



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: CUP23-0014

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: Julie Foster Giffin
ADDRESS: 637 SW Keck Drive #221 **CITY:** McMinnville **STATE:** OR **ZIP:** 97128
EMAIL ADDRESS: Juliegiffin4@gmail.com **PHONE:** 8184684266 **MOBILE:** 8184684266

OWNER (if different from above): Dave & Ellen Hendry **PHONE:** 8187203164
ADDRESS: 3830 4th Avenue **CITY:** La Crescenta **STATE:** CA **ZIP:** 91214

ENGINEER/SURVEYOR: N/A **CONTACT:** _____
EMAIL ADDRESS: _____ **PHONE:** _____ **MOBILE:** _____

GENERAL INFORMATION:

PROJECT LOCATION: 3841 Shelly Court, Newberg, OR 97132 **PROJECT VALUATION:** \$ 574,900
PROJECT DESCRIPTION/USE: Short Term Vacation Rental
MAP/TAX LOT NO. (i.e. 3200AB-400): R3207AC 00118 **SITE SIZE:** 1846 **SQ. FT.** **ACRE**
COMP PLAN DESIGNATION: _____ **CURRENT ZONING:** R-1 LD
CURRENT USE: R-1 Low Density Residential **TOPOGRAPY:** _____

SURROUNDING USES:
NORTH: R-1 Low Density Residential **SOUTH:** R-1 Low Density Residential
EAST: R-1 Low Density Residential **WEST:** R-1 Low Density Residential

ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that is included)

- General Checklist:** Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature
 2 -Hard copies of full Application Packet 1 -Digital Copy of Full Application Packet

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

Annexation	p. 11
Comprehensive Plan / Zoning Map Amendment (site specific)	p. 18
Conditional Use Permit	p. 22
Short Term Rental	p. 26
Historic Landmark Modification/Alteration	p. 37
Planned Unit Development	p. 41

The Application Packet can be submitted to Planning@newbergoregon.gov or at 414 E First St., Newberg OR. 97132
2 physical copies must be mailed or brought into the Community Development Department

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.

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief.

Julie Foster Giffin
 Applicant Signature Date 8-21-23

[Signature]
 Owner Signature Date 8-21-23

Julie Foster Giffin
 Print Name

DAVE HENDRY
 Print Name

NEWBERG PERMIT CENTER FEE SCHEDULE

Effective Date:
April 1, 2023

5% TECHNOLOGY FEE WILL BE ADDED TO TOTAL FEES (Resolution No. 2016-3268)

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
OTHER: ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$202
HOME OCCUPATION BUSINESS LICENSE REVIEW	\$202
ADU DESIGN REVIEW	\$202
COTTAGE CLUSTER DESIGN REVIEW	\$404
PROPERTY CONSOLIDATION	\$202
CODE ADJUSTMENT	\$505
* DESIGN REVIEW (DUPLEX OR COM. /IND. MINOR ADDITION REVIEW)	0.3% OF PROJECT VALUE, \$505 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$202
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
* PARTITION FINAL PLAT	\$1,015 + \$88 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$1,015
SIGN REVIEW	\$89 + \$1.00 PER SQ. FT. OF SIGN FACE
* SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$2,034 + \$88 PER LOT OR UNIT
HISTORIC LANDMARK MINOR ALTERATION/DEMOLITION	\$0
TYPE II (LAND USE DECISION)	
OTHER- ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$1,015
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$202
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
* DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS)	0.6% OF TOTAL PROJECT COST, \$1,015 MINIMUM
* PARTITION PRELIMINARY PLAT	\$1,015 + \$88 PER PARCEL
* SUBDIVISION PRELIMINARY PLAT	\$2,034 + \$88 PER LOT
VARIANCE	\$1,015
TYPE III (QUASI-JUDICIAL REVIEW)	
OTHER- ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$2,155
ANNEXATION	\$2,833 + \$270 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2,655
CONDITIONAL USE PERMIT	\$2,155
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$202
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$2,471
* SUBDIVISION PRELIMINARY PLAT	\$2,034 + \$88 PER LOT
* PLANNED UNIT DEVELOPMENT	\$4,304 + \$88 PER LOT
ZONING AMENDMENT (SITE SPECIFIC)	\$2,684
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$3,053
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$3,053
APPEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$582
TYPE I OR II APPEAL TO CITY COUNCIL	\$1,055
TYPE III APPEAL TO CITY COUNCIL	\$1,239
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (That are not designed to reculate the physical characteristics of a use permitted outright)	\$326
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCIL	50% OF EXHIBITOR LICENSE FEE
OTHER FEES	
TECHNOLOGY FEE (This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fee)	5% OF TOTAL
TREES IN PUBLIC RIGHT-OF-WAY REMOVAL PERMIT	\$10.50
EXPEDITED LAND DIVISION	\$7,563 + \$88 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$4,833
VACATION OF PUBLIC RIGHT-OF-WAY	\$2,005
FEE-IN-LIEU OF PARKING PROGRAM	\$16,231 PER VEHICLE SPACE
VERTICAL HOUSING DEVELOPMENT ZONE FEES	\$600 CERTIFICATION & APPLICATION FEE \$400 ANNUAL MONITORING FEE
BIKE RACK COST SHARING PROGRAM	\$100 PER RACK
LICENSE FEES	
GENERAL BUSINESS	\$50
HOME OCCUPATION	\$25
PEDDLER/SOLICITOR/STREET VENDOR	NO FEE (GENERAL BUSINESS LICENSE FEE ONLY)
EXHIBITOR	\$148
TEMPORARY MERCHANT	\$120/45 DAYS OR \$401/PERPETUAL

* ADDITIONAL LAND USE REVIEW FEES – ENGINEERING DEPARTMENT

PLANNING REVIEW, PARTITION, SUBDIVISION & PUD'S (TYPE II/III APPLICATIONS).....	\$329.90 FIRST 19 LOTS + \$14.66 PER LOT OVER 19
FINAL PLAT REVIEW: PARTITION & SUBDIVISION	\$329.90 + \$8.29 PER LOT OR PARCEL
DEVELOPMENT REVIEW FOR PUBLIC IMPROVEMENTS ON COMMERCIAL, INDUSTRIAL, INSTITUTIONAL ZONES, & MULTIFAMILY DEVELOPMENTS	\$461.37 1ST ACRE + \$263.54 PER ADDITIONAL ACRES

VACATION RENTALS AND BED AND BREAKFAST CONDITIONAL USE PERMIT CHECKLIST

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

Submit one (1) original 8 ½" x 11" or 11" x 17" reproducible document together with 2 copies of the following information:

- FEES
- PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list of all properties within 500'. *(This can be requested from a title company.)*
- CURRENT TITLE REPORT (within 60 days old)
- WRITTEN CRITERIA RESPONSE - Address the criteria listed on page 21 and [15.445.330](#) Vacation Rental Home standards or [15.445.010](#) Bed and Breakfast Establishments standards.
- PROJECT STATEMENT - Provide a written statement that addresses the operational data for the project, including hours of operation, number of employees, traffic information, odor impacts, and noise impacts.
- EXISTING PROPERTY MAP - Make sure the maps are at least 8 ½ x 11 inches in size and the scale is standard. An aerial picture of the property can be used as the existing property map (such as Google Maps). Where applicable, include the following information in the map(s) (information may be shown on multiple pages):
 - Site Features:** Indicate the location and footprint of all on-site buildings and other facilities such as mail delivery, and trash disposal.
 - Off-Street Parking:** Show proposed vehicular parking spaces and how the spaces meet the off-street parking requirements.
 - Signs and Graphics:** Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features. *NA*
 - Other:** Show any other site elements which will assist in the evaluation of the site and the project.

TYPE III SHORT TERM RENTAL CRITERIA

THERE ARE SEVERAL TYPES OF SHORT-TERM RENTALS:

BED & BREAKFAST ESTABLISHMENT (2 OR FEWER ROOMS): *(Only Zones R-1 is Type III Process)*

Is a structure designed as a single-family dwelling and occupied by an on-site manager (property occupant/property owner) in which 2 or fewer sleeping units are provided for periods of less than 30 days for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.

BED & BREAKFAST ESTABLISHMENT (3 OR MORE ROOMS):

Is a structure designed as a single-family dwelling and occupied by an on-site manager in which 3 or more sleeping units are provided for periods of less than 30 days for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. This use is also typically known as a traditional bed & breakfast.

GENERAL REQUIREMENTS: [NMEC15.445.010](#)

- The structure used for a [bed and breakfast establishment](#) shall be designed for and occupied as a single-family residence. The structure shall maintain the characteristics of a single-family residence.
- All residences used for bed and breakfast establishments shall be applicant occupied.
- A minimum of one off-street [parking space](#) shall be provided for every two permitted guest sleeping rooms. In addition, parking standards normally required for single-family residences will apply.
- The duration of each guest's stay at the bed and breakfast establishment shall be limited to no more than seven consecutive days and no more than 15 days within a 30-day period.
- Bed and breakfast establishments located in other than single-story buildings shall provide permanent or portable fire escape systems from the upper floor(s) in a manner acceptable to the Newberg fire department.
- All bed and breakfast establishments shall conform to the requirements of the current edition of the Oregon Structural Specialty Code and Oregon Fire [Code](#).

VACATION RENTAL HOMES: *(Only Zones R-1 & R-2 is Type III process)*

A single-family dwelling unit that is used, rented or occupied for periods of less than 30 days, or is available, advertised, or listed by an agent as available for use, rent for occupancy for periods of less than 30 days. The purpose is to maintain the peace, quiet, traffic patterns, and property maintenance typical for the residential neighborhood.

GENERAL REQUIREMENTS: [NMC15.445.300-340](#)

- The [vacation rental home](#) must be a **structure** approved for occupancy as a [single-family dwelling](#) unit.
- The 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 15 people.
- The premises of the vacation rental home may not include any occupied [recreational vehicle](#), [trailer](#), tent or temporary shelter during the rental occupancy.
- 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 City Staff. The registration shall include such information required by the City, including the name and contact information for the [owner](#), operator and a local contact.

- 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.

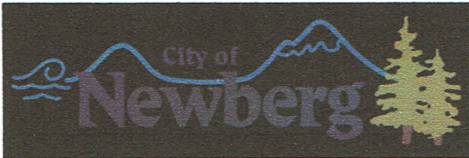
COMPLAINTS AND REVOCATION OF REGISTRATION. [NMC15.445.350](#)

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](#).



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

FILE #: _____

VACATION RENTALS CRITERIA FORM

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: 3841 N. Shelly Court, Newberg, OR 97132	
Applicant Name: Julie Foster Giffin	
Mailing Address: 637 SW Keck Drive, #221 McMinnville	State/Zip: OR 971289
Phone: 818-468-4266	Email: juliegiffin4@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.

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

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

 JG 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.

The proposed use of this house is a short term rental (STR) when the owners are not in residence. The home will be occupied several times per year by the owners and when they are not in residence, the planned use is a short term rental. The property will be rented out on AirBnB and VRBO.

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.

This home has the requisite minimum of 2 parking spaces on site. Both are in the driveway. If needed, additional cars can park in the garage as well as through the gate along the right side of the house.

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

We will set up refuse collection with Waste Management.

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.

This home has 4 bedrooms and will be available to a maximum of 8 occupants.

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.

This information will be part of our house rules and will be stated on our vacation rental listings.

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.

The property will be occupied part-time by the owners (a husband and wife and from time to time with their family). When the owners are not in residence, the planned use is as an STR. The house rules and listing will state that renters must be considerate of neighbors with regard to noise (with no outside noise before 9 am and after 10 pm), parking, trash and general demeanor. There is plenty of off street parking available so there should be little to no impact to surrounding streets.

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.

The house itself is already in great condition with a beautiful and well maintained backyard and outdoor space. There is an automatic sprinkler system in place. We will hire the services of a landscaping service to help maintain the yard. We will also employ a cleaning service to clean and maintain the home in between renters. The home will provide a convenient and functional living space for couples and families staying there.

Other/Continued Response Section:

Project Statement for 3841 Shelly Ct, Newberg, OR

This proposed short-term rental will provide a beautiful, convenient, and functional living space for families and couples when visiting Newberg, the Willamette Valley and all that it has to offer, when the owners are not in residence. The months/hours of operation will be year-round, 24 hours per day when we have guests/bookings. We will list the home on Airbnb and VRBO.

The home has 4 bedrooms and will allow for a maximum of 8 occupants. There are several off-street parking spaces available including 2 in the driveway, 2 in the attached garage, and 2 along the right side of the house. See attached images for locations of all the above as well as exterior and interior home images.

We will employ a landscape service to help maintain the property. The home is equipped with an automatic sprinkler system in the front and back yards. We will employ a cleaning service to clean and maintain the home in between guests. Additionally, we will have trash collection set up weekly and may employ the services of maintenance/repair services when required.

The STR will be managed by the applicant (who lives locally and is the owner's daughter). She will be available at any time for renters and their needs.

This STR will have a vacation rental home registration adjacent to the front door with the following info –

- 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 (8)
- D. The standards for rental occupancy.
- E. The solid waste collection day.

Owner and applicant are fully aware and understand the complaints and revocation of registration code and will make every effort to avoid complaints and where necessary follow up with all complaints.



PRELIMINARY REPORT

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

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

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

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

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

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

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

Countersigned

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

Peter Harris



115 N College St., Ste 2, Newberg, OR 97132
(503)542-1400 FAX (866)454-4637

PRELIMINARY REPORT

ESCROW OFFICER: MaryJane Hendrix
TeamMaryJane@TicorTitle.com
(503)542-1400

ORDER NO.: 471823126380
LENDER REF.: 54032306658899

TITLE OFFICER: Deborah Clark

TO: Ticor Title Company of Oregon
115 N College St., Ste 2
Newberg, OR 97132

ESCROW LICENSE NO.: 201208074

OWNER/SELLER: Heidi Tsohantaridis and Demetrius Tsohantaridis, Trustees under the Smith Living Trust dated January 14, 2020, as to an undivided 1/2 interest and Demetrius Tsohantaridis and Heidi Tsohantaridis, Trustees under the Hoffman Living Trust dated January 14, 2020, as to an undivided 1/2 interest

BUYER/BORROWER: David A. Hendry and Ellen E. Hendry

PROPERTY ADDRESS: 3841 Shelly Court, Newberg, OR 97132

EFFECTIVE DATE: July 17, 2023, 08:00 AM

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

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2021 Owner's Standard (Short Term Rate)	\$ 581,500.00	\$ 1,105.00
OTIRO Endorsement No. 110		\$ 0.00
ALTA Loan Policy 2021 Extended Lender's Proposed Insured: CrossCountry Mortgage, LLC, its successors and/or assigns as their respective interests may appear	\$ 407,050.00	\$ 450.00
OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current Violations (ALTA 9.10-06)		\$ 100.00
OTIRO 222-06 - Location (ALTA 22-06)		\$ 0.00
OTIRO 208.1 - Environmental Protection Lien (ALTA 8.1 - 2021)		\$ 0.00
Government Lien Search		\$ 25.00

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

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Heidi Tsohantaridis and Demetrius Tsohantaridis, Trustees under the Smith Living Trust dated January 14, 2020, as to an undivided 1/2 interest and Demetrius Tsohantaridis and Heidi Tsohantaridis, Trustees under the Hoffman Living Trust dated January 14, 2020, as to an undivided 1/2 interest

PRELIMINARY REPORT
(continued)

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF NEWBERG, COUNTY OF YAMHILL, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

Lot 18, NATALIE PARK, in the City of Newberg, County of Yamhill and State of Oregon.

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

GENERAL EXCEPTIONS:

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

SPECIFIC ITEMS AND EXCEPTIONS:

- 6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.
- 7. City Liens, if any, in favor of the City of Newberg. None found as of July 20, 2023.
- 8. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;
 - Purpose: Public utility
 - Affects: 8 feet along street frontage
- 9. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 10, 1996
 Recording No: 1996-07349

- 10. Subdivision Compliance Agreement

Recording Date: July 17, 1996
 Recording No.: 1996-11593

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

Amount: \$500,000.00

Dated: May 22, 2023

Trustor/Grantor: Demetrius H. Tsohantaridis and Heidi S. Tsohantaridis, Trustees of their successors in trust under Smith Living Trust, dated January 14, 2020, as to an undivided 1/2 interest and Demetrius H. Tsohantaridis and Heidi S. Tsohantaridis as Trustees, or their successors in trust under the Hoffman Living Trust, dated January 14, 2020, as to an undivided 1/2 interest

Trustee: First American Title Insurance Company

Beneficiary: Randy Smith and Sheryl Smith, as tenants by the entirety

Loan No.: Not Disclosed

Recording Date: June 14, 2023

Recording No: 202305133

Affects other property also

12. Any invalidity or defect in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

If the forthcoming conveyance/encumbrance is to be executed by the original trustee(s), it will not be necessary to furnish a copy of the trust agreement.

13. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

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

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.

ADDITIONAL REQUIREMENTS/NOTES:

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

Fiscal Year: 2022-2023
Amount: \$4,281.36
Levy Code: 29.0
Account No.: 504175
Map No.: R3207AC 00118

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

- B. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: David A. Hendry and Ellen E. Hendry

- C. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.
- D. Note: The State of Oregon requires every ALTA Owner's Policy (07-01-2021) to include the OTIRO 110 Endorsement as a supplement to the definition of Insured in said Owner's Policy's Conditions to confirm coverage is the same for an Oregon Registered Domestic Partner as it is for a Spouse.
- E. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, processing, manufacture, sale, dispensing or use of marijuana and psilocybin, the Company is not able to close or insure any transaction involving Land associated with these activities.
- F. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- G. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Recording Charge (Per Document) is the following:		
County	First Page	Each Additional Page
Yamhill	\$81.00	\$5.00

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

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

Portland Title Group
Attn: Recorder
1455 SW Broadway, Suite 1450
Portland, OR. 97201

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

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

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

L. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

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

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

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

EXHIBIT ONE
2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021)
EXCLUSIONS FROM COVERAGE

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

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or

- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any reason not stated in the Covered Risk 13.b
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

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, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021)
EXCLUSIONS FROM COVERAGE

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

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection;
- b. any governmental forfeiture, police, regulatory, or national security power
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
3. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
4. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed or agreed to by the Insured Claimant;
 - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;

- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer, or
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

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, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

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

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 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.
- 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.
- 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.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

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

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 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.
- 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.
- 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.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



TICOR TITLE™

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

R3207AB08100
NEWBERG CITY OF
PO BOX 970
NEWBERG OR 97132

R320701000
CHEHALEM PARK & RECREATION
DISTRICT
ATTN: BROWN ALLYN ATTORNEY
NEWBERG OR 97132

R3207AC00100
KEVIN FISH
SANDRA FISH
3841 JONES ST
NEWBERG OR 97132

R3207AD03200
DEBBIE ALGA
3622 MORRIS ST
NEWBERG OR 97132

R3207AC00321
ERIC DOUBET
KELSEY DOUBET
3537 MORRIS ST
NEWBERG OR 97132

R3207AC00322
CAROL HOWARD
322 HILLTOP DR
NEWBERG OR 97132

R3207AC00323
BRANDON BAXTER
SIOBHAN BAXTER
314 HILLTOP DR
NEWBERG OR 97132

R3207AC00324
WENDY GREGOR
306 HILLTOP DR
NEWBERG OR 97132

R3207AC00325
WOOD LIVING TRUST
224 HILLTOP DR
NEWBERG OR 97132

R3207AC00326
JOHNATHAN BROSE
COURTNEY MERRIOTT
212 HILLTOP DR
NEWBERG OR 97132

R3207AC00327
JAMES SEELEY
JUDY SEELEY
204 HILLTOP DR
NEWBERG OR 97132

R3207AC00328
MICHAEL VANGRUNSVEN
JERI VANGRUNSVEN
3615 MORRIS ST
NEWBERG OR 97132

R3207AC00329
ARNOLD TURNER III
RENEE TURNER
323 HILLTOP DR
NEWBERG OR 97132

R3207AC00330
MICHAEL RENNICK
PEGGY RENNICK
315 HILLTOP DR
NEWBERG OR 97132

R3207AC00331
ETHAN MOSER
REBECCA MOSER
301 HILLTOP DR
NEWBERG OR 97132

R3207AC00332
BRYAN DANIELSON
SARAH BARBER
227 HILLTOP DR
NEWBERG OR 97132

R3207AC00333
BRIAN MILBOURN
ALEXANDRA MILBOURN
213 HILLTOP DR
NEWBERG OR 97132

R3207AC00334
JAMES NEWMAN
JAYME NEWMAN
201 HILLTOP DR
NEWBERG OR 97132

R3207AC00335
BRENT GUTHRIE
JO EMMA
3619 JONES ST
NEWBERG OR 97132

R3207AC00336
ROGER SHARP
MARY JO SHARP
3607 JONES ST
NEWBERG OR 97132

R3207AD03100
CATHY HOLBROOK
3870 MORRIS ST
NEWBERG OR 97132

R3207AC00103
JAMES MACNAIR
AMY MACNAIR
3203 SOLSTICE LN
NEWBERG OR 97132

R3207AC00104
TRAVIS SMITH
3801 JONES ST
NEWBERG OR 97132

R3207AC00105
JURAN LIVING TRUST
3723 JONES ST
NEWBERG OR 97132

R3207AC00106
MICHAEL CASADY
MARY CASADY
3701 JONES ST
NEWBERG OR 97132

R3207AC00107
CHEHALEM PARK & RECREATION
DISTRICT
414 1ST ST
NEWBERG OR 97132

R3207AC00108
HOWARD FAMILY TRUST
512 MOUNTAIN VIEW RD
EL CAJON CA 92021

R3207AC00109
BRIAN ERNST
VANESSA ERNST
212 NATALIE DR
NEWBERG OR 97132

R3207AC00110
JILLIAN FELIZARTA
WILFRED FELIZARTA
224 NATALIE DR
NEWBERG OR 97132

R3207AC00111
CAITLIN JOHNSON
236 NATALIE DR
NEWBERG OR 97132

R3207AC00112
RONALD CARR
MARSHA CARR
304 NATALIE DR
NEWBERG OR 97132

R3207AC00113
GEORGE BURNSIDE
CAROL BURNSIDE
312 NATALIE DR
NEWBERG OR 97132

R3207AC00114
ARNOLD RAHIER
SHIRLEY RAHIER
311 NATALIE DR
NEWBERG OR 97132

R3207AC00115
ROBERT DAVIS
GLORIA DAVIS
3824 SHELLY CT
NEWBERG OR 97132

R3207AC00116
2011 MORRISON LIVING TRUST
3842 N SHELLY CT
NEWBERG OR 97132

R3207AC00117
CHRISTOPHER MYERS
LISA MYERS
3856 SHELLY CT
NEWBERG OR 97132

R3207AC00119
MARVIN BIXBY
JUDITH BIXBY
3823 SHELLY CT
NEWBERG OR 97132

R3207AC00120
LINDSAY LILLIE
JOSHUA LILLIE
3801 SHELLY CT
NEWBERG OR 97132

R3207AC00121
CHRIS DESANTO
LAURA DESANTO
213 NATALIE DR
NEWBERG OR 97132

R3207AC00122
MICHAEL THOMPSON
VICKI THOMPSON
3800 JONES ST
NEWBERG OR 97132

R3207AC00123
ALAN JONES
1007 BUSCHMANN RD #2
PARADISE CA 95969

R3207AC00124
BRAD NELSON
3842 JONES ST
NEWBERG OR 97132

R3207AD03101
JOHN CLEMONS
SALLY CLEMONS
3850 MORRIS ST
NEWBERG OR 97132

R3207AD03102
CHRISTOPHER STRANGE
3800 MORRIS ST
NEWBERG OR 97132

R3207AD03103
RONALD AULD
PATRICIA AULD
411 NATALIE DR
NEWBERG OR 97132

R3207AD03104
RAUHA RAHKOLA
SARAH RAHKOLA
421 NATALIE DR
NEWBERG OR 97132

R3207AD03108
BOE FAMILY TRUST
412 NATALIE DR
NEWBERG OR 97132

R3207AD03109
JAMES RIGHTMIRE
JOANN RIGHTMIRE
26045 NE VIEW CREST CT
NEWBERG OR 97132

R3207AC00134
EDWARD HOWARD
KELLE HOWARD
336 NATALIE DR
NEWBERG OR 97132

R3207AC00135
324 NATALIE DR
NEWBERG OR 97132

R3207AC00136
DONNA RAMOS
3546 ATLAS ST
SAN DIEGO CA 92111

R3207AC00137
DEBRA DEL SARTO
KYLE CHAPPELL
331 NATALIE DR
NEWBERG OR 97132

R3207AC00138
CONNIE HOLLAND
3823 MORRIS ST
NEWBERG OR 97132

R3207AC00139
RONALD DENNIS
SARAH DENNIS
3841 MORRIS ST
NEWBERG OR 97132

R3207AC00140
KIRBY BLANKENSHIP
LILI BLANKENSHIP
3861 MORRIS ST
NEWBERG OR 97132

R3207AA03200
PHILIP TOLLEFSON
BEVERLY TOLLEFSON
3941 MORRIS ST
NEWBERG OR 97132

R3207AA03300
CANDACE M SHUE
KIMMEE K PATAWARAN
3947 N MORRIS ST
NEWBERG OR 97132

R3207AD05800
SEAN KEETON
JENNIFER KEETON
3872 MORRIS ST
NEWBERG OR 97132

R3207AD05900
MARIKA CONRAD
MICHAEL CONRAD
3867 MORRIS ST
NEWBERG OR 97132

R3207AD06000
LISA FERNANDEZ
JAMES RICE
3873 MORRIS ST
NEWBERG OR 97132

R3207AD06100
MATTHEW BROWN
LAUREN BROWN
3879 MORRIS ST
NEWBERG OR 97132

R3207AD06200
KIAN BROWN
BREE BROWN
3885 MORRIS ST
NEWBERG OR 97132

R3207AD06300
JOHN BUEHLER
SUSAN BUEHLER
3891 MORRIS ST
NEWBERG OR 97132

R3207AD06400
ADAM PHILLIPS
KIMBERLY PHILLIPS
3897 MORRIS ST
NEWBERG OR 97132

R3207AB00500
MICHAEL CAIN
JANET CAIN
307 E TAYLOR DR
NEWBERG OR 97132

R3207AB00600
LINDSAY STOLLER
KENNETH STOLLER
243 E TAYLOR DR
NEWBERG OR 97132

R3207AB00700
KEVIN KOPPLE
NICOLE KOPPLE
304 E TAYLOR DR
NEWBERG OR 97132

R3207AB00800
JEFFREY VINSON
HEATHER VINSON
314 E TAYLOR DR
NEWBERG OR 97132

R3207AB00900
ADDISON HOLLEN
JESSICA HOLLEN
326 E TAYLOR DR
NEWBERG OR 97132

R3207AB01000
GARY BERING
BETH BERING
332 E TAYLOR DR
NEWBERG OR 97132

R3207AC03900
MELANIE MILDENBERGER
JEFFERSON MILDENBERGER
3896 N CHASE ST
NEWBERG OR 97132

R3207AC04000
KATI ZOUCHA
CODY ZOUCHA
3884 N CHASE ST
NEWBERG OR 97132

R3207AC04100
MIGUEL SALAS
CELIA SALAS
3878 N CHASE ST
NEWBERG OR 97132

R3207AC04200
CAROL SNOW
334 E CHANDLER DR
NEWBERG OR 97132

R3207AC04300
JAMES CAMPBELL JR
JUDY CAMPBELL
328 E CHANDLER DR
NEWBERG OR 97132

R3207AC04400
JAMES BROOKS
VALERIE BROOKS
320 E CHANDLER DR
NEWBERG OR 97132

R3207AC04500
TREVOR MARUGG
LAUREN MARUGG
312 E CHANDLER DR
NEWBERG OR 97132

R3207AC04600
KATHLEEN OROZCO
302 E CHANDLER DR
NEWBERG OR 97132

R3207AC04700
JOHN BURROWS
TAYLOR BURROWS
242 E CHANDLER DR
NEWBERG OR 97132

R3207AC04800
JUSTIN ARMSTRONG
DEANNA JOO
230 E CHANDLER DR
NEWBERG OR 97132

R3207AC04900
SAMUEL PORTER
ANGELA PORTER
222 E CHANDLER DR
NEWBERG OR 97132

R3207AC05000
KODY KOSTERS
JANELLE KOSTERS
212 E CHANDLER DR
NEWBERG OR 97132

R3207AC05100
MELISSA ROBINSON
3861 N JONES ST
NEWBERG OR 97132

R3207AC05200
PETER KOZUSHKO
CLARE-LEE KOZUSHKO
3873 N JONES ST
NEWBERG OR 97132

R3207AC05300
STEADMAN HOLLY J REV LIVING
TRUST
3881 N JONES ST
NEWBERG OR 97132

R3207AC05400
MARK THOMAS
CHELSEA THOMAS
105 E CHANDLER DR
NEWBERG OR 97132

R3207AC05500
DANAE GRANDFIELD
111 E CHANDLER DR
NEWBERG OR 97132

R3207AC05600
ERIC PONO
AMY PONO
205 E CHANDLER DR
NEWBERG OR 97132

R3207AC05700
KENNETH GRALL
BRENDA GRALL
215 E CHANDLER DR
NEWBERG OR 97132

R3207AC05800
CARYN WALL
GREG WALL
225 E CHANDLER DR
NEWBERG OR 97132

R3207AC05900
MATTHEW MEINERT
233 E CHANDLER DR
NEWBERG OR 97132

R3207AC06000
FRANCISCO BENETTI
ANN BENETTI
245 E CHANDLER DR
NEWBERG OR 97132

R3207AC06100
DAVID BEASLEY
REBECCA BEASLEY
305 E CHANDLER DR
NEWBERG OR 97132

R3207AC06200
PAUL QUINN
SHARI QUINN
315 E CHANDLER DR
NEWBERG OR 97132

R3207AC06300
BRYON HENDERSON
RHONDA HENDERSON
3895 N CHASE ST
NEWBERG OR 97132

R3207AB01100
DANIEL BOUCHER
DEBRA DUNGAN
239 E TAYLOR DR
NEWBERG OR 97132

R3207AB01200
JARED DAVIS
KELSEY DAVIS
235 E TAYLOR DR
NEWBERG OR 97132

R3207AB01300
STEVEN KELLER
LINDA KELLER
227 E TAYLOR DR
NEWBERG OR 97132

R3207AB01400
LAURA FISK
BRENT FISK
215 E TAYLOR DR
NEWBERG OR 97132

R3207AB01500
DAN GUIMONT
240 E TAYLOR DR
NEWBERG OR 97132

R3207AB01600
TODD BAY
232 E TAYLOR DR
NEWBERG OR 97132

R3207AB01700
DOUGLAS RIGGS
ERICA A RIGGS
224 E TAYLOR DR
NEWBERG OR 97132

R3207AB01800
LEANNE VINSON
JUSTIN VINSON
212 E TAYLOR DR
NEWBERG OR 97132

R3207AB01900
PAUL RUDWICK
KAITLIN RUDWICK
206 E TAYLOR DR
NEWBERG OR 97132

R3207AB02000
OWEN HUNT
CASIE HUNT
128 E TAYLOR DR
NEWBERG OR 97132

R3207AB02100
JULIE BRADSHAW
SETH BRADSHAW
110 E TAYLOR DR
NEWBERG OR 97132

R3207AC06400
JOHN LUCESCU
GEORGETA LUCESCU
102 W TAYLOR CT
NEWBERG OR 97132

City of Newberg Sample Posted notice for 3841 Shelly Ct.
Notice will be the required size (min. 2'x3') and will be printed landscape on the required weatherproof material (white with black lettering). Notice to be posted at least 10 days prior to first hearing.

Land Use Notice

File #: (to be assigned)

**Proposal: Operation of Vacation Rental
Home**

FOR FURTHER INFORMATION, CONTACT:

City of Newberg

Community Development Department

414 E. First Street

Phone: 503-537-1240

PLANNING DIVISION FILE #: _____

**CITY OF NEWBERG
AFFIDAVIT OF NOTICING**

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, JULIE GIFFIN, do hereby certify that the attached Notice of Land Use Action was:

- a) mailed to the following list of property owners, by United States mail, postage prepaid
on _____;
(date)
- b) posted on the site according to standards established in Newberg Development Code §15.100.260
on _____.
(date)

I acknowledge that failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledge that failure to mail will result in the automatic postponement of a decision on the application 15.100.210.(D)(2) _____.
(date)

Signature Date

Print name

AFTER RECORDING RETURN TO:
City of Newberg
Community Development Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

- 1) The undersigned, Dave Hendry and Ellen Hendry (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to operation of vacation rental for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: _____, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

STATE OF OREGON)

) ss.

County of Yamhill)

This instrument was acknowledged before me on this ____ day of _____, 202__, by
 _____ and _____.

 Notary Public for Oregon
 My Commission expires: _____

CITY OF NEWBERG

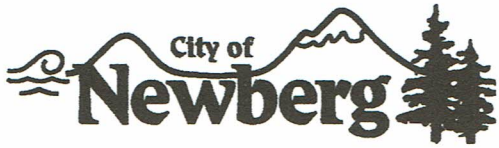
APPROVED AS TO FORM:

 Sue Ryan , City Recorder

 James Walker, City Attorney

Dated: _____

Dated: _____



Community Development Department

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

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

WE WANT YOUR COMMENTS ON A PROPOSED VACATION RENTAL IN YOUR NEIGHBORHOOD

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

The Vacation Rental will provide a place for families and couples when visiting Newberg, the Willamette Valley and all that it has to offer, when the owners are not in residence. This home allows a maximum of 8 occupants and will serve as a vacation rental year-round. The property will be managed locally by the applicant listed below. The owners will employ a landscaping service to maintain the property as well as a cleaning service to clean and maintain the home. There are several off-street parking spots provided, with 2 in the driveway, 2 in the garage and 2 alongside of the house.

APPLICANT: *Julie Foster Giffin*
TELEPHONE: *818-468-4266*

PROPERTY OWNER: *David & Ellen Hendry*

LOCATION: *3841 Shelly Ct, Newberg, OR 97132*

TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number R3207AC 00118*



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed.

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

Written Comments: File 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

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. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All written comments must be turned in by 4:30 p.m. on **enter date two weeks from date you mailed notice.** Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for design review approval are found in Newberg Development Code 15.220.050(B).

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

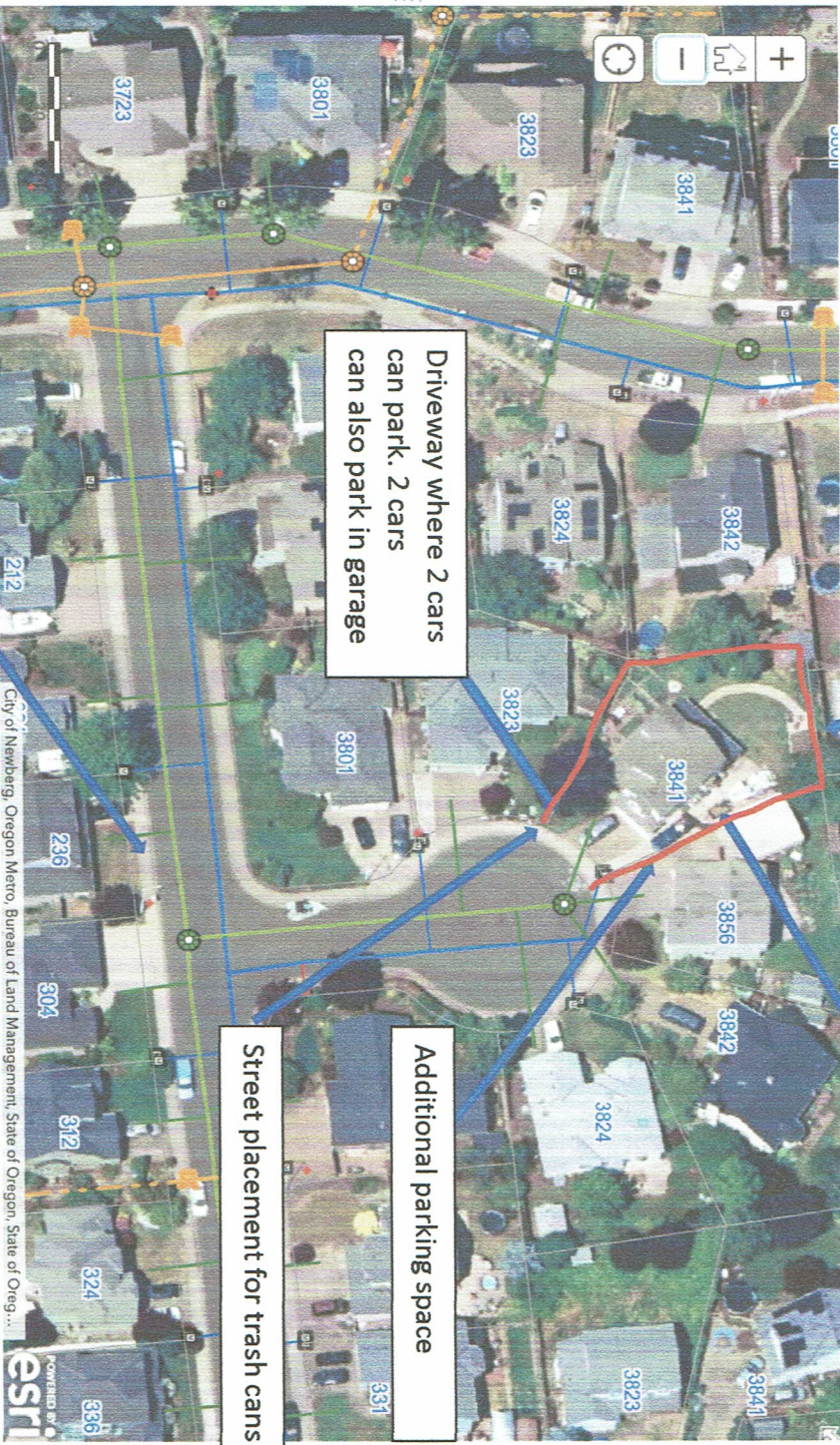
Date Mailed: ***Date notice is mailed***

Public Utilities Map City of Newberg (3841 Shelly Ct)

Legend

- Wastewater Mains
 - Abandoned
 - Removed
 - Force Main
 - Gravity Main
- Wastewater Laterals
 - Abandoned
 - Active
 - Proposed
 - Removed
- Water Meters

[Help](#) [Trust Center](#) [Legal](#) [Contact Us](#)
[Report Abuse](#) [Contact Us](#)



Garden/storage shed

Trash receptacle Storage
alongside house.
Additional parking space

Driveway where 2 cars
can park. 2 cars
can also park in garage

Additional parking space

Street placement for trash cans

Mailbox bank for cul de sac

City of Newberg, Oregon Metro, Bureau of Land Management, State of Oregon, State of Oreg...



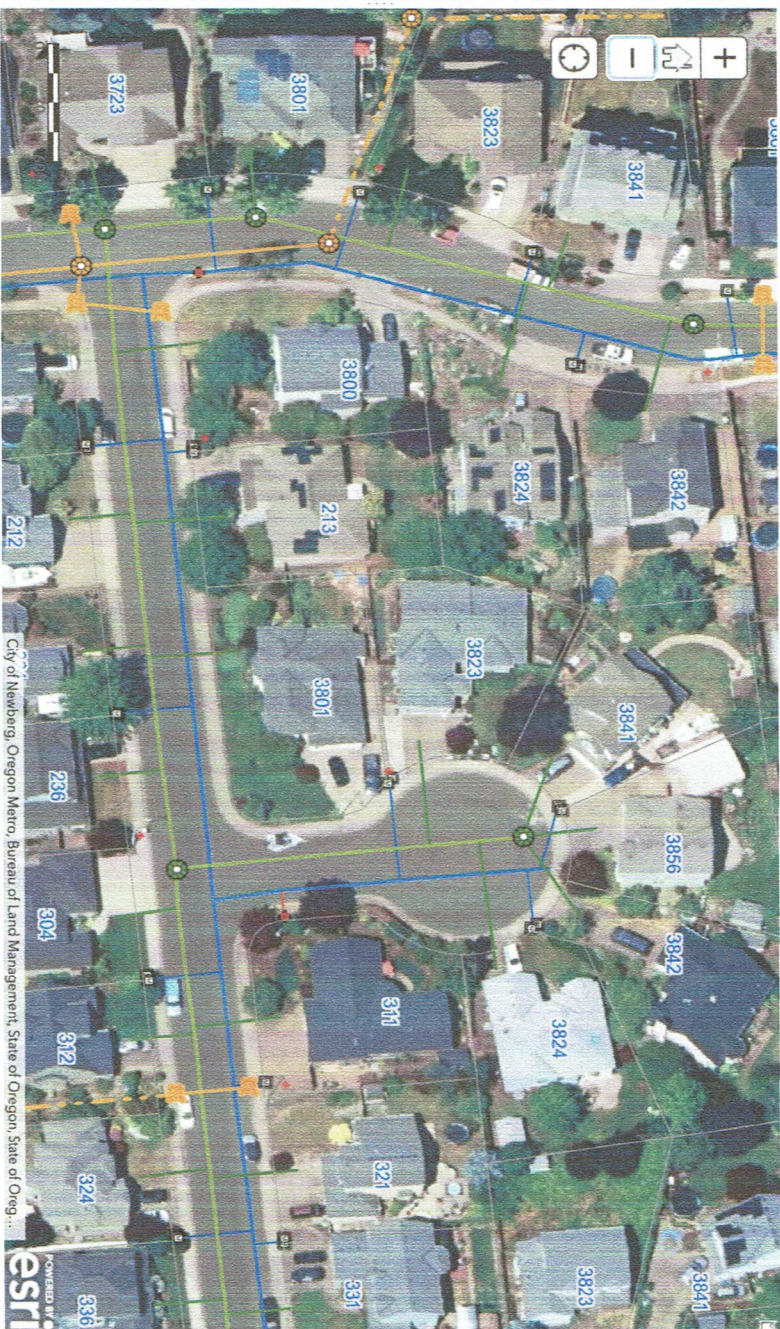
Public Utilities Map City of Newberg (3841 Shelly Ct)

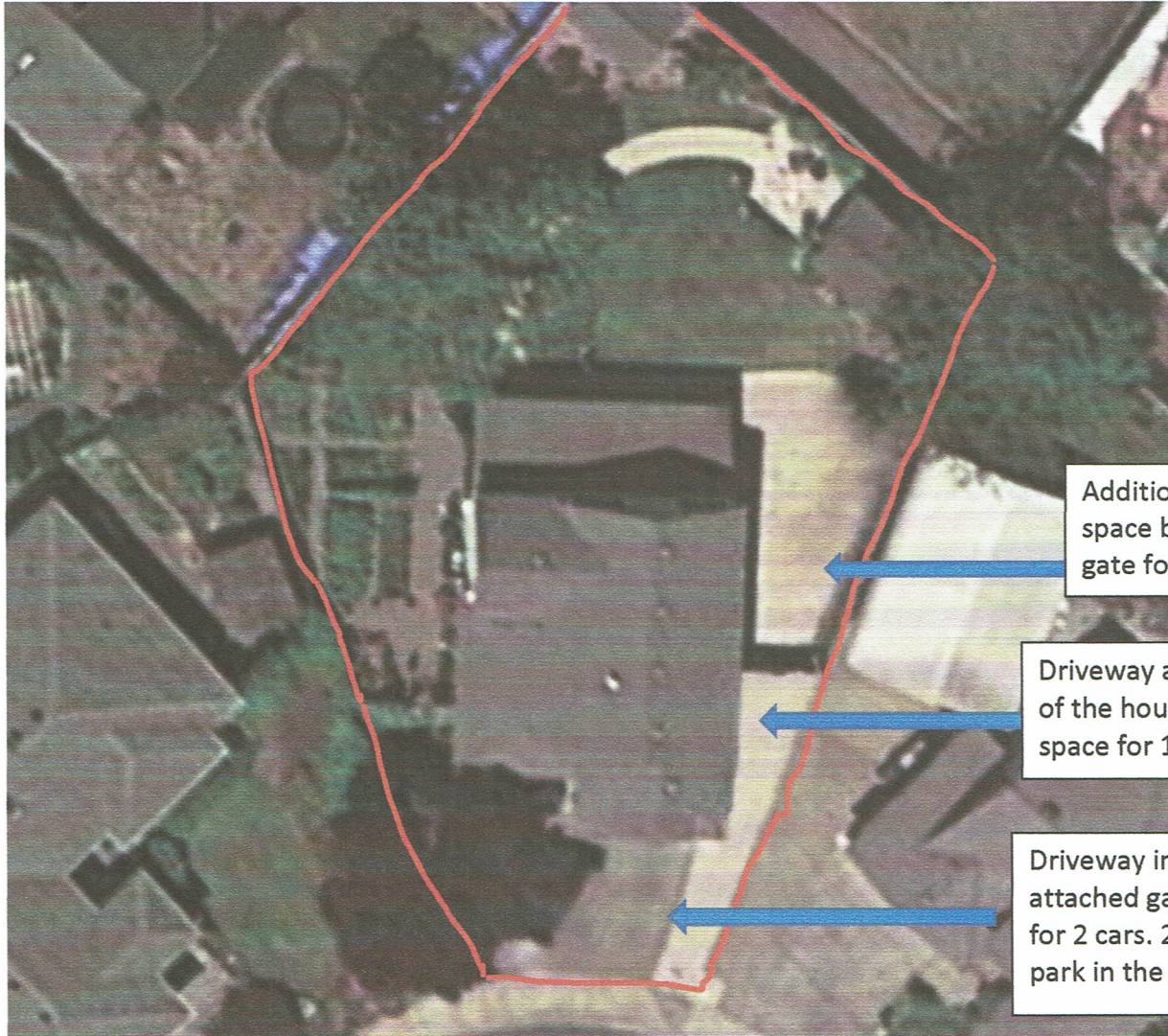
Legend

- Wastewater Mains
 - Abandoned
 - Removed
 - Force Main
 - Gravity Main
- Wastewater Laterals
 - Abandoned
 - Active
 - Proposed
 - Removed
- Water Meters

Help Trust Center Legal
Report Abuse Contact Us

Contact Esri





Additional parking space beyond the gate for 1 car.

Driveway alongside of the house with space for 1 car.

Driveway in front of attached garage with space for 2 cars. 2 cars may also park in the garage.

3841 Shelly Ct, Newberg, OR 97132
8,276 Sq Foot Lot
1,846 Sq Foot Home
Built 1996
2 Stories

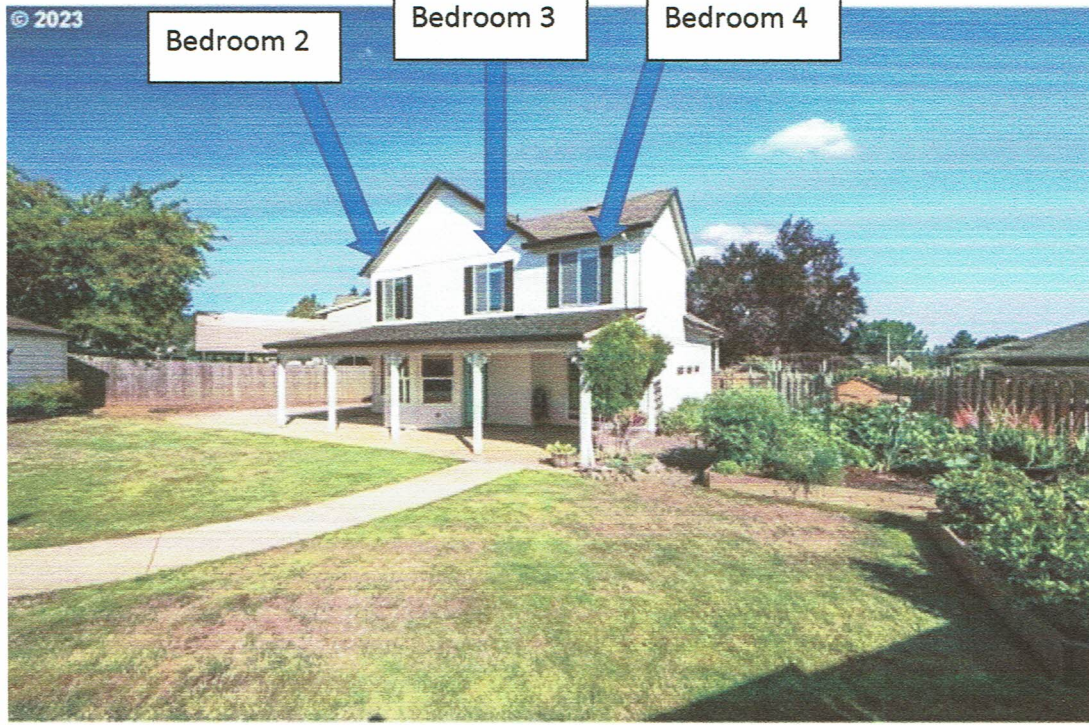
4 Bedrooms
2 ½ Bathrooms
Forced Air, Hot Water
Central A/C
Attached 2 car garage



Primary/Master
Bedroom and Bathroom

Exterior front of
House

Front Entrance



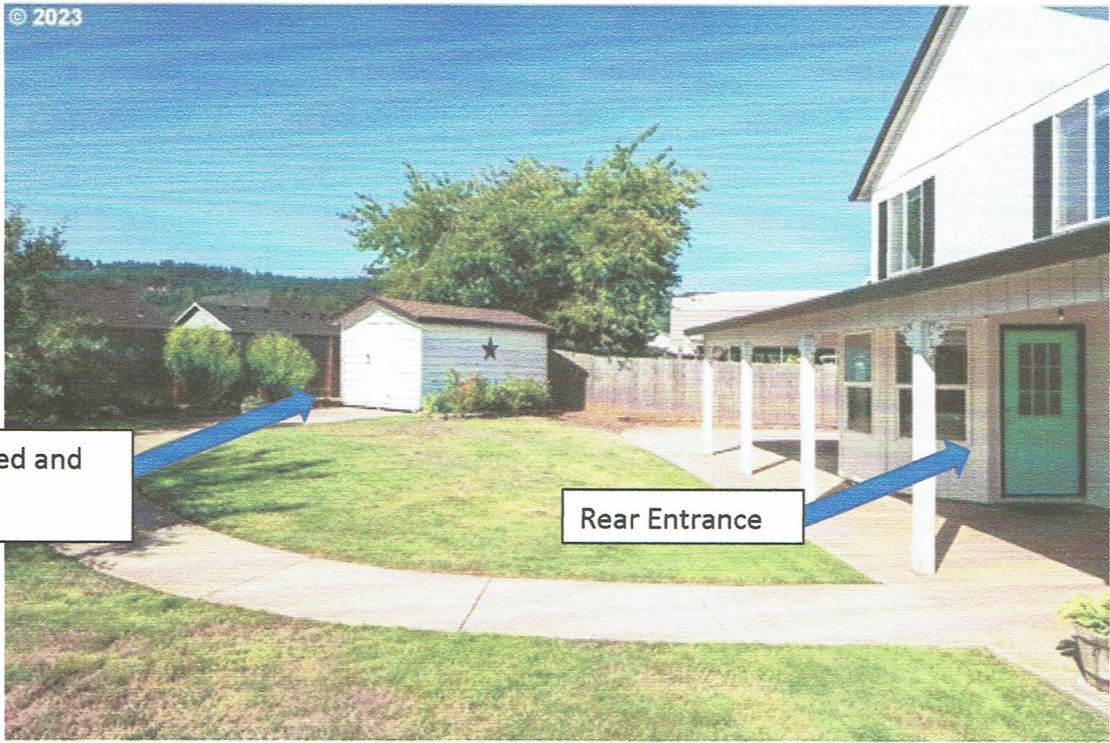
Exterior rear of
House

Bedroom 2

Bedroom 3

Bedroom 4

© 2023



Exterior rear of House

Garden Shed and Storage

Rear Entrance



Exterior rear of House

Trash receptacles

Additional Parking



Living Room



Living Room,
Dining Room,
Slider to back
yard

© 2023



Kitchen and
Breakfast Nook

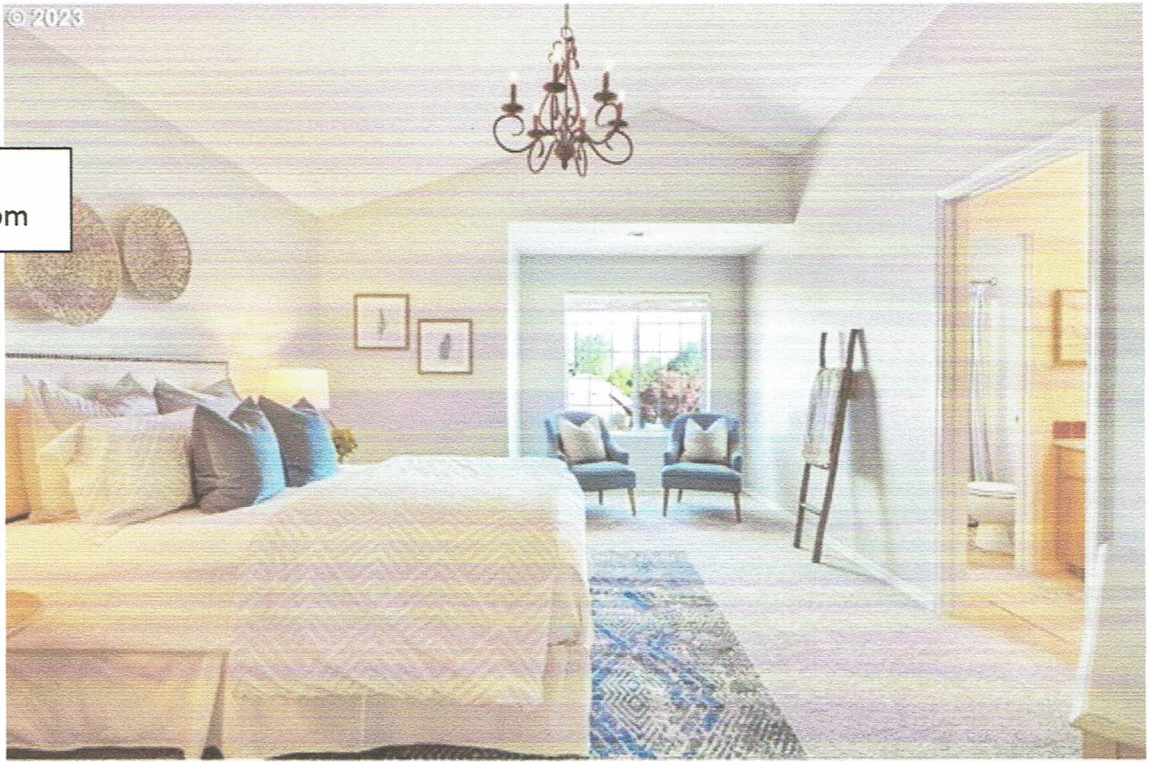
© 2023



Kitchen, Breakfast
Nook & Great Room



Downstairs half
Bathroom



Primary/Master
Bedroom & Bathroom



Bedroom 2

Bedroom 3



Bedroom 4



Upstairs Guest
Bathroom

