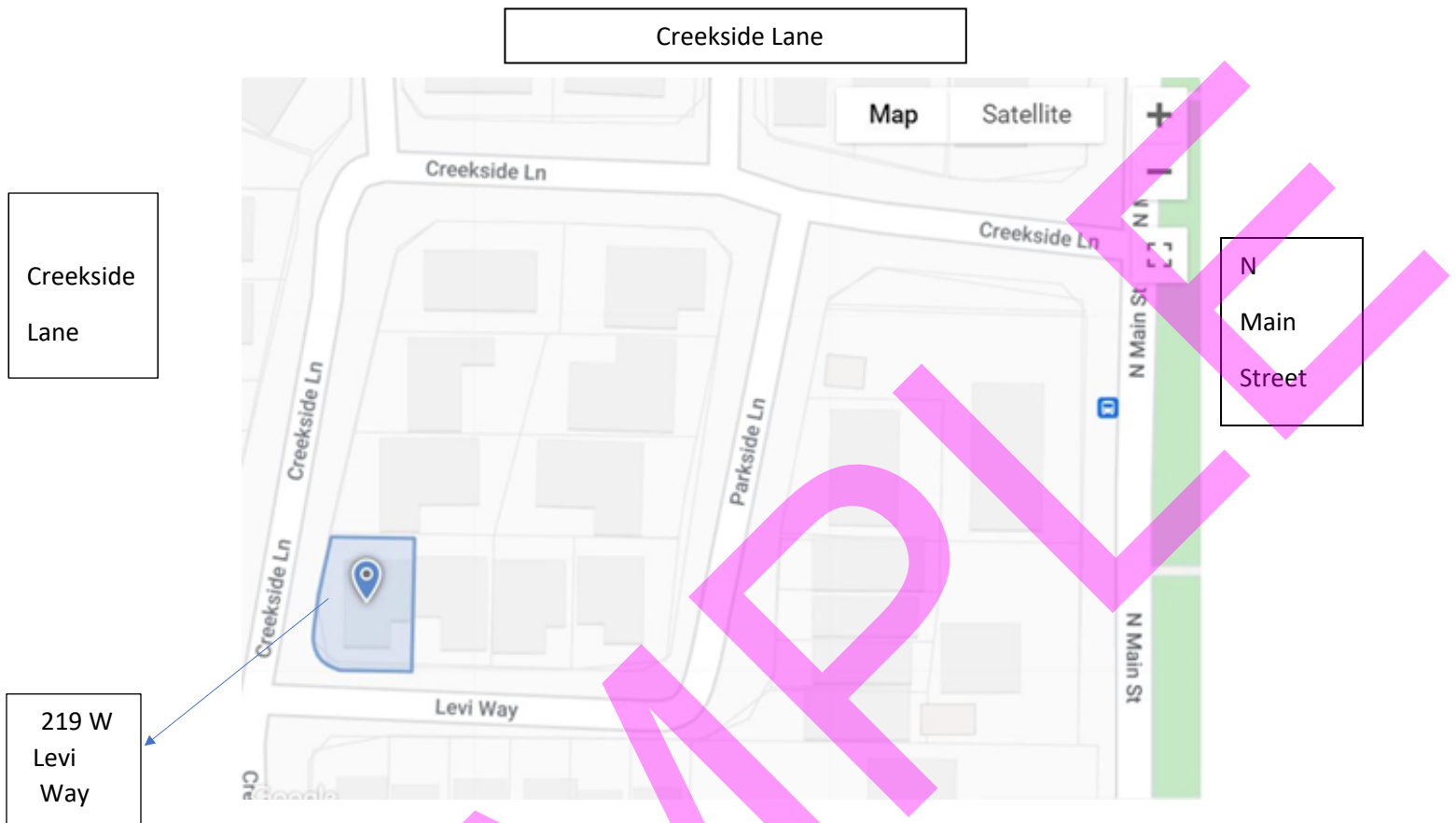
The development would include a short-term rental with a limit on occupancy, no pets, and prohibiting events or parties. Quiet hours will be strictly enforced at 9pm. No street parking allowed. No changes to existing structure or site — and to retain an appearance and consistency with the current neighborhood.

APPLICANT: Ryan Thomas & Jennifer Goldenberg
TELEPHONE: (818) 521-9446

PROPERTY OWNER: Ryan Thomas & Jennifer Goldenberg

LOCATION: 219 W Levi Way, Newberg, OR 97132

TAX LOT NUMBER: R3218AC 02008



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 20 days from the date this notice is mailed.

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

Written Comments: File **TBD**
City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

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. Information can also be accessed at <https://www.newbergoregon.gov/cd/page/cup22->

[0002-short-term-vacation-rental-219-W-Levi-Way](#). If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on April 8th, 2022. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. 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 design review approval are found in Newberg Development Code 15.220.

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: TBD

SAMPLE

Existing Site Narrative

- The home was built in 2002 and no changes need to be made to the existing structure.
- The backyard is completely fenced.
- Yard has a manicured lawn in the front and back with all foliage being watered using a timed irrigation system.

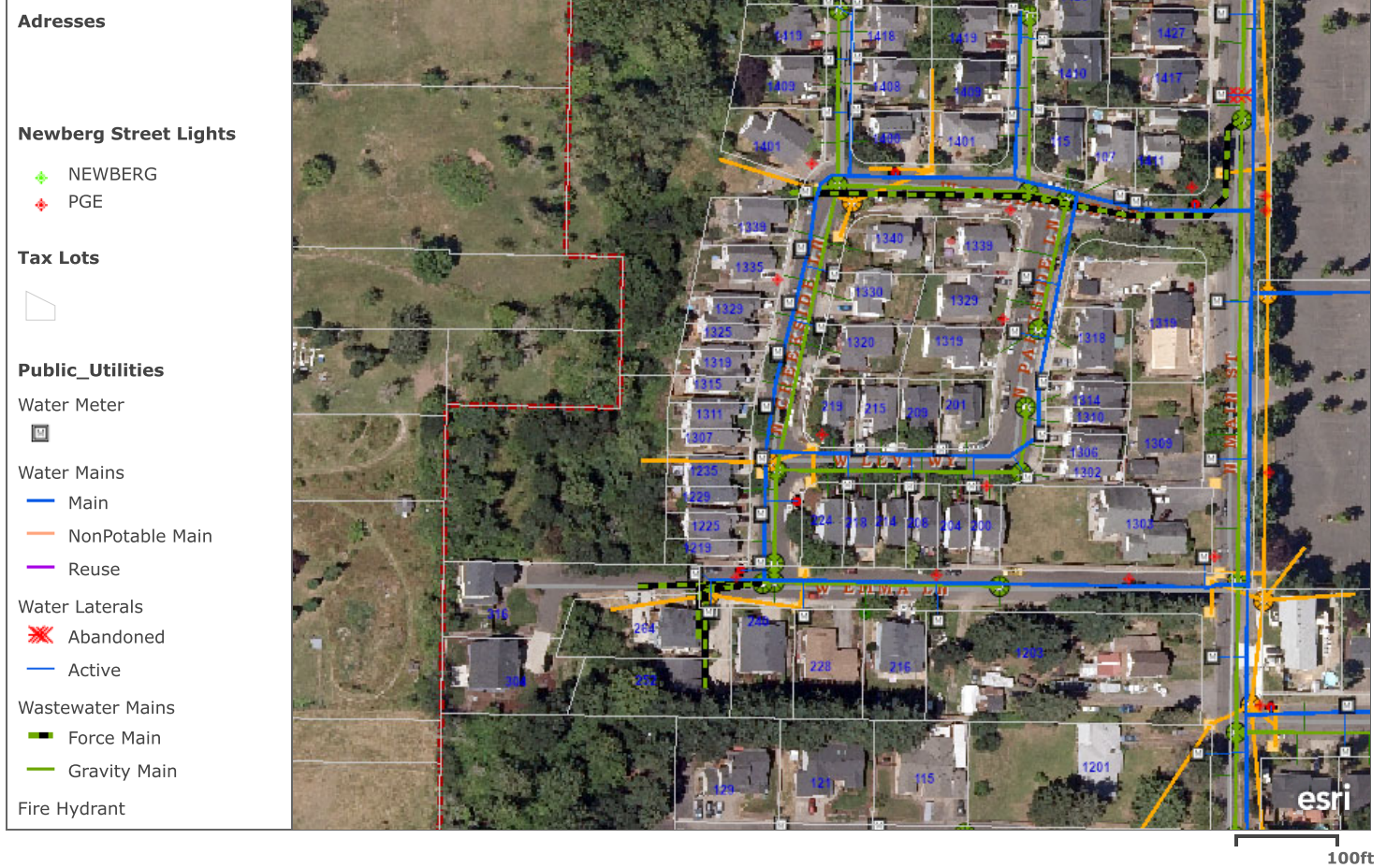
Drainage and Grading

The house has very good drainage. The grading is from the backyard to the front and the driveway slopes to the street allowing for all drainage to move away from the home.

Utilities

City of Newberg public utilities map attached.

Public Utilities Map



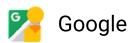
City of Newberg, Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | City of Newberg, Oregon Metro, Geoterra | Originally created by Jan Wolf 2007-present

Google Maps 219 Levi Way

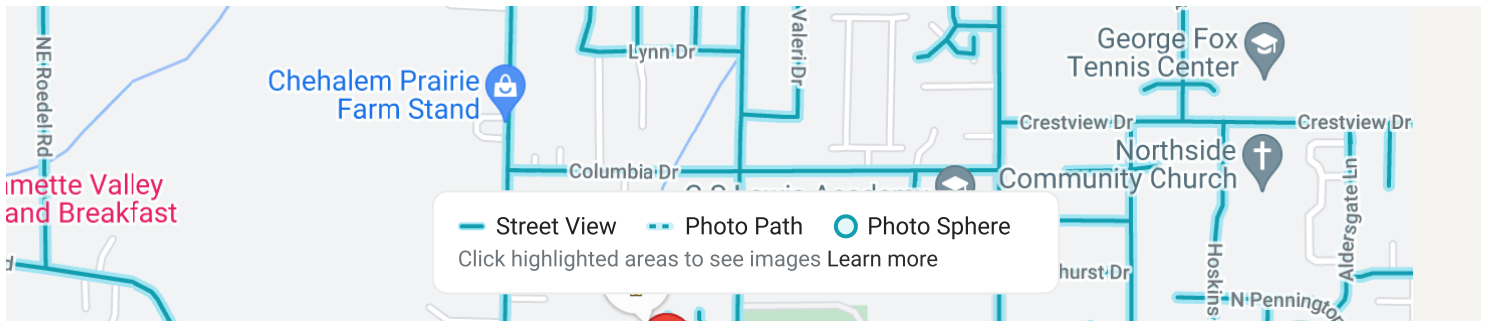


Image capture: Jun 2012 © 2022 Google

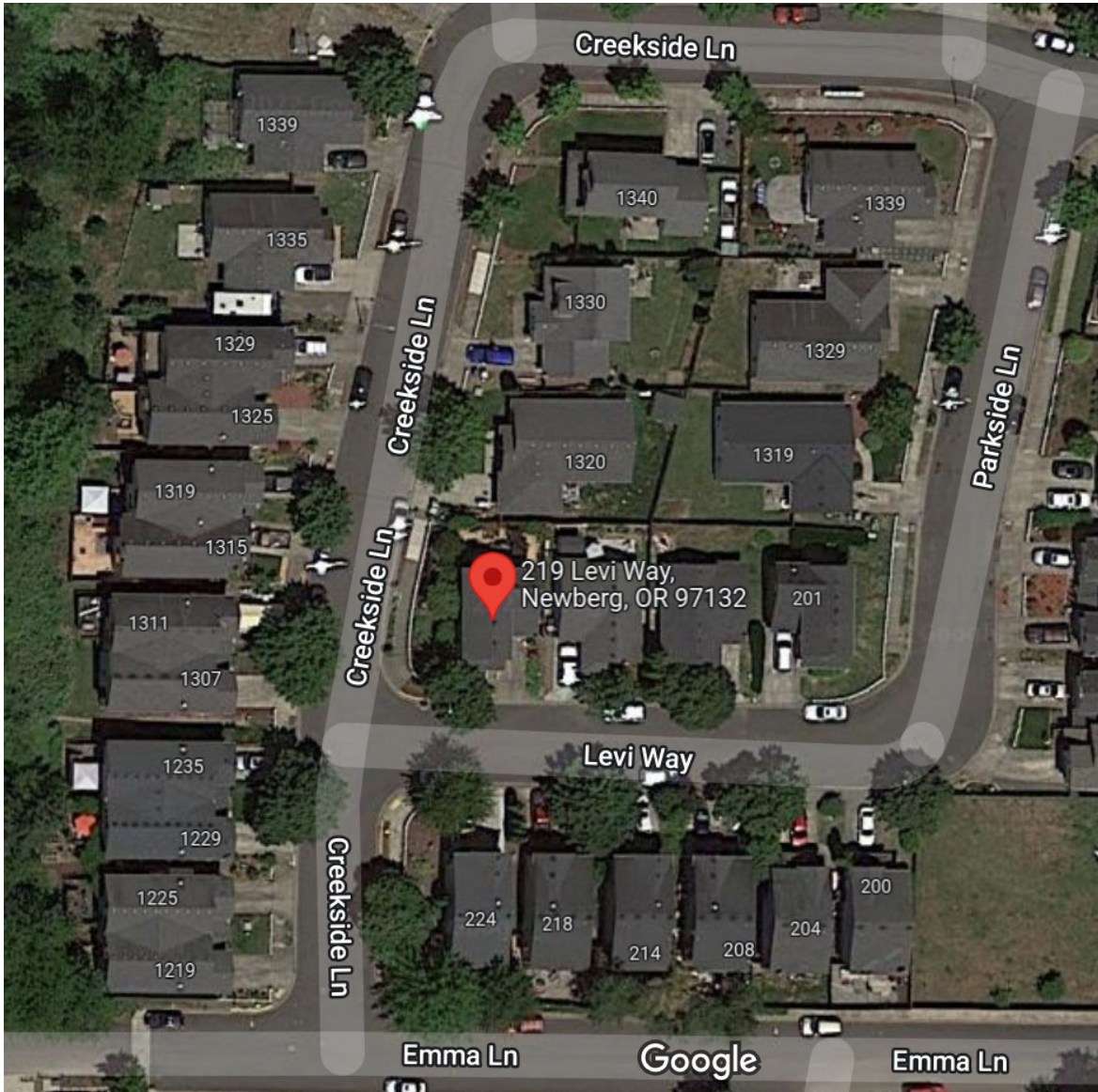
Newberg, Oregon



Street View - Jun 2012



Google Maps 219 Levi Way



Imagery ©2022 City of Newberg, Maxar Technologies, Metro, Portland Oregon, State of Oregon, U.S. Geological Survey, Map data ©2022 50 ft