

PLANNING COMMISSION STAFF REPORT
VACATION RENTAL CONDITIONAL USE PERMIT
1738 E Darby Court

HEARING DATE: January 12, 2023

FILE NO: CUP22-0013

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

LOCATION: 1738 E Darby Court

TAX LOT: R3220CA 00913

APPLICANT/OWNER: Tyler Van Hoomissen

ZONE: R-2 (Medium Density Residential)

PLAN DISTRICT: MDR (Medium Density Residential)

ATTACHMENTS:

Planning Commission Order 2023-01 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 three-bedroom home as a vacation rental located at 1738 E Darby Court. The use as a vacation rental would provide accommodations to families and travelers that want to experience wine country. The applicant has stated that one off-street parking space will be available in the garage and one in the driveway for use by short-term tenants. The application has a no party policy and enforced quiet hours. The applicant reached out to staff to remove the no pets policy from the initial application. The applicant stated they would like the freedom to decide later if pets are allowed. The subject property is zoned R-2 (Medium Density Residential). Attachment 1 contains the submitted application.
- B. LOCATION:** 1738 E Darby Court



C. SITE INFORMATION:

1. Location: 1738 E Darby Court
2. Total Lot Size: 2,613 square feet
3. Topography: Flat
4. Current Land Uses: Single family residential
5. Natural Features: Vegetation
6. Adjacent Land Uses:
 - a. North: Single-family residential
 - b. South: Single-family residential
 - c. East: Single-family residential
 - d. West: Single-family residential
7. Zoning:
 - a. North: R-2 (Medium Density Residential)
 - b. South: R-2 (Medium Density Residential)
 - c. East: R-2 (Medium Density Residential)
 - d. West: R-2 (Medium Density Residential)
8. Access and Transportation: Access to the vacation rental will occur via E Darby Court. E Darby Court is classified as a local residential street in the City's Interactive Planning Map. E Darby Court is a paved road.
9. Utilities:

Water: The City's GIS illustrates a 8-inch water main in E Darby Court with an existing service lateral to the property.

Wastewater: The City's GIS illustrates a 8-inch wastewater line in E Darby Court with an existing service lateral to the property.

Stormwater: The City's GIS illustrates a storm collector system drains into the gutter and then into the City's stormwater system.

Overhead Lines: The property is not served by overhead power 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:

- 11/10/22: The Community Development Director deemed the application complete.
- 12/9/22: The applicant mailed notice to the property owners within 500 feet of the site.
- 12/10/22: The applicant posted notice on the site.
- 12/28/22: The *Newberg Graphic* published notice of the Planning Commission hearing and notice was posted in four public places.
- 1/12/23: 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. Building Official: Reviewed, no conflict
2. City Manager: Reviewed, no conflict
3. Community Development Director: Reviewed, no conflict
4. Finance: Reviewed, no conflict
5. Chief of Police: "Normally I do not infringe on what others want to do with their own property however, I've noted an increasing number of vacation rental homes coming across my desk. I only point this out because one of the council goals is affordable housing. Other cities have seen the price of homes for families become unaffordable and listed this as the reason. I have reviewed this without conflict but wanted to offer my comments."

6. Director of Public Works: Reviewed, no conflict
7. Public Works Maintenance Superintendent: Reviewed, no conflict
8. Public Works Wastewater: Reviewed, no conflict
9. Public Works Water Superintendent: Reviewed, no conflict
10. Zply Fiber: Reviewed, no conflict.

F. PUBLIC COMMENTS: As of the writing of this report, the City has not received public comments on the proposal.

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 in the house is six (6) based on the current three bedrooms in the home. There are two off-street parking spaces, one in the driveway and one 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 2023-01, which approves the requested conditional use permit with the attached conditions of approval in Exhibit “B”.



PLANNING COMMISSION ORDER 2023-01

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP22-0013 FOR A
VACATION RENTAL HOME AT 1738 E DARBY COURT, YAMHILL COUNTY
TAX LOT R3220CA 00913**

RECITALS

1. Tyler Van Hoomissen applied for a conditional use permit for a vacation rental home at 1738 E Darby Court, Yamhill County Tax Lot R3220CA 00913.
2. After proper notice, the Newberg Planning Commission held a public hearing on January 12, 2023, 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 CUP22-0013 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 January 27, 2023, 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 12th day of January 2023.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit “A”: Findings

Exhibit “B”: Conditions of Approval

**Exhibit “A” to Planning Commission Order 2023-01
Findings – File CUP22-0013
Vacation Rental at 1738 E Darby 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 in an existing three-bedroom, single-family dwelling in a neighborhood southeast of Downtown Newberg. The property owners are planning to use the dwelling as a short-term vacation rental for families and travelers. Bookings will be done through Airbnb and the site maintenance and management will be managed by the owners.

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

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

Finding: The location of the dwelling is attractive for a vacation rental due to its proximity to downtown Newberg. The downtown area is less than a mile to the northwest. A vacation rental is a compatible use with other residential uses because it is similar in size and scope to a long-term rented (longer than 30-days) or owned dwelling. This criterion is met.

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

Finding: The vacation rental standards are addressed in findings below; if the development complies with the standards of NMC Section 15.445.300, the application will be consistent with code requirements.

B. Applicable Criteria - NMC 15.445.300 Vacation Rental Homes

15.445.310 Where allowed.

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

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

Finding: The subject property is zoned R-2. The table below is an excerpt from Chapter 15.305 of the NMC, which states vacation rental homes are permitted as a conditional use in the R-2 zone. The owner has applied for conditional use permit approval for the proposed vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

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

This criterion is met.

15.445.320 Registration required.

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

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

15.445.330 Standards.

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

B. The applicant shall provide for regular refuse collection.

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

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

Finding: The proposed vacation rental would be in an existing three-bedroom single-family dwelling. There is one off-street parking space available on the existing driveway and one in the

garage. The applicant will be responsible for providing for regular refuse collection and has indicated that service is currently set up with Waste Management. Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services, in order to comply with this Section of the NMC. The home has three bedrooms; therefore, the maximum number of guests is limited to six (6). Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests. The owner has proposed at least two off-street parking spaces. 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: The applicant has acknowledged the requirements listed in NMC Section 15.445.340 and has stated that they will comply with these requirements. Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: Tyler Van Hoomissen

Phone Number: (408) 528-4394

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

Max Number of Guests: Six (6)

Trash Pick-Up Day: Friday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 6 people.
- The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

The requirements of Section 15.445.040 will be met with the adherence to the aforementioned conditions of approval.

15.445.350 Complaints and revocation of registration.

If the city receives two or more written complaints within a one-year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.

B. Impose additional conditions necessary to fulfill the purpose of this section.

C. Establish a probationary period to monitor compliance.

D. Dismiss the complaint.

E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170.

Finding: The City will follow the procedures listed above in the event complaints are received about the vacation rental home. The applicant's narrative acknowledges Section 15.445.050 complaints and revocation of registration. The applicants have indicated they understand the potential for an approval to be revoked if the requirements for operating a vacation rental are not adhered to.

C. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit "B".

**Exhibit “B” to Planning Commission Order 2023-01
Conditions of Approval – File CUP22-0013
Vacation Rental Home at 1738 E Darby 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. **Refuse Collection:** Prior to the use of the home as a vacation rental, the property must be enrolled in regular weekly refuse collection services.
3. **Parking:** Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy. The owner is conditioned to keep at least two off-street parking spaces available for use of vacation rental guests.
4. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: Tyler Van Hoomissen

Phone Number: (408) 528-4394

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

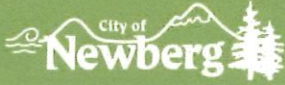
Max Number of Guests: Six (6)

Trash Pick-Up Day: Friday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 6 people.
- 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 #: CUP22-0013

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: Tyler Van Hoomissen
 ADDRESS: 2650 Coeur D Alene Dr, West Linn, OR 97068
 EMAIL ADDRESS: tylervanhoomissen@gmail.com
 PHONE: 408-528-4394 MOBILE: 408-528-4394 FAX: _____
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: _____ PHONE: _____
 ADDRESS: _____

GENERAL INFORMATION:

PROJECT NAME: The Darby House PROJECT LOCATION: 1738 E Darby Ct, Newberg, OR 97132
 PROJECT DESCRIPTION/USE: Vacation rental
 MAP/TAX LOT NO. (i.e.3200AB-400): B3220CA 00913 ZONE: R2 SITE SIZE: _____ SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: Flat
 CURRENT USE: Single family residential
 SURROUNDING USES:
 NORTH: Residential SOUTH: Residential
 EAST: Creek + park WEST: Residential

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

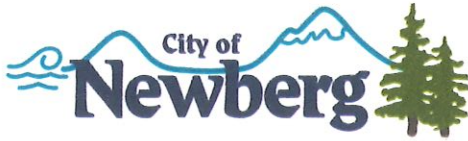
The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application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

10/19/22
 Applicant Signature Date

Tyler Van Hoomissen
 Print Name

10/19/22
 Owner Signature Date

Alexandria Van hoomissen
 Print Name



FILE #: CUP22-0013

COMMUNITY DEVELOPMENT
PLANNING DIVISION
(503) 537-1240
planning@newbergoregon.gov

VACATION RENTALS CRITERIA APPLICATION

NOTE TO APPLICANTS - PROVIDE THIS INFORMATION WITH A TYPE II or TYPE III LAND USE APPLICATION AND A BUSINESS LICENSE APPLICATION.
For questions on this form, please contact the Planning Division at 503-537-1240 or email: planning@newbergoregon.gov.

SITE INFORMATION:

Address: 1738 E Darby Ct, Newberg, OR 97132	
Applicant Name: Tyler Van Hoomissen	
Mailing Address: 2650 Coeur D Alene Dr, West Linn	State/Zip: CA 97068
Phone: 408-528-4394	Email: tylervanhoomissen@gmail.com
This is a single-family house: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No House Type: _____	

FUTURE REQUIREMENTS:

Initial to commit to meeting these requirements if the vacation rental application is approved.

 T.V. I/we will register and pay the transient lodging tax each year.

 T.V. I/we will post the vacation rental home registration that contains the information listed in the Development Code in [15.445.340](#).

 T.V. I/we understand the complaint process and revocation of registration listed in the Development Code in [15.445.350](#).

GENERAL INFORMATION:

Provide a brief description of your proposed vacation rental including how it will be rented out.

We will be renting the house as a whole, no individual rooms.

We will be using AirBnB for the bookings to ensure that the guests are responsible and that everyone involved is covered should anything happen.

It will be rented on a short term basis but also may host longer stays as well, up to 30 days. We live 30 minutes away, close enough to respond to any issues.

VACATION RENTALS CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in [15.445.330](#).

1. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants. Please state where those parking spaces will be located.

The home has a one car garage where one car can be parked. The second parking spot is in the designated driveway of the home.

The guests will be instructed to park in these two spaces.

2. The applicant shall provide for regular refuse collection. Please state the location and collection day.

The refuse and recycle cans will be placed in front of 1738 E Darby Ct so as not to block or disturb any other residents.

Collection day is: Fridays.

3. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people. Please state how you'll meet this criterion.

The home is 3 bedrooms and will have an occupancy cap of 6 people.

4. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy. Please state how you'll meet this criterion.

We will have a notice in our property listing that no one may occupy a recreational vehicle, trailer, tent or temporary shelter during their stay.

We also have cameras on the property and would be able to see if a guest were to break this rule so we could remedy the situation.

CONDITIONAL USE CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in [15.225.060](#).

1. The location, size, design and operating characteristics of the vacation rental 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 the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the use.

In our listing and house rules which are sent prior to a guest's arrival, we will make note of the fact that this is a peaceful neighborhood and we want to keep it that way.

The use of this property will be compatible with the surrounding environment.

Since there are only 6 guests allowed there will be no traffic or other issues regarding the use of the streets or neighborhood.

Parties will not be allowed and quiet time will be noted as 10pm-8am.

2. The proposed vacation rental 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.

Our intention with this property is to supply a peaceful and beautiful space for people to visit Oregon Wine country and experience all that Newberg has to offer.

We want to help the economy of Newberg and its surrounding towns by bringing in people who are interested in the area.

The home is catered to adult professionals and should not bring any disruption to the surrounding environment.

We will be promoting local restaurants, coffee shops, wineries and bars in our listing and welcome book hoping that the guests will take advantage of the proximity of downtown Newberg.

As homeowners we take pride in keeping our home clean, cared for and free of disrepair. We know that it is an investment and our intention is to be a useful part of the community.

We have a cleaning crew, yard maintenance and a handyman to ensure the home is an attractive part of the neighborhood. The home will be rented as a whole, never room by room.

Other/Continued Response Section:

Project Statement

We are a local family that lives 30 minutes from Newberg. Our goal with this STR is to be a useful part of the community. We want to attract upstanding people who are interested in getting to know Oregon Wine Country on a personal level. We will promote local shops and restaurants and encourage people to take a look at what Newberg has to offer.

We live close enough that we can address any issues personally should they arise. We will also have a cleaning crew and handyman who live locally to assist us and can be called in the event of an emergency. They will be contracted, not employees.

The home will be rented as a whole, never room by room which will ensure a simple in and out procedure and maintain a neighborhood environment. The home will be rented up to 30 days at a time by one person or group. There will be an occupancy cap of 6 people at a time. Quiet hours will be posted as 10pm-8am, 7 days a week. Parties will not be allowed. Pets will not be allowed so there will be no disturbance by animal noise. The guests will have two designated parking spots.



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

September 22, 2022
 File Number: 563836AM
 Report No.: 2
 Title Officer: Jennifer Rush Email: jenny.rush@amerititle.com

PRELIMINARY TITLE REPORT

Property Address: 1738 E Darby Ct, Newberg, OR 97132

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	\$435,000.00	\$915.00
Proposed Insured: Tyler Van Hoomissen and Alexandria Van Hoomissen	Reissue Rate	
ALTA LENDER'S RESIDENTIAL (X) EXTENDED () STANDARD (Simultaneous)	\$326,250.00	\$401.00
Proposed Insured: Central Trust Bank, its successors and/or assigns as their interest may appear		
Endorsements: OTIRO - End 209.10-06, 222-06 and 208.1-06		\$100.00
Local Government Lien Search		\$50.00

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

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

and dated as of 21st day of September, 2022 at 7:30 a.m., title is vested in:

Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety

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

FEE SIMPLE

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

GENERAL EXCEPTIONS:

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

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

SPECIAL EXCEPTIONS:

Tax Information:

Taxes assessed under Code No. 29.0 Account No. 710192 Map No. 3220CA 00913

NOTE: The 2021-2022 Taxes: \$3,563.58, are Paid

6. The 2022-2023 Taxes: A lien not yet due or payable.
7. City liens, if any, of the City of Newberg.
8. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
9. Agreement to Maintain Private Stormwater Facilities, including the terms and provisions thereof,
Recorded: January 3, 2018
Instrument No.: [2018-00165](#)
10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: City of Newberg
Recorded: March 8, 2018
Instrument No.: [2018-03309](#)
11. Easements as shown on the official [plat](#) of said Land.
12. Restrictions as shown on the official plat of said Land.

13. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$332,000.00
Trustor/Grantor: Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety
Trustee: First American Title Insurance Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for CMG Mortgage Inc., DBA CMG Financial
Dated: September 10, 2021
Recorded: September 15, 2021
Instrument No.: [2021-18681](#)
14. 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.

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

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

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

INFORMATIONAL NOTES:

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

Parties:

Tyler Van Hoomissen
Alexandria Van Hoomissen

NOTE: THIS IS A TITLE ONLY ORDER, and as such this office will not be performing any escrow functions such as document preparation, wiring or payoff information, signings, closing protection letters and/or sub-escrows. For questions pertaining to your escrow,
Please contact: WFG National Title Insurance Company- Team Sheila
Address: 9200 SE Sunnybrook Blvd. Ste. 350 Clackamas OR 97015
Phone No.: (503)353-9975
Reference: 22-426384

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

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

NOTE: The following is the last deed of record affecting said Land,
Document: Statutory Warranty Deed
Grantor: Nova Grace LLC, an Oregon limited liability company
Grantee: Eric James Scruggs and Lauren J. Scruggs, as tenants by the entirety
Recorded: June 22, 2018
Instrument No.: 2018-08756

NOTE: This Report No. 2 was updated to reflect the following changes:

1. Added proposed insured
2. Modified loan amount

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

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

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

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

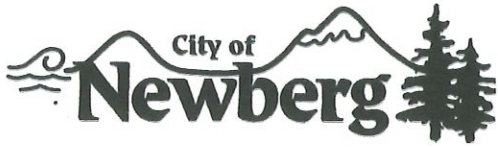
This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

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

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 12, NOVA GRACE, City of Newberg, Yamhill County, Oregon.



Community Development Department

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

NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT

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

The application would change the land use of this 0.7 acre parcel to allow a short term rental property. No changes are being done to the property or site.

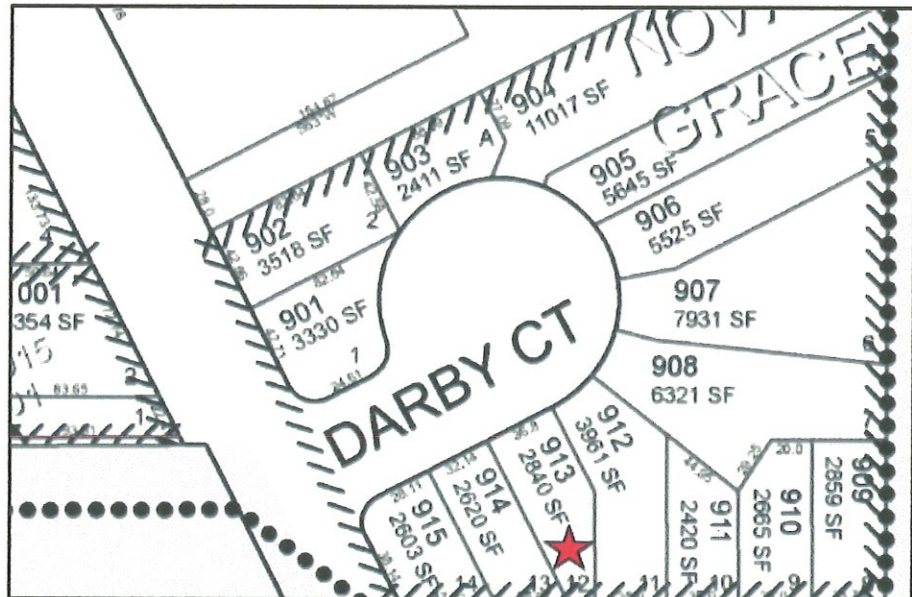
APPLICANT: *Tyler Van Hoomissen*
TELEPHONE: *408-528-4394*

PROPERTY OWNER: *Tyler & Alex Van Hoomissen*

LOCATION: *1738 E Darby Ct, Newberg, OR 97132*

TAX LOT NUMBER: *B3220CA 00913*

Insert site map with the project location highlighted as shown on the adjacent sample map.



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

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

Written Comments: File No.XX (City staff will give you the file number for
City of Newberg your project at the time of application)
Community Development Department
PO Box 970
Newberg, OR 97132

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

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

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

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

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

Date Mailed: *Date notice is mailed*

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

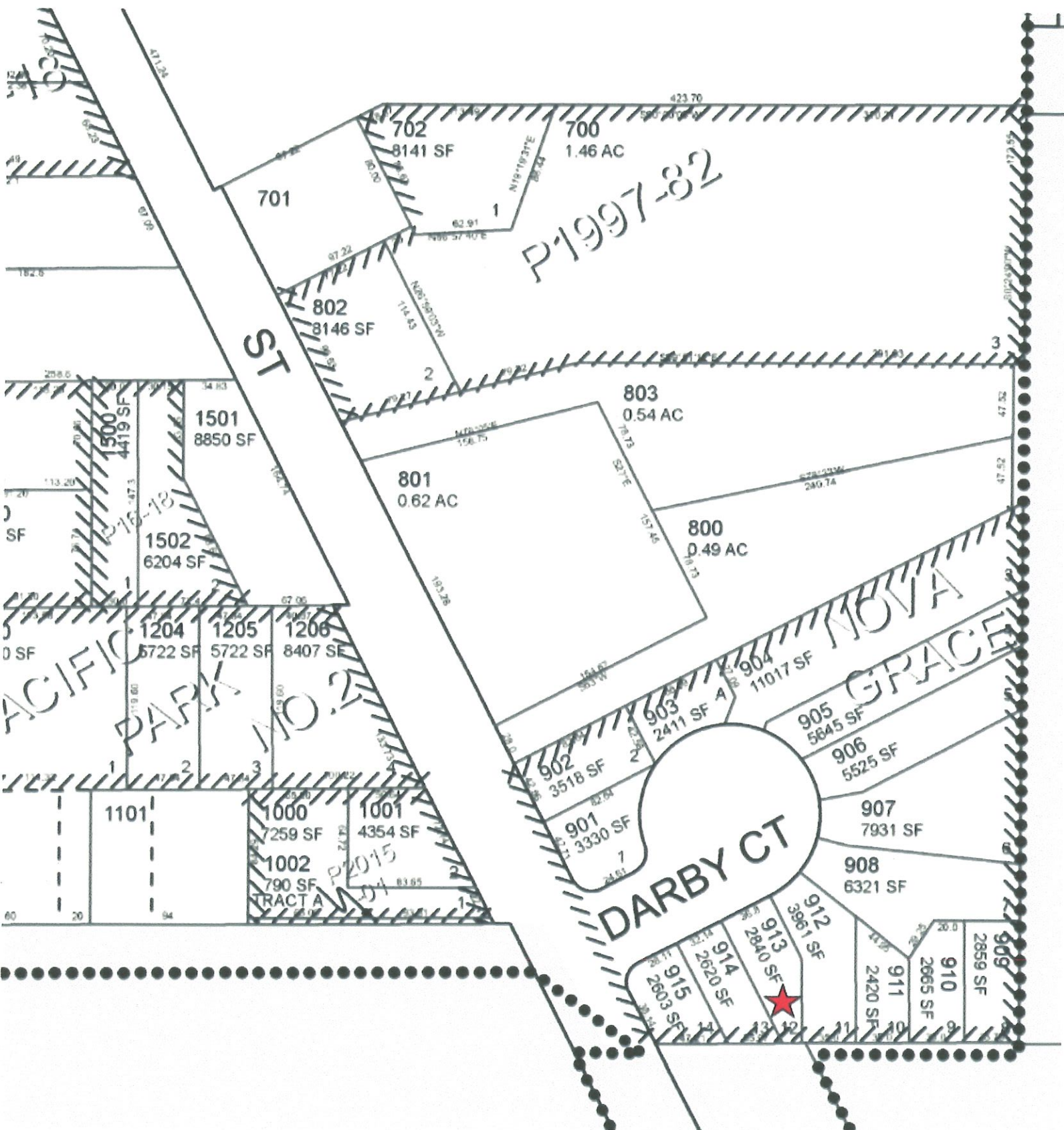
In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact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

Working Together For A Better Community-Serious About Service"

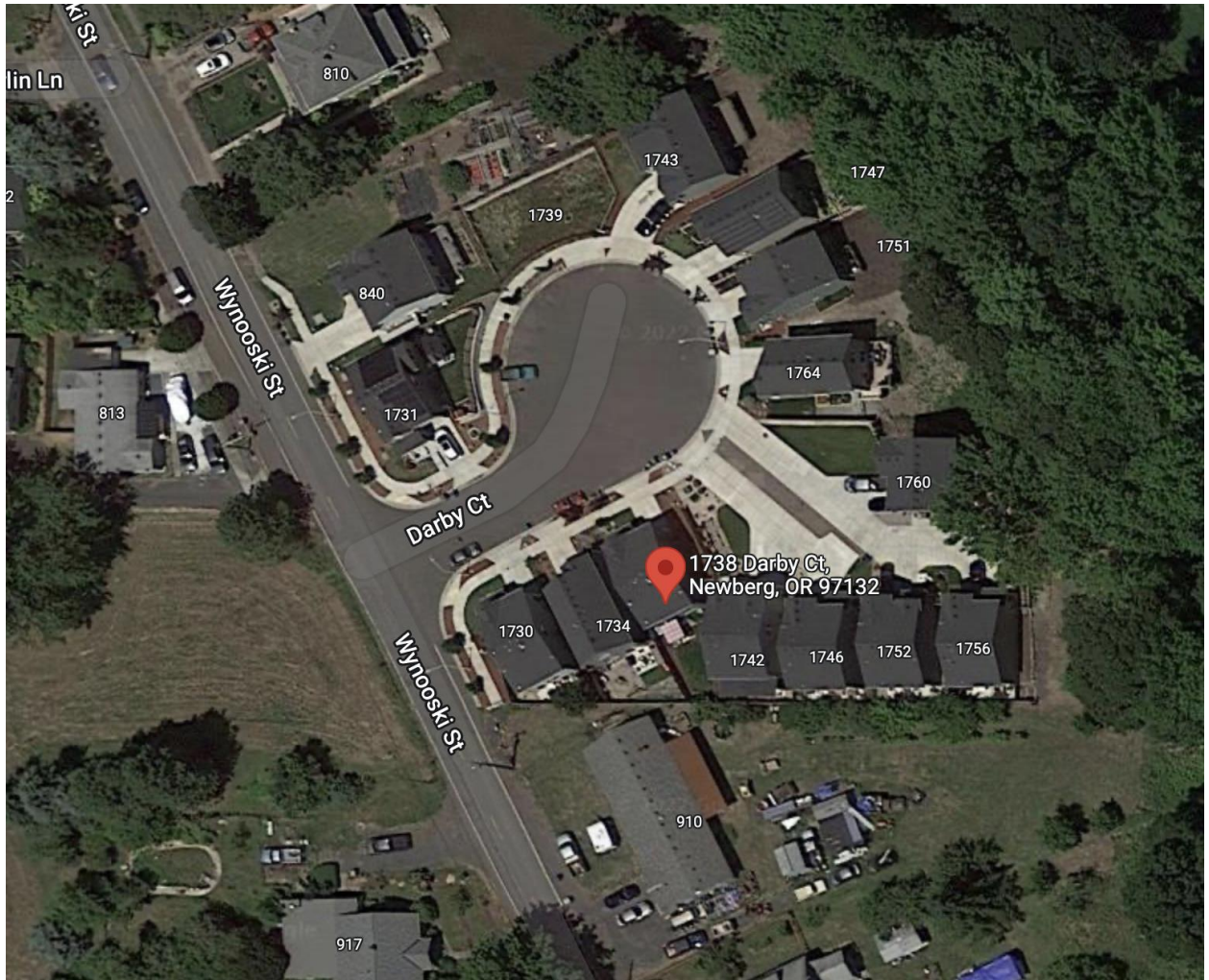
Z:\FORMS\nOTICE TEMPLATES\PC Mailed Notice - CUP.doc

OwnerNameLabelFormat	SiteAddr	SiteCity	SiteState	SiteZIP
Antonio Clement	1525 Mill Ct	Newberg OR		97132
Kenneth & Theresa Leard	910 Wynooski St	Newberg OR		97132
Thomas Robertson	1521 Mill Ct	Newberg OR		97132
Nathan & Kristen Seaton	1524 Mill Ct	Newberg OR		97132
Sara Ewen & Matthew Bird	1016 Mill Pl	Newberg OR		97132
Patricia Espinal & Pedro Hernandez	1014 Mill Pl	Newberg OR		97132
Edith Pena & Ruben Jimenez	1010 Mill Pl	Newberg OR		97132
Eustolio Arreola Sr & Grace Arreola	1008 Mill Pl	Newberg OR		97132
Jonathan Martling	1002 Mill Pl	Newberg OR		97132
Ryan Voss	920 Mill Pl	Newberg OR		97132
James & Kimberly Tingey	918 Mill Pl	Newberg OR		97132
Randy Miller	718 Wynooski St	Newberg OR		97132
Faviola Olivares	724 Wynooski St	Newberg OR		97132
Casey Cappoen	1610 Merlin Ln	Newberg OR		97132
Larry Savarino	1616 Merlin Ln	Newberg OR		97132
Andra Lunstrum & Kathleen Mann	1622 Merlin Ln	Newberg OR		97132
Scott & Sheri Twenge	1713 E 11th St	Newberg OR		97132
Leard Living Trust	918 Wynooski St	Newberg OR		97132
Dave Jeffery	805 Wynooski St	Newberg OR		97132
Daren & Derek Rodrigues	813 Wynooski St	Newberg OR		97132
Michael & Nikki Deakon		Newberg OR		97132
Clare Sunderland	730 Wynooski St	Newberg OR		97132
Scott & Karin Majdecki	810 Wynooski St	Newberg OR		97132
James & Viva Wheaton	740 Wynooski St	Newberg OR		97132
Kelly Phelps & Patrick Thomas	803 Wynooski St	Newberg OR		97132
Salvador & Abel Rojo	815 Wynooski St	Newberg OR		97132
Ricardo Chimelis	835 Wynooski St	Newberg OR		97132
Stephen & Vivian Townsend	1604 Merlin Ln	Newberg OR		97132
Noe Perez	1528 Paradise Dr	Newberg OR		97132
Michael Pauli	809 Wynooski St	Newberg OR		97132
Terry & Linda Holdahl	721 Wynooski St	Newberg OR		97132

Christine Darby	1012 NE Wynooski Rd	Newberg	OR	97132
Noe Hernandez	1701 E 11th St	Newberg	OR	97132
Norman & Lorren Smith	917 NE Wynooski Rd	Newberg	OR	97132
Jason & Haily Windell	1731 E Darby Ct	Newberg	OR	97132
Derek Rodrigues Jr	840 Wynooski St	Newberg	OR	97132
Britney & Austin Ragland	1743 E Darby Ct	Newberg	OR	97132
Aron & Annie Moore	1747 E Darby Ct	Newberg	OR	97132
Abriana & Amber Wedin	1751 E Darby Ct	Newberg	OR	97132
Hughes Family Trust	1764 E Darby Ct	Newberg	OR	97132
Randall & Kimberly Guillory	1760 E Darby Ct	Newberg	OR	97132
Tarren & Rebecca Engberg	1756 E Darby Ct	Newberg	OR	97132
Philp Casper & Angela Stalker	1752 E Darby Ct	Newberg	OR	97132
Hannah & Jeremy Benedict	1746 E Darby Ct	Newberg	OR	97132
Octavio Antillon & Rosangelica Alcaraz	1742 E Darby Ct	Newberg	OR	97132
Dylan & Grace Kodad	1734 E Darby Ct	Newberg	OR	97132
Baune Family Trust	1730 E Darby Ct	Newberg	OR	97132







Attachment 2: Agency Comments



COMMUNITY DEVELOPMENT
LAND USE APPLICATION REFERRAL

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: Jan 5, 2023
Please refer questions and comments to: Sam Gudmestad

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

APPLICANT: Tyler Van Hoomissen
REQUEST: Vacation Rental
SITE ADDRESS: 1738 E Darby Court
LOCATION: N/A
TAX LOT: R3220CA 00913
FILE NO: CUP22-0013
ZONE: R2 (Mediam Density Residential)
HEARING DATE: 1/12/2023



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)

Brooks Bateman
Reviewed By:

12-22-22
Date:

BUILDING
Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

Doug Rux

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Reviewed By:

12/26/22
Date:

City of Newberg
Organization:



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12/21/22

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Organization:

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Sam Gudmestad
Reviewed By:

12/28/22
Date:

Finance
Organization:

City of Newberg Interest In Real Property

**Internal Municipality Use Only,
Not Valid for Commercial Title Search**

This document serves as constructive notice of the
City of Newberg's interest in the real property identified below.

Property Address	1738 E DARBY CT
Zone	R-2
Maptaxlot Number	03S02W20CA00913

Search performed by Barbara Davis of City of Newberg on Dec 28, 2022 at 02:56:08 P.M. PST

Tracking Number: 2192292

Access PIN: 8027

No items found for this property





COMMUNITY DEVELOPMENT
LAND USE APPLICATION REFERRAL

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Reviewed By:

12/30/2022
Date:

Newberg-Dundee Police Dept.
Organization

CUP22-0013

Normally I do not infringe on what others want to do with their own property however, I've noted an increasing number of vacation rental homes coming across my desk. I only point this out because one of the council goals is affordable housing. Other cities have seen the price of homes for families become unaffordable and listed this as the reason. I have reviewed this without conflict but wanted to offer my comments.

Jeff Kosmicki
Chief of Police
Newberg-Dundee Police Department
City of Newberg
Direct: 503-537-1246





COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, CN=April Catan, E=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location:
Date: 2022.12.22 06:40:27 -08'00'
Foxit PDF Editor Version: 12.0.0

12/22/22

Reviewed By:

Date:

City of Newberg

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Russ Thomas
Digitally signed by Russ Thomas
DN: cn=US, ou=Public Works Director, o=City of Newberg, CN=Russ Thomas, E=russ.thomas@newbergoregon.gov
Reason: I am the author of this document
Location:
Date: 2022.12.22 07:26:40-08'00'
Font: PDF_Editor_Version: 12.0.0

12/22/20

Reviewed By: _____

Date: _____

Public Works Director - City of Newberg

Organization: _____



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Daniel L Wilson

Reviewed By:

Date:

Organization:



COMMUNITY DEVELOPMENT
LAND USE APPLICATION REFERRAL

Brooks Bateman

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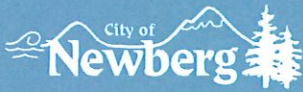
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Brooks Bateman
Reviewed By:

12-22-22
Date:

BUILDING
Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Reviewed By:

12/26/22
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City of Newberg
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Reviewed By:

Zipty Fiber Scott Albert Network Engineer

Organization:

12/22/22

Date: