

**NOTICE OF DECISION**  
**107 W ASHLEY CT – CONDITIONAL USE PERMIT – CUP22-0009**

August 16, 2022

Sasha Callahan and Leo Eguchi  
9 Arborway Terrace #2  
Jamaica Plain, MA 02130

cc: All persons who provided public comments.

Dear Applicants,

On August 11, 2022, the Newberg Planning Commission approved conditional use permit CUP22-0009 for a vacation rental at 107 W Ashley Ct, tax lot R3218AC 01400, subject to the conditions listed in the attached Order. The Commission's decision will become effective on August 25, 2022, unless an appeal is filed.

An affected party may appeal the Commission's decision to the City Council within 14 calendar days of the Commission's written decision in accordance with Newberg Development Code §15.100.170. Affected parties include the applicant, any party entitled to receive notice of the hearing, anyone providing written or oral comments at the hearing, and anyone providing written comments prior to the close of the hearing. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$1,165 plus the 5% Technology Fee to the Planning Division.

**The deadline for filing an appeal is 4:30 pm on August 24, 2022.**

At the conclusion of the appeal period, please remove all notice signs from the site.

The conditional use permit is effective only when the exercise of right granted is commenced within one year of the effective date listed above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-554-7768 or [ashley.smith@newbergoregon.gov](mailto:ashley.smith@newbergoregon.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ashley Smith".

Ashley Smith  
Assistant Planner  
City of Newberg

PLANNING COMMISSION STAFF REPORT  
VACATION RENTAL CONDITIONAL USE PERMIT  
107 W Ashley Court

HEARING DATE: August 11, 2022

FILE NO: CUP22-0009

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

LOCATION: 107 W Ashley Court

TAX LOT: R3218AC 01400

APPLICANT/OWNER: Sasha Callahan and Leo Eguchi

ZONE: R-1 (Low Density Residential)

PLAN DISTRICT: LDR (Low Density Residential)

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**ATTACHMENTS:**

Planning Commission Order 2022-09 with:

Exhibit A: Findings

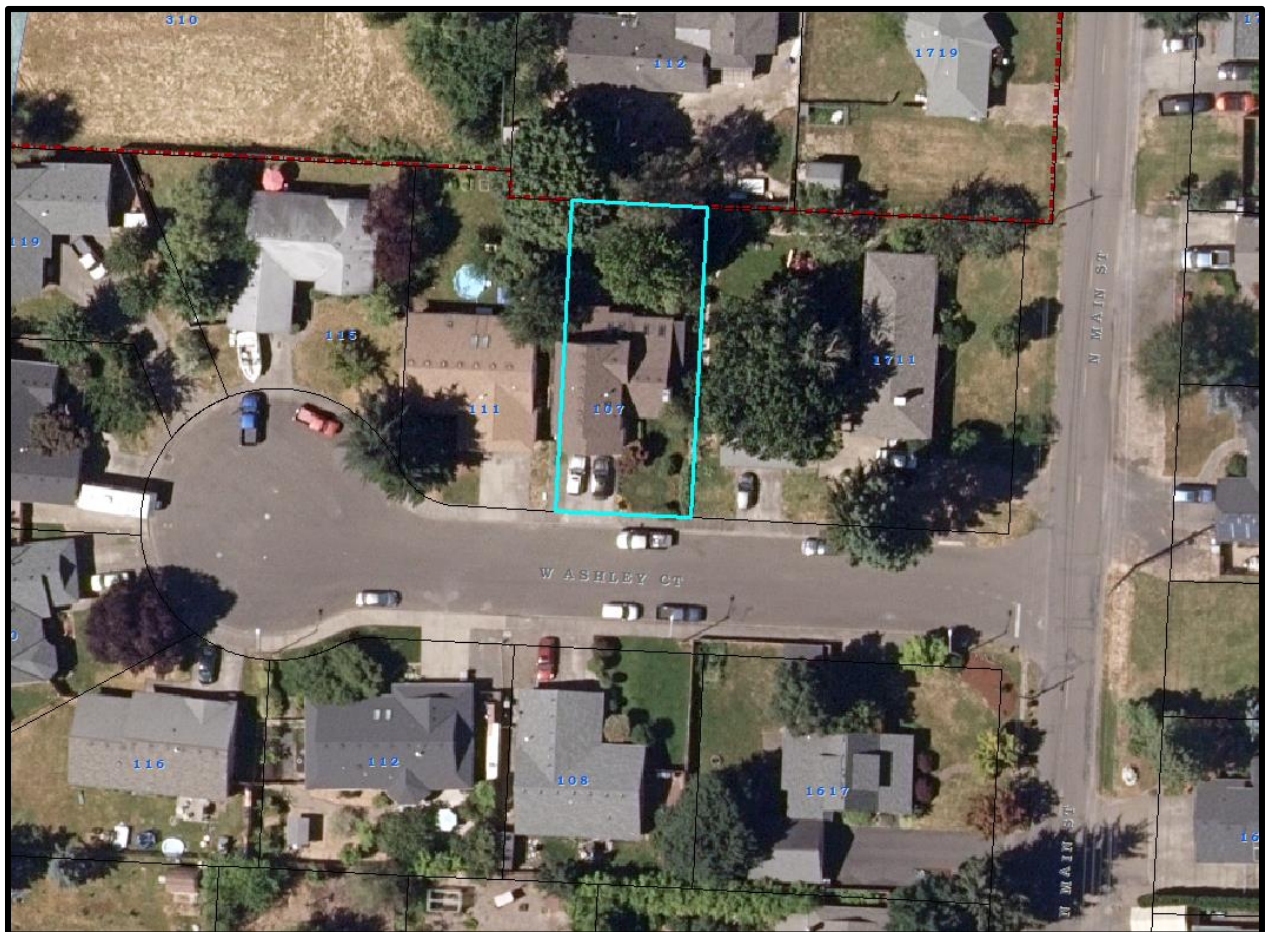
Exhibit B: Conditions of Approval

Attachment 1: Application

Attachment 2: Agency Comments

Attachment 3: Public Comments

- A. DESCRIPTION OF APPLICATION:** The applicant is requesting Conditional Use Permit (CUP) approval to use an existing single-family home as a vacation rental located at 107 W Ashley Court, R-1 (Low Density Residential) zone. When the applicants are not residing in the home, they have the intent to rent the property for occupancy periods of less than 30 days. The applicants have submitted a complete application package, paid all applicable application fees, and complied with all required public noticing associated with this application. Attachment 1 contains the submitted application. No agency comments were received and at the time of writing this report no public comments had been received.



- B. LOCATION:** 107 W Ashley Court
- C. SITE INFORMATION:**
1. Location: 107 W Ashley Court

2. Total Lot Size: 5,725 square feet
3. Topography: Flat
4. Current Land Uses: Single family residential
5. Natural Features: None
6. Adjacent Land Uses:
  - a. North: Residential, Outside City Limit, Inside Urban Growth Area
  - b. South: Low Density Residential, Ashley Park Subdivision
  - c. East: Low Density Residential, Ashley Park Subdivision
  - d. West: Low Density Residential; Ashley Park Subdivision
7. Zoning:
  - a. North: LDR9000 (Yamhill County Jurisdiction)
  - b. South: R-1 (Low Density Residential)
  - c. East: R-1 (Low Density Residential)
  - d. West: R-1 (Low Density Residential)
8. Access and Transportation: In the City's GIS database, access to the vacation rental will occur from N Main Street to W Ashley Court. All access streets are paved roadways.
9. Utilities:

Water: The City's GIS illustrates a 4-inch water main in W Ashley Court with an existing service lateral to the property.

Wastewater: The City's GIS illustrates an 8-inch wastewater line in W Ashley Court, Building Permits show a 3-inch lateral to the dwelling.

Stormwater: The City's GIS indicates that there are no public stormwater pipes adjacent to 107 W Ashley Court. There is a public stormwater inlet at the west end of Ashley Court along with a storm pipe that discharge to an open drainage west of W Ashley Court. Stormwater runoff from properties on W Ashley flows to the curb and is conveyed to the existing stormwater inlet.

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:

- 6/02/22: The Community Development Director deemed the application complete.
- 6/15/22: The applicant mailed notice to the property owners within 500 feet of the site.
- 6/15/22: The applicant posted notice on the site.
- 6/22/22: The *Newberg Graphic* published notice of the Planning Commission hearing and notice was posted in four public places.
- 08/11/22: 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 (Attachment 2):

1. City Manager: Reviewed, no conflict.
2. Community Development Director: Reviewed, no conflict.
3. Finance: Reviewed, no conflict.
4. Public Works Maintenance: Reviewed, no conflict.
5. Public Works Maintenance Superintendent: Reviewed, no conflict.
6. Public Works Director: Reviewed, no conflict.
7. Public Works Maintenance Supervisor: Reviewed, no conflict.
8. Engineering: Reviewed, no conflict.

9. Police: Reviewed, no conflict.
10. Building Official: Reviewed, no conflict.
11. Public Works Wastewater: Reviewed, no conflict.
12. Public Works Wastewater: Reviewed, no conflict.
13. Public Works Water: Reviewed, no conflict.
14. Ziplly: Reviewed, no conflict.

**F. PUBLIC COMMENTS:** The following public comments were received during the Public Comment period. Original comments can be viewed in Attachment 3.

1. Comment receive 6/29/2022 from Ken and Linda Woodward:

“Dear Newberg Planning Commission:

We would like to share our concerns regarding 107 W Ashley Ct becoming a short-term rental in our quiet cul-de-sac.

Municipal Code: 15.445.300 states 107 W Ashley Ct property will be available for use, rent occupancy for periods of less than 30 days.

Concerns: We heard this house will also be used as an extended rental for displace families who will be staying longer than the 30 days allowed by this Code. If this information is accurate, and 107 W Ashley Ct becomes a STR, will you enforce this Code which states occupancy will be less than 30 days?

If this Code is not adhered to, what will the City do? Will you revoke their conditional use permit?

Municipal Code: 15.445.340 states this rental is limited to 6 total occupants. (renters)

Concerns: When the “renters” invite other people to this house it will create more traffic, noise and parking issues. It is stated “no” street parking. Does this apply to the renters guests?

Will there be a minimum age to rent? Can college students rent this house?  
We are concerned that the value of hour will decline because of the STR?

Thank you for taking the time to review and evaluate our concerns.

Sincerely,

Ken and Linda Woodward”

Staff Response: Staff thank the Woodward’s for taking the time to submit public comment during this period. Newberg Municipal Code (NMC) 15.445.300 does state rentals that will be used for less than 30 days are defined as vacation rentals and require a conditional use permit. The approval of a vacation or short-term rental does not exclude the property from being rented for longer than 30 days. There are no permitting requirements in the NMC to allow property owners to use their homes as long-term rentals. Vacation rentals and long-term rentals are not mutually exclusive; a property can be both. However, the applicant must take action and use their home as a vacation rental and start paying the transient lodging tax within a year of this decision or else the decision will expire.

The goal with the conditional use approval of a vacation rental is with the higher turnover of guests, the conditional use criteria ensure the property will be continuously maintained, the home will continue to function like a typical single-family dwelling home, and that neighbors have a complaint process if issues arise due to the use as a vacation rental. If issues arise with the property which are caused from the use as a vacation rental, NMC 15.445.350 Complaints and revocation of registration, process will be followed.

Regarding the concern on renter’s guest. The vacation criteria require that the total occupancy of the house is six, two per bedroom, no more. The vacation rental criteria requires that two off street parking spaces be provided for guests. It does not require that no on street parking occur. The property owners may state no on street parking is allowed as a personal requirement but if on street parking occurs, this is something the City will not enforce. Anyone is allowed to park on a public street if they follow any city posted parking requirements.

Regarding age limit of renters and who will be renting the house, the NMC does not place any restrictions on age or type of clientele homes may be rented to.

- G. ANALYSIS:** The proposed vacation rental is compatible with the surrounding residential uses 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, George Fox University, and surrounding tourist attractions to Newberg.

The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Therefore, the maximum number of guests is six (6) in the house based on the current 3-bedrooms in the home. There are two off-street parking spaces in the driveway and two in the garage for short term guests 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 after the close of the public hearing. At the time this report was drafted, staff recommends the following motion:

*Move to adopt Planning Commission Order 2022-09, which approves the requested conditional use permit with the attached conditions of approval in Exhibit "B".*





## PLANNING COMMISSION ORDER 2022-09

AN ORDER APPROVING CONDITIONAL USE PERMIT CUP22-0009 FOR A  
VACATION RENTAL HOME AT 107 W ASHLEY COURT, YAMHILL COUNTY  
TAX LOT R3218AC 01400

### RECITALS

1. Sasha Callahan and Leo Eguchi applied for a conditional use permit for a vacation rental home at 107 W Ashley Court, Yamhill County Tax Lot R3218AC 01400.
2. After proper notice, the Newberg Planning Commission held a public hearing on August 11, 2022, 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 CUP22-0009 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective on August 25, 2022, 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 11<sup>th</sup> day of August 2022.

ATTEST:

  
\_\_\_\_\_  
Planning Commission Chair

  
\_\_\_\_\_  
Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions of Approval

**Exhibit “A” to Planning Commission Order 2022-09  
Findings – File CUP22-0009  
Vacation Rental at 107 W Ashley Court**

**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 located in an R-1 (Low Density Residential) neighborhood northwest of Downtown Newberg. The home was part of the 1994 Ashley Park Subdivision (S-5-93) and received a Certificate of Occupancy as a two story, three-bedroom, 1,516 square foot, single family dwelling on August 25, 1995, is connected to all public utilities, and will maintain access from N Main Street to W Ashley Court. The home has a two-car garage, as well as two off street parking spaces in the driveway.

The proposed vacation rental use is similar to a regular residential use in design and operating characteristics. Given the vacation rental restrictions for occupancy and parking requirements the impact of the use to the surrounding neighborhood, utilities, and traffic should be no different than a long-term renter or owner resident.

Furthermore, the applicants shared their rental policy will include a no noise policy between the hours of 10 pm and 7 am, and that pets will not be left outside unattended.

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:** This proposed vacation rental is located approximately three quarters of one mile to the north of the downtown commercial zone, one block from Jaquith Park, and approximately one mile west of George Fox University. The surrounding uses in the other directions are residential. With the vacation rental criteria requiring the structure to be a single-family dwelling, it is presumed that the structure will remain similar in nature to the surrounding locations. The applicants’ narrative shares that the building and yard will be regularly maintained

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.

**B. Applicable Criteria - NMC 15.445.300 Vacation Rental Homes**

**15.445.310 Where allowed.**

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

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

**Finding:** The subject property is zoned R-1. The table below is an excerpt from Chapter 15.305 of the NMC, which states vacation rental homes are permitted as a conditional use in the R-1 zone. The owner has applied for conditional use permit approval with the intent to rent the home for occupancy periods of less than 30 days, which per NMC 15.05.030 defines a vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit (owner occupied or long-term rented) and granted occupancy on August 25, 1995.

<u>Use</u>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RP</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
<u>Vacation rental home</u>	C	C	C	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. The applicants' narrative states they are aware of this criterion. 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:** There are two off-street parking spaces available on the existing driveway and an additional two garage spaces. The applicant has indicated that refuse collection service shall occur. The proposed vacation rental would be in an existing three-bedroom single-family dwelling with a maximum of six (6) guests. The owner has stated they will enforce the policy on the use of recreation vehicles and other temporary shelters. The owner is conditioned to keep at least two off-street parking spaces available for vacation rental guests. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services. A maximum of six (6) guests may occupy the vacation rental at one time. Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. These criteria are met with the adherence to the aforementioned conditions 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:** 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.

Lifestyle Properties Vacation Rentals, 971.832.3399 - Open Daily from 9AM - 5PM, 503.476.9180 - After Hours Emergency Line

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

Max Number of Guests: six (6)

Trash Pick-Up Day - Tuesdays

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 vacation rental guests.

- 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.
- 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 states they understand the process and procedures of this criteria.

**CONCLUSION:**

Based on the above-mentioned findings, the application meets the required criteria within

the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit “B”.

**Exhibit “B” to Planning Commission Order 2022-09  
Conditions of Approval – File CUP22-0009  
Vacation Rental Home at 107 W Ashley Court**

**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 of Newberg and will be required to pay the transient lodging tax.
2. **Parking:** The owner is conditioned to keep at least two off-street parking spaces available for vacation rental guests.
3. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
4. **Guest Occupancy:** A maximum of six (6) guests may occupy the vacation rental at one time
5. **Guest Contracts:** Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy.
6. **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.

Lifestyle Properties Vacation Rentals, 971.832.3399 - Open Daily from 9AM - 5PM, 503.476.9180 - After Hours Emergency Line  
In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: Six (6)

Trash Pick-Up Day: Tuesday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for vacation rental guests.
- 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.
- 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**



**Attachment 2: Agency Comments**

### **Attachment 3: Public Comments**

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Vacation Rental at 107 W Ashley Court**

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- 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.*

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Furthermore, the applicants shared their rental policy will include a no noise policy between the hours of 10 pm and 7 am, and that pets will not be left outside unattended.

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:** This proposed vacation rental is located approximately three quarters of one mile to the north of the downtown commercial zone, one block from Jaquith Park, and approximately one mile west of George Fox University. The surrounding uses in the other directions are residential. With the vacation rental criteria requiring the structure to be a single-family dwelling, it is presumed that the structure will remain similar in nature to the surrounding locations. The applicants’ narrative shares that the building and yard will be regularly maintained

This criterion is met.

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**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.

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<u>Vacation rental home</u>	C	C	C	S	S	S(13)	S(13)	S(13)

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**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:** There are two off-street parking spaces available on the existing driveway and an additional two garage spaces. The applicant has indicated that refuse collection service shall occur. The proposed vacation rental would be in an existing three-bedroom single-family dwelling with a maximum of six (6) guests. The owner has stated they will enforce the policy on the use of recreation vehicles and other temporary shelters. The owner is conditioned to keep at least two off-street parking spaces available for vacation rental guests. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services. A maximum of six (6) guests may occupy the vacation rental at one time. Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. These criteria are met with the adherence to the aforementioned conditions 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:** 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.

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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 states they understand the process and procedures of this criteria.

**CONCLUSION:**

Based on the above-mentioned findings, the application meets the required criteria within

the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit “B”.

**Exhibit “B” to Planning Commission Order 2022-09  
Conditions of Approval – File CUP22-0009  
Vacation Rental Home at 107 W Ashley Court**

**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 of Newberg and will be required to pay the transient lodging tax.
2. **Parking:** The owner is conditioned to keep at least two off-street parking spaces available for vacation rental guests.
3. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
4. **Guest Occupancy:** A maximum of six (6) guests may occupy the vacation rental at one time
5. **Guest Contracts:** Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy.
6. **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.

Lifestyle Properties Vacation Rentals, 971.832.3399 - Open Daily from 9AM - 5PM, 503.476.9180 - After Hours Emergency Line  
In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: Six (6)

Trash Pick-Up Day: Tuesday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for vacation rental guests.
- 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.
- 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 (QUASI-JUDICIAL REVIEW)

File #: CUP22-0009

**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: Sasha Callahan and Leo Eguchi  
 ADDRESS: 9 Arborway Terrace #2, Jamaica Plain, MA 02130  
 EMAIL ADDRESS: sashacallahan@gmail.com  
 PHONE: \_\_\_\_\_ MOBILE: 617-283-7543 FAX: \_\_\_\_\_  
 OWNER (if different from above): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT NAME: Arioso House PROJECT LOCATION: 107 W Ashley Ct, Newberg OR 97132  
 PROJECT DESCRIPTION/USE: Lodging/Vacation Home Rental  
 MAP/TAX LOT NO. (i.e.3200AB-400): R3218AC-01400 ZONE: R1 SITE SIZE: 5728 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: \_\_\_\_\_ TOPOGRAPHY: \_\_\_\_\_  
 CURRENT USE: Single Family Residence  
 SURROUNDING USES:  
 NORTH: SFR SOUTH: SFR  
 EAST: SFR WEST: SFR

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

**Annexation** .....p. 15  
**Comprehensive Plan / Zoning Map Amendment (site specific)** .....p. 19  
**Conditional Use Permit** .....p. 21  
**Historic Landmark Modification/Alteration** .....p. 23  
**Planned Unit Development** .....p.26

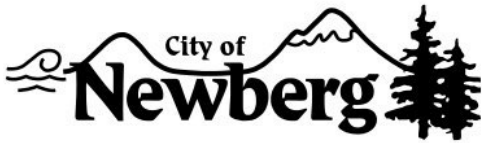
The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

  
 \_\_\_\_\_  
 Applicant Signature Date

Sasha Callahan  
\_\_\_\_\_  
Print Name

  
 \_\_\_\_\_  
 Owner Signature Date

Leo Eguchi  
\_\_\_\_\_  
Print Name



## Community Development Department

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

### NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT – VACATION RENTAL

A property owner in your neighborhood submitted an application to the City of Newberg for a conditional use permit to *use their home as a short-term vacation rental*. The Newberg Planning Commission will hold a hearing on July 14 at 7 p.m, via. Zoom (<https://us06web.zoom.us/j/82551426456>) to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The development would include a short-term lodging rental, with a limit on occupancy to six adults. Quiet hours from 10pm – 7 am, no parties or events. No street parking. No changes to the existing structure or site to retain an appearance consistent with the current neighborhood.

APPLICANT: *Sasha Callahan & Leo Eguchi*

TELEPHONE: *617-283-7543*

PROPERTY OWNER: *Sasha Callahan & Leo Eguchi*

LOCATION: *107 W Ashley Ct, Newberg, OR 97132*

TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number R3218AC 01400*



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

Z:\WPSFILES\FILES\CUP (Conditional Use Permits)\2022\CUP22-0009 107 W Ashley Ct-Vacation Rental\CUP22-0009 107 W Ashley Ct Mailed Notice.doc

We are mailing you information about this project because you own land within 500 feet of the proposed conditional use. We invite you to send any written comments for or against the proposal within 20 days from the date this notice is mailed. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you or a representative may do so by video conference. 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: CUP22-0009  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

All written comments must be turned in by 4:30 p.m. on Tuesday, July 5, 2022. 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. Application material can also be accessed at

<https://www.newbergoregon.gov/planning/page/cup22-0009-vacation-rental-107-w-ashley-ct>

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 and a vacation rental approval are found in Newberg Development Code Sections 15.225.060 and 15.445.330 – 340.

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.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying during 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: **June 15, 2022**

MICHAEL & ABIGAIL FAVALE  
OR CURRENT RESIDENT  
1810 N MAIN ST  
NEWBERG OR 97132

SEAN & AMANDA OWENS  
OR CURRENT RESIDENT  
104 CRESTVIEW DR  
NEWBERG OR 97132

MARK & CYNTHIA HEINTZ  
OR CURRENT RESIDENT  
1806 N MAIN ST  
NEWBERG OR 97132

GEORGE & DEBBY RABE  
OR CURRENT RESIDENT  
17616 NE LEANDER DR  
SHERWOOD OR 97140

JEFF & SARAH GRIDER  
OR CURRENT RESIDENT  
104 COLUMBIA DR  
NEWBERG OR 97132

BRYAN & KIMBERLY BOYD  
OR CURRENT RESIDENT  
212 PINEHURST CT  
NEWBERG OR 97132

BRYAN & KIMBERLY BOYD  
OR CURRENT RESIDENT  
208 W PINEHURST CT  
NEWBERG OR 97132

JOHNSON CHARLES & DONNA  
REV LIVING TRUST  
OR CURRENT RESIDENT  
204 PINEHURST CT  
NEWBERG OR 97132

DENNIS & SANDRA MILLHOLLIN  
OR CURRENT RESIDENT  
200 PINEHURST CT  
NEWBERG OR 97132

MICHAEL EIGNER  
OR CURRENT RESIDENT  
112 PINEHURST CT  
NEWBERG OR 97132

JAVASIPPER LLC  
OR CURRENT RESIDENT  
C/O TIMOTHY C CORNELL PO BOX  
997  
NEWBERG OR 97132

TRAVIS & KATIE LONG  
OR CURRENT RESIDENT  
104 PINEHURST CT  
NEWBERG OR 97132

ROSCOE HOWARD III & SUSAN  
HOWARD  
OR CURRENT RESIDENT  
4205 SE RIVERSIDE LP  
MCMINNVILLE OR 97128

ISIDRO MARTINEZ-AYUNGUA  
OR CURRENT RESIDENT  
1718 N MAIN ST  
NEWBERG OR 97132

DANIEL HATCHER  
OR CURRENT RESIDENT  
101 PINEHURST DR  
NEWBERG OR 97132

LUIS NUNO  
OR CURRENT RESIDENT  
105 PINEHURST DR  
NEWBERG OR 97132

LONNY & DAWN ANDERSON  
OR CURRENT RESIDENT  
109 PINEHURST DR  
NEWBERG OR 97132

MCDANIEL LIVING TRUST  
OR CURRENT RESIDENT  
201 E PINEHURST DR  
NEWBERG OR 97132

CAMERON & LISA HELIKSON  
OR CURRENT RESIDENT  
100 PINEHURST DR  
NEWBERG OR 97132

ROGER & SIDNEY NEWELL  
OR CURRENT RESIDENT  
104 PINEHURST DR  
NEWBERG OR 97132

JACK & ANGELA MAY  
OR CURRENT RESIDENT  
2220 THORNE ST  
NEWBERG OR 97132

FRANK & CAROLETA PISCITELLI  
OR CURRENT RESIDENT  
112 W COLUMBIA DR  
NEWBERG OR 97132

MICHELE VONDRACHEK  
OR CURRENT RESIDENT  
315 W COLUMBIA ST  
NEWBERG OR 97132

BILL & MAUREEN ROGERS  
OR CURRENT RESIDENT  
316 NE COLUMBIA DR  
NEWBERG OR 97132

RICHARD & ANNETTE ROST  
OR CURRENT RESIDENT  
1711 N MAIN ST  
NEWBERG OR 97132

THOMAS RUIZ JR & LOIS RUIZ  
OR CURRENT RESIDENT  
211 PINEHURST CT  
NEWBERG OR 97132

THOMPSON ROBERT E & JANICE  
TRUSTEES OF  
OR CURRENT RESIDENT  
17940 NE LEWIS ROGERS LN  
NEWBERG OR 97132

KIMBERLY & MIHAIL MIHAYLOV  
OR CURRENT RESIDENT  
1437 N MAIN ST  
NEWBERG OR 97132

ALBERT & JUDY LUTZE  
OR CURRENT RESIDENT  
21575 NE RED HILLS LN  
DUNDEE OR 97115

DON & DONNA ANGEVINE  
OR CURRENT RESIDENT  
201 E COLUMBIA DR  
NEWBERG OR 97132

PERRY MICK & ELISABETH  
FREISE-MICK  
OR CURRENT RESIDENT  
PO BOX 564  
NEWBERG OR 97132

FREDERICK & LINDA BOETSCH  
OR CURRENT RESIDENT  
PO BOX 191  
CENTRALIA WA

OLIVER & DAWN HALL  
OR CURRENT RESIDENT  
119 NE COLUMBIA DR  
NEWBERG OR 97132

ALEXANDRA RIALS & STEPHEN  
MCCLINTOCK  
OR CURRENT RESIDENT  
1819 N MAIN ST  
NEWBERG OR 97132

CECIL & ALMA LOGGAINS  
OR CURRENT RESIDENT  
115 W COLUMBIA DR  
NEWBERG OR 97132

JEREMY & JESSICA HANEY  
OR CURRENT RESIDENT  
2115 SAM PARRETT DR  
NEWBERG OR 97132

MIKE & BETHANY ALPERT  
OR CURRENT RESIDENT  
400 W COLUMBIA DR  
NEWBERG OR 97132

GLENN & SHARON DUBLE  
OR CURRENT RESIDENT  
1603 N MAIN ST  
NEWBERG OR 97132

MICHAEL & AMANDA DAIGLE  
OR CURRENT RESIDENT  
1607 N MAIN ST  
NEWBERG OR 97132

CHRISTOPHER & HEATHER  
MASON  
OR CURRENT RESIDENT  
105 W PINEHURST CT  
NEWBERG OR 97132

MARK & JEANNA BURGIN  
OR CURRENT RESIDENT  
103 PINEHURST CT  
NEWBERG OR 97132

WILLIAM & BRENDA JOLLIFF  
OR CURRENT RESIDENT  
207 PINEHURST CT  
NEWBERG OR 97132

BRIAN & LYDIA ANDERSON  
OR CURRENT RESIDENT  
107 PINEHURST CT  
NEWBERG OR 97132

BENJAMIN HERNDON  
OR CURRENT RESIDENT  
1612 N MAIN ST  
NEWBERG OR 97132

STEVEN ROGERS  
OR CURRENT RESIDENT  
1606 N MAIN ST  
NEWBERG OR 97132

GREGORY & CAROLYN PITMAN  
OR CURRENT RESIDENT  
1712 N MAIN ST  
NEWBERG OR 97132

RONALD & KATHLEEN PHILLIPS  
OR CURRENT RESIDENT  
1716 N MAIN ST  
NEWBERG OR 97132

NEWBERG OPEN BIBLE CHURCH  
OR CURRENT RESIDENT  
1605 N COLLEGE ST  
NEWBERG OR 97132

BLUME GREGG L & KATHY S  
TRUSTEES FOR  
OR CURRENT RESIDENT  
400 NE BLUME LN  
NEWBERG OR 97132

MARTINO, METTA TRUST  
OR CURRENT RESIDENT  
PO BOX 391  
TUALATIN OR 97062

PIPER REV LIVING TRUST  
OR CURRENT RESIDENT  
116 ASHLEY CT  
NEWBERG OR 97132

PIPER REV LIVING TRUST  
OR CURRENT RESIDENT  
116 ASHLEY CT  
NEWBERG OR 97132

ALAN & MINNIE HALSTEAD  
OR CURRENT RESIDENT  
119 ASHLEY CT  
NEWBERG OR 97132

DAVID & DEBORAH JARVIS  
OR CURRENT RESIDENT  
123 ASHLEY CT  
NEWBERG OR 97132

MELISSA CARTER  
OR CURRENT RESIDENT  
120 ASHLEY CT  
NEWBERG OR 97132

PIPER REV LIVING TRUST  
OR CURRENT RESIDENT  
116 ASHLEY CT  
NEWBERG OR 97132

KENNETH & LINDA WOODWARD  
OR CURRENT RESIDENT  
112 ASHLEY CT  
NEWBERG OR 97132

BRIAN WHITTLE & JULIE HONAKER  
OR CURRENT RESIDENT  
108 ASHLEY CT  
NEWBERG OR 97132

BRIAN DIRKS & LAURIE ADAIR  
OR CURRENT RESIDENT  
21421 NE FULQUARTZ LANDING  
RD  
DUNDEE OR 97115

PHILIP & TERYL ANDREWS  
OR CURRENT RESIDENT  
200 CRESTVIEW DR  
NEWBERG OR 97132

RICK & TAMRA DERVALIS  
OR CURRENT RESIDENT  
1429 PARKSIDE CT  
NEWBERG OR 97132

JOSHUA ARIIZUMI  
OR CURRENT RESIDENT  
1428 CREEKSIDE CT  
NEWBERG OR 97132

PAMELA LOVE  
OR CURRENT RESIDENT  
209 E COLUMBIA DR  
NEWBERG OR 97132

DONALD & JENNY WHITMORE  
OR CURRENT RESIDENT  
205 E COLUMBIA DR  
NEWBERG OR 97132

MICHELE VONDRACHEK  
OR CURRENT RESIDENT  
315 NE COLUMBIA DR  
NEWBERG OR 97132

CHURCH PHILIP J  
OR CURRENT RESIDENT  
1836 N CRATER LN  
NEWBERG OR 97132

BRIAN & SUSAN DOAK  
OR CURRENT RESIDENT  
1850 CRATER LN  
NEWBERG OR 97132

LODGE MICHAEL J  
OR CURRENT RESIDENT  
1902 CRATER LN  
NEWBERG OR 97132

RUSHIKESH & EMILY MATKAR  
OR CURRENT RESIDENT  
1916 N CRATER LN  
NEWBERG OR 97132

RACHEL & SAMUEL BREMMER  
OR CURRENT RESIDENT  
37280 NE WILSONVILLE RD  
NEWBERG OR 97132

CATHERINE & KURT FRISCH  
OR CURRENT RESIDENT  
1420 PARKSIDE CT  
NEWBERG OR 97132

FREDERICK & LINDA BOETSCH  
OR CURRENT RESIDENT  
PO BOX 191  
CENTRALIA WA

ALEXANDRA RIALS & STEPHEN  
MCCLINTOCK  
OR CURRENT RESIDENT  
1819 N MAIN ST  
NEWBERG OR 97132

NEWBERG CITY OF  
OR CURRENT RESIDENT  
PO BOX 970  
NEWBERG OR 97132

# Land Use Notice

Planning Division file number: CUP22-0009

Application for Conditional Use: To be used as a short term vacation rental when the owners are not in residence. Maximum occupancy to be 6 people. No on-street parking. No unattended pets. Quiet hours to be enforced after 10pm.

For further information, please contact:  
Newberg Planning & Building Department, 414 E. First Street,  
Phone: 503-537-1240





# 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

## Interactive Planning 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 | Oregon Geospatial Enterprise Office, Hazards FIT | Yamhill County Tax Assessor's Office | Originally created by Jan Wolf 2007-present | City of Newberg Planning Department | Jan Wolf | City of Newberg GIS

File No.: 1032-3925874  
 Printed: 04/29/2022, 1:21 PM  
 Officer/Escrow Officer: Keeley Driscoll/KS  
 Settlement Location:  
 515 E Hancock, Newberg, OR 97132

**First American Title Insurance Company**

515 E Hancock • Newberg, OR 97132  
 Phone: (503)538-7361 Fax: (866)800-7290  
**Final Settlement Statement**



First American

Property Address: 107 West Ashley Court, Newberg, OR 97132

Buyer: Sasha Callahan, Leo Eguchi  
 Seller: Stephen A. Birchall, Justin M. Cummings  
 Lender: Directors Mortgage Inc  
 Settlement Date: 04/29/2022  
 Disbursement Date: 04/29/2022

I hereby certify that this is a true and correct copy of the original.  
 First American Title Company of Oregon

Description	By	Buyer	
		Debit	Credit
<b>Financial</b>			
Sale Price		562,500.00	
Deposit: Receipt No. 103235032 on 04/28/2022 by Sasha Callahan / Leo Eguchi			154,000.00
Deposit: Receipt No. 103234868 on 04/05/2022 by Sasha Callahan / Leo Eguchi			10,000.00
Loan Amount - Directors Mortgage Inc			416,250.00
<b>Prorations/Adjustments</b>			
County Taxes 04/29/22 to 07/01/22 @\$4,148.56/yr		716.05	
Seller Credit			6,200.00
<b>Loan Charges</b>			
Loan Charges to Directors Mortgage Inc			
Prepaid Interest 04/29/22 to 05/01/22 @\$63.863000/day		127.73	
Processing Fee		595.00	
Underwriting Fee		895.00	
1% of Loan Amount (Points)		4,162.50	
Appraisal Fee	POC-B \$895.00		
Credit Report		86.00	
E-Doc		80.00	
Flood Certification		16.00	
Tax Service		89.00	
<b>Impounds</b>			
Aggregate Adjustment			476.56
Homeowner's Insurance 3 mo(s) @\$68.08/mo		204.24	
County Property Taxes 8 mo(s) @\$345.71/mo		2,765.68	
<b>Title Charges &amp; Escrow / Settlement Charges</b>			
Policy: ALTA Lenders - 2006 EXT to First American Title Insurance Company		455.00	
[OTIRO (209.10-06 or 209.3-06, 208.1-06, 222-06)] REM, Location, Environmental Protection to First		100.00	

Description	Buyer	
	Debit	Credit
American Title Insurance Company		
E-recording Fee to First American Title Insurance Company	10.00	
Escrow/Closing Fee to First American Title Insurance Company	1,012.50	
Escrow/Closing Fee - Other (consumer debt payoffs) to First American Title Insurance Company	30.00	
Outside Signing Fee "if needed" to First American Title Insurance Company	167.00	
<b>Government Recording and Transfer Charges</b>		
Record Warranty Deed-First to Yamhill County Clerk	86.00	
Record Deed of Trust-First to Yamhill County Clerk	156.00	
<b>Miscellaneous</b>		
Homeowner's Insurance Premium to Travelers Insurance	817.00	
Payment on Invoice to Energy Guard Windows POC-B \$283.00		
Pay on account to Bank of America	7,822.14	
Pay on account to Bank of America	83.24	
Pay on account to Discover Bank	1,485.65	
<b>Subtotals</b>	584,461.73	586,926.56
Due To Buyer	2,464.83	
<b>Totals</b>	586,926.56	586,926.56



Escrow Officer: Keeley Driscoll



After recording return to:  
Sasha Callahan and Leo Eguchi  
9 Arborway Terrace #2  
Boston, MA 02130

Until a change is requested all tax  
statements shall be sent to the  
following address:

Sasha Callahan and Leo Eguchi  
9 Arborway Terrace #2  
Boston, MA 02130

File No.: 1032-3925874 (kd)  
Date: April 04, 2022

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **202206218**  
DMR-DDMR  
Stn=1030 WANNERK **04/29/2022 10:34:01 AM**  
2Pgs \$10.00 \$11.00 \$5.00 \$60.00 **\$86.00**

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

### STATUTORY WARRANTY DEED

**Justin M. Cummings and Stephen A. Birchall, not as tenants in common, but with rights of survivorship**, Grantor, conveys and warrants to **Sasha Callahan and Leo Eguchi as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**LOT 9, ASHLEY PARK, IN THE CITY OF NEWBERG, YAMHILL COUNTY, STATE OF OREGON.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$562,500.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 3925874

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.

Dated this 27th day of April, 2022.

Stephen A. Birchall  
Stephen A. Birchall

Justin M. Cummings  
Justin M. Cummings

STATE OF Washington )  
County of Pierce )ss.  
Pierce )

This instrument was acknowledged before me on this 27th day of April, 2022 by **Stephen A. Birchall and Justin M. Cummings.**

SUSAN HUGHES  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION # 183915  
COMMISSION EXPIRES 08/17/2024

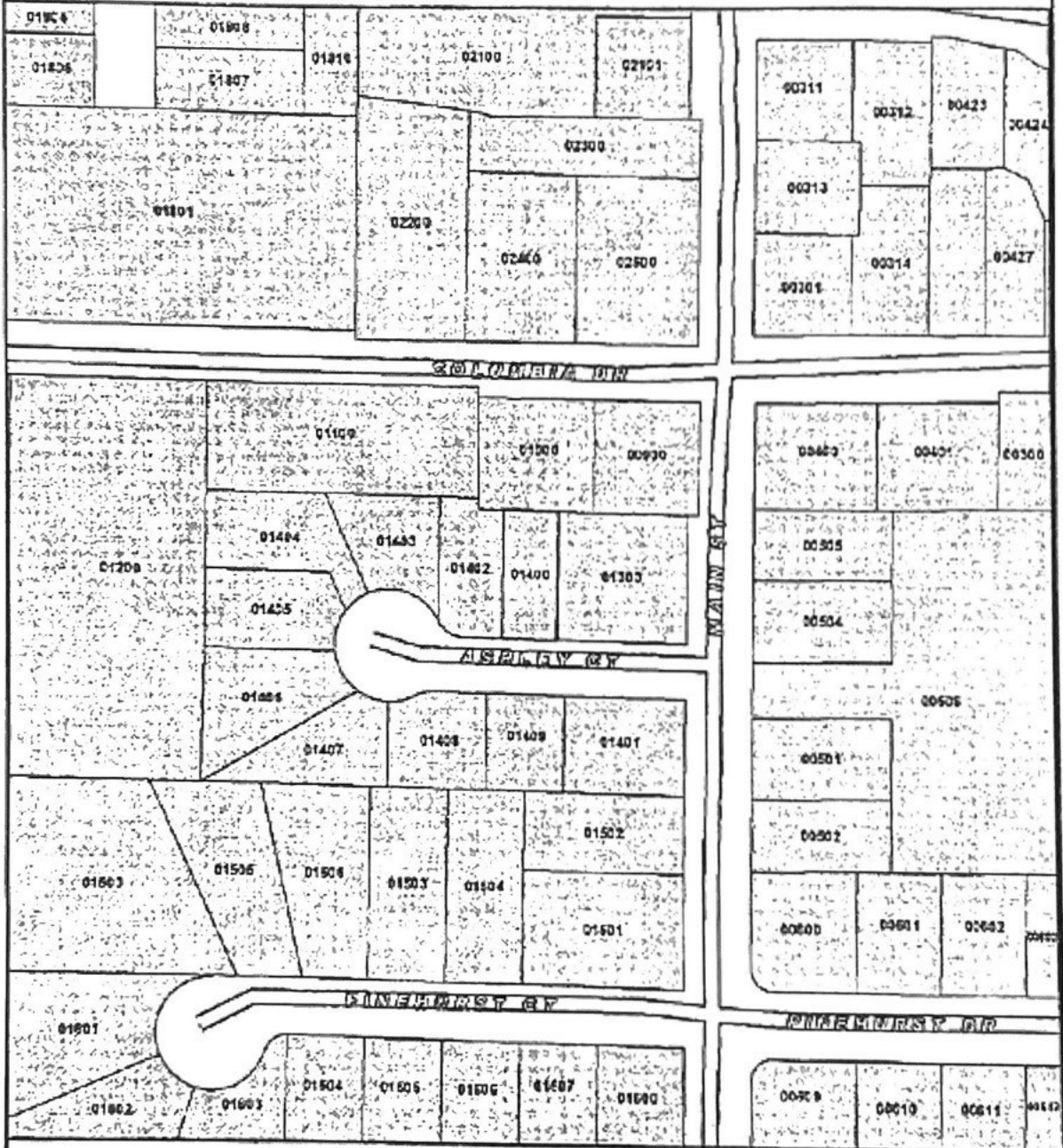
Susan Hughes  
Notary Public for Washington  
My commission expires: 08/17/2024

Notarized online using audio-video communication  
This Notarial act involved the use of communication technology.



First American Title

R3218AC 01400  
107 W Ashley Ct  
Newberg, OR 97132



# Taxlot



Subject

Taxlot

4/5/2022

First American Title Insurance Company, Member FDIC, is an Equal Opportunity Lender. We do not discriminate on the basis of race, sex, religion, national origin, or marital status in our lending practices. For more information, please contact us at 1-800-368-7777. © 2022 First American Title Insurance Company. All rights reserved. This document is provided for informational purposes only and does not constitute an offer of insurance. Please contact your agent for more information.





**First American**

*First American Title Insurance Company*

775 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (666)800-7294

READ & APPROVED

Order No.: 1032-3925874  
April 22, 2022

**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:**

**Clayton Carter**, Title Officer  
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

**Preliminary Title Report**

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.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

**County Tax Roll Situs Address: 107 West Ashley Court, Newberg, OR 97132**

2006 ALTA Owners Standard Coverage	Liability \$	552,500.00	Premium \$	1,083.00 STR
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	416,250.00	Premium \$	455.00
Endorsement 9.10, 22 & 9.1			Premium \$	100.00
Govt Service Charge			Cost \$	25.00
Other			Cost \$	

**Proposed Insured Lender: Directors Mortgage Inc**

**Proposed Borrower: Sasha Callahan and Leo Eguchi**

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 April 01, 2022 at 8:00 a.m., title to the fee simple estate is vested in:

Justin M. Cummings and Stephen A. Birchall, not as tenants in common, but with rights of survivorship

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 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.

~~X~~ City liens, if any, of the City of Newberg.

Note: There are no liens as of April 05, 2022. 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. Easement on the recorded plat/partition as follows: Five Foot Utility

10. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:

Recording Information: November 08, 1994, Film Volume 319, Page 302, Deed and Mortgage Records

X Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: Justin M. Cummings and Stephen A. Birchall, not as tenants in common, but with rights of survivorship  
Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Cardinal Financial Company, Limited Partnership, its successors and assigns  
Trustee: Fidelity National Agency Solutions  
Amount: \$357,000.00  
Recorded: March 24, 2021  
Recording Information: Instrument No. 2021105907, Deed and Mortgage Records

- END OF EXCEPTIONS -

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: NONE

NOTE: We find no matters of public record against Sasha Callahan and Leo Eguchi 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 2021-2022 PAID IN FULL

Tax Amount:	\$4,148.56
Map No.:	R3218AC 01400
Property ID:	40538
Tax Code No.:	29.0

Situs Address as disclosed on Yamhill County Tax Roll:

107 West Ashley Court, 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: Sasha Callahan and Leo Eguchi  
cc: Stephen A. Birchall and Justin M. Cummings  
cc: Directors Mortgage Inc  
4550 SouthWest Kruse Way, Suite 275, Lake Oswego, OR 97035  
cc: Meri Kerekanich, The Kelly Group Real Estate  
215 North Blaine Street, Newberg, OR 97132  
cc: Adrienne Brinkerhoff, More Realty, Inc.  
16037 SW Upper Boones Ferry Rd #150, Tigard, OR 97224

**Exhibit "A"**

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

**LOT 9, ASHLEY PARK, IN THE CITY OF NEWBERG, YAMHILL COUNTY, STATE OF OREGON.**

Arioso House - Sasha Callahan and Leo Eguchi  
107 W Ashley Ct.  
Newberg, OR 97132

## City of Newberg Conditional Use Permit: Written Criteria Response

### **City of Newberg, Municipal Code 15.225.060 General conditional use permit criteria – Type III:**

A.

- The proposed use will be a short-term vacation rental during periods in which the owners (Sasha Callahan and Leo Eguchi) are not in residence.
- The proposed STR is a SFR built in 1995 in the Ashley Park Subdivision.
- The house is a 2-story, 3-bedroom SFR on a 5,728 Sq. Ft. lot. It has direct neighbors to the North, East and West, which are all SFRs.
- During which periods as the owners are away and the property would be used as a STR, it will be managed by Lifestyle Properties, a qualified local STR property management group that will provide a professional lodger screening process and 24-hour assistance during the STR occupation. The management company will perform regular building maintenance plus upkeep of lawn and landscaping. Rental policies will make clear that there will be no noise permitted outside between the hours of 10pm and 7am, and that pets may not be left outside unattended.
- The property has a 2 car garage and 2 car driveway.
- The location, size, design and operating characteristics of the proposed use are expected to have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood.

B.

- The location and plan for this STR will provide attractive and functional accommodations for families and travelers who wish to experience Oregon wine country and have convenient access to George Fox University. The STR is not expected have a negative effect on traffic, as occupancy will be lower than if occupied by full time residents (typically less that 50% of the time).

C.

- The proposed STR will be consistent with Ord. 2451, 12-2-96, Code 2001 §151.210.

### **City of Newberg, Municipal Code: 15.445.300 - 15.445.350**

#### **15.445.300 - Application and Purpose:**

107 W Ashley Ct. is single-family home that will be available, advertised, or listed by an agent as available for use, rent for occupancy for periods of less than 30 days.

#### **15.445.310 Where allowed:**

107 W Ashley Ct. is a single-family dwelling unit zoned as R-1. According to Chapter 15.305 NMC, its use as vacation rental home is allowed with a conditional use permit.

**15.445.320 Registration required:**

In agreement with this application, all information will be submitted with the forms, including the name and contact information for the owner, operator and local contact.

**15.445.330 Standards:**

- A. 107 W Ashley Ct. has a two car garage, plus driveway parking for two additional cars.
- B. Regular refuse collection (trash, recycling, and yard waste) shall be provided.
- C. 107 W Ashley Ct. has 3 conforming bedrooms, with a maximum occupancy of 6 people.
- D. The premises of shall not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.

**15.445.340 Registration posting:**

The STR will have the vacation rental home registration posted adjacent to the front door, containing the following information:

- A. Megan Carda, Owner & Manager, Lifestyle Properties, LLC, 971.832.3399
- B. In the event of an emergency, call: 911 ; Newberg Police Department: [\(503\) 538-8321](tel:5035388321)
- C. Maximum Occupancy: Six (6)
- D. City of Newberg Vacation Rental Standards:
  - Each vacation rental home shall provide a minimum of two (2) parking spaces on the site that are available for 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 15 people. This rental is limited to six 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.
- E. Waste is collected upon the departure of each guest, or every Tuesday if staying over a week.

**15.445.350 Complaints and revocation of registration:**

The owners are fully informed and aware of this code, and will make every effort to follow up on, and resolve any complaints.

**Fees:**

Conditional Use Permit fee = \$2026

+

5% technology fee = .05 x \$2026 = \$101.30

=====

**Total fees due = \$2127.30**

**Attachment 2: Agency Comments**





# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Ashley Smith

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

**APPLICANT:** Sasha Callahan & Leo Eguchi  
**REQUEST:** Conditional Use Permit for a Vacation Rental  
**SITE ADDRESS:** 107 W Ashley Ct  
**LOCATION:** N/A  
**TAX LOT:** R3218AC 014000  
**FILE NO:** CUP22-0009  
**ZONE:** R-1 (Low Density Residential)  
**HEARING DATE:** July 14, 2022



---

Project Information is Attached

---

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

Digitally signed by Will  
DN: c=US, ou=Worthey, o=City of Newberg, cn=Will  
E=will.worthey@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.06.16 15:17:54-0700  
Foxit PhantomPDF Version: 10.1.7

6/16/22

Reviewed By:

Date:

Will Worthey CM

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

**REFERRAL TO: Community Development Director: Doug Rux**

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: July 01, 2022. Please refer questions and comments to Ashley Smith.

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\_\_\_\_\_  
Reviewed By:

6/16/22  
\_\_\_\_\_  
Date:



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**Barbara Davis**  
Digitally signed by Barbara Davis  
DN: CN=Barbara Davis, E=Accountsreceivable@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.06.21 09:35:07-0700  
Foxit PhantomPDF Version: 10.1.7

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**6/21/22**

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Reviewed By:

Date:

**Finance**

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Organization:



COMMUNITY DEVELOPMENT  
LAND USE APPLICATION REFERRAL

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Carl Ramseyer  
Reviewed By:

6/27/22  
Date:

Organization:



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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**Russ Thomas**  
Digitally signed by Russ Thomas  
DN: c=US, ou=Public Works Director, o=City of Newberg, cn=Russ Thomas,  
email=russ.thomas@newbergoregon.gov  
Reason: I am approving this document  
Location: your signing location here  
Date: 2022.06.16 15:53:19-0700  
Foxit PhantomPDF Version: 10.1.7

6/16/22

Reviewed By:

Date:

Public Works Director, City of Newberg

Organization:



## COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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**HEARING DATE:** July 14, 2022

**RECEIVED**

6/16/2022

batesf

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Project Information is Attached

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- Meeting requested.
- Comments. (Attach additional pages as needed)

Reviewed By: \_\_\_\_\_

6/16/22

Date: \_\_\_\_\_

Organization: \_\_\_\_\_



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Bret Musick

Reviewed By:

CON PW-Engineering

Organization:

6/24/22

Date:



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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**Jeff Kosmicki**  
Digitally signed by Jeff Kosmicki  
DN: O=Chief of Police, CN=Jeff Kosmicki, E=jeff.kosmicki@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.06.16 17:34:52-0700  
Foxit PhantomPDF Version: 10.1.7

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**6/16/22**

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Reviewed By:

Date:

**Newberg-Dundee Police Departmt**

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Organization:



**REFERRAL TO: Building Official: Brooks Bateman**

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: July 01, 2022. Please refer questions and comments to Ashley Smith.

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**HEARING DATE:** July 14, 2022



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 Reviewed; recommend denial for the following reasons:  
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 Meeting requested.  
 Comments. (Attach additional pages as needed)

  
\_\_\_\_\_  
Reviewed/By:

6.23.22  
Date:



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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**April Catan**

Digitally signed by April Catan  
DN: c=US, ou=Operations, o=City of Newberg, cn=April Catan,  
email=april.catan@newbergoregon.gov  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2022.06.28 06:50:43-0700  
Foxit PhantomPDF Version: 10.1.7

**6/28/22**

Reviewed By:

Date:

**City of Newberg**

Organization:



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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\_\_\_\_\_  
Reviewed By: \_\_\_\_\_

6/17/22  
Date: \_\_\_\_\_

**City of Newberg**  
\_\_\_\_\_  
Organization: \_\_\_\_\_



# COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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- Comments. (Attach additional pages as needed)

Reviewed By:

6/21/22

Date:

City of Newberg - Operations

Organization:



COMMUNITY DEVELOPMENT  
LAND USE APPLICATION REFERRAL

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- Reviewed; recommend denial for the following reasons:
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- Meeting requested.
- Comments. (Attach additional pages as needed)

Reviewed By:

Zipty Fiber

Organization:

6/16/22

Date:

### **Attachment 3: Public Comments**

June 29, 2022

Ken and Linda Woodward  
112 W Ashley Court  
Newberg, Oregon 97132

RE: Short-term vacation rental - CUP22-0009  
Arioso House – Sasha Callahan and Leo Eguchi  
107 W Ashley Ct.  
Newberg, OR 97132

Dear Newberg Planning Commission:

We would like to share our concerns regarding 107 W Ashley Ct becoming a short-term rental in our quiet cul-de-sac.

- Municipal Code: 15.445.300 states 107 W Ashley Ct. property will be available for use, rent for occupancy for periods of **less than 30 days**.

**Concerns:** We heard this house will also be used as an extended rental for displaced families who will be staying longer than the 30 days allowed by this Code. If this information is accurate, and 107 W Ashley Ct becomes a STR, will you enforce this Code which states occupancy will be less than 30 days?

If this Code is not adhered to, what will the City do? Will you revoke their conditional use permit?

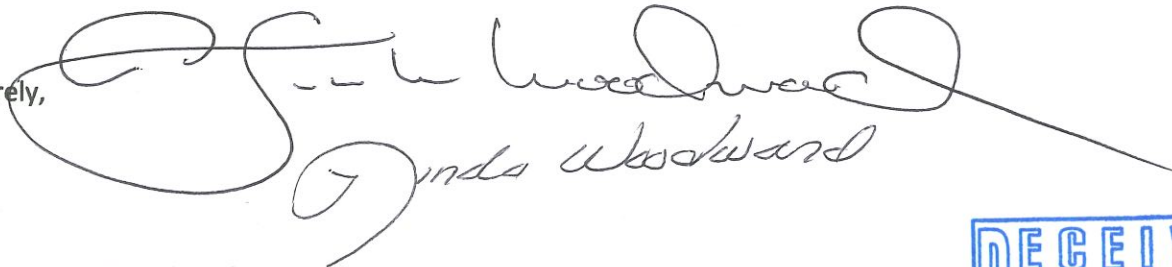
- Municipal Code: 15.445.340 states this rental is limited to 6 total occupants. (renters)

**Concerns:** When the “renters” invite other people to this house it will create more traffic, noise and parking issues. It is stated “no” street parking. Does this apply to the renters guests?

- Will there be a minimum age to rent? Can college students rent this house?
- We are concerned that the value of our home will decline because of the STR?

Thank you for taking the time to review and evaluate our concerns.

Sincerely,



Ken and Linda Woodward



Woodwards  
112 Ashley Ct  
Newberg OR 97132



Written Comments: CWP 22-0009  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132