

PLANNING COMMISSION STAFF REPORT  
VACATION RENTAL CONDITIONAL USE PERMIT  
3232 E PROVINCE CT

HEARING DATE: January 11, 2024

FILE NO: CUP23-0022

REQUEST: Conditional use permit approval to use a 1-bedroom in a single-family dwelling as a vacation rental home

LOCATION: 3232 E Province Ct

TAX LOT: R3221BB 00712

APPLICANT/OWNER: Taylor and Bailey Smith

ZONE: R-2 Medium Density Residential District

PLAN DISTRICT: MDR (Medium Density Residential)

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**ATTACHMENTS:**

Planning Commission Order 2024-02 with:  
Exhibit A: Findings  
Exhibit B: Conditions of Approval

Attachment 1: Application Materials  
Attachment 2: Agency Comments

**A. DESCRIPTION OF APPLICATION:** Taylor and Bailey Smith (Applicant) have requested Conditional Use Permit (CUP) approval to use 1 bedroom in an existing five-bedroom home as a vacation rental located at 3232 E Province Court that has a separate entrance from the main house. The Application Materials (Attachment 1) stated that there will be two off-street parking spaces behind the house for use by short-term tenants. The application will have an occupancy limit of two people and the owners will continue to occupy the main living space in the house. The subject property is zoned R-2 (Medium Density Residential). Attachment 1 contains the submitted application.

**B. LOCATION:** 3232 E Province Court



6. Adjacent Land Uses:
  - a. North: Single-family residential (Fernwood Grange)
  - b. South: Single-family residential (Springbrook Ridge Apartments)
  - c. East: Hess Creek (Single-family residential)
  - d. West: Single-family residential (Nut Tree Ranch Mobile Estates)
  
7. Zoning:
  - a. North: R-2 (Medium Density Residential)/ Unincorporated Area
  - b. South: R-2 (Medium Density Residential)/ Unincorporated Area
  - c. East: R-2 (Medium Density Residential)/R-2 SP (Medium Density Residential Special Plan District)
  - d. West: R-2 (Medium Density Residential)





**D. PROCESS:** This CUP request is a Type III application and follows the procedures in NMC Section 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:

12/14/2023: The Community Development Director deemed the application complete.

12/18/23: The Applicant mailed notice to the property owners within 500 feet of the site.

12/18/23: The Applicant posted notice on the site.

12/28/23: The *Newberg Graphic* published notice of the Planning Commission hearing and notice was posted in four public places.

01/11/24: The Planning Commission will hold a quasi-judicial public hearing to consider the application.

**E. AGENCY COMMENTS:** On December 18, 2023, 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 which are also provided in Attachment 2:

1. City Manager: Reviewed, no conflict.
2. Waste Management: Reviewed, No conflict.
3. Public Works – Compliance: Reviewed, no conflict.
4. Public Works Director: Reviewed, no conflict.
5. Public Works – Maintenance Superintendent: Reviewed, no conflict.
6. Public Works – Water: Reviewed, no conflict.
7. Finance: Reviewed, no conflict.
8. Police: Reviewed, no conflict

**F. PUBLIC COMMENTS:** As of the writing of this report, the City has received no public comments on the proposal based on the public notice.

- G. ANALYSIS:** The characteristics of a vacation rental are not dissimilar from other rented and owned dwellings in the vicinity. The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. Because the Applicant has requested the use of only one bedroom of the single-family dwelling being used for the purposes of a vacation rental home, the maximum number of guests in the house is two (2) people. There are a total of at least two off-street parking spaces at the subject property for short-term guests. The proposed vacation rental will be compatible with the surrounding residential uses and neighborhood based on the proposed use, size, and scope.
- 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 2024-02, which approves the requested conditional use permit with the attached conditions of approval in Exhibit “B”.*



## **PLANNING COMMISSION ORDER 2024-02**

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP23-0022 FOR A  
1-BEDROOM VACATION RENTAL HOME AT 3232 E PROVINCE COURT,  
YAMHILL COUNTY TAX LOT R3221BB 00712.**

### **RECITALS**

1. Taylor and Bailey Smith applied for a conditional use permit for a 1-bedroom vacation rental home at 3232 E Province Court, Yamhill County Tax Lot R3221BB 00712.
2. After proper notice, the Newberg Planning Commission held a public hearing on January 11, 2024, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application 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 CUP23-0022 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 26, 2024, unless appealed prior to this date.
4. This Order shall expire one year after the effective date above if the applicant does not commence use of the home as a vacation rental unless an extension is granted per Newberg Development Code 15.225.100.

**Adopted by the Newberg Planning Commission this 11<sup>th</sup> day of January 2024.**

ATTEST:

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

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

List of Exhibits:

Exhibit “A”: Findings

Exhibit “B”: Conditions of Approval

**Exhibit “A” to Planning Commission Order 2024-02  
Findings – Vacation Rental Conditional Use Permit  
3232 E Province Court – File CUP23-0022**

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in *italic bold* font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Exhibit “B” Conditions of Approval.

**I. Conditional Use Permit Criteria That Apply - Newberg Development Code (NMC) Section 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 occur in one existing bedroom of a 5-bedroom single-family dwelling. The Applicants have proposed to use only the one bedroom of the dwelling as a short-term vacation rental with a maximum occupancy of two people while using the rest of the house for personal use. The Applicants intend to manage the rental themselves. Trash collection is every Friday.

The proposed vacation rental use is similar to a residential use in design and operating characteristics. The proposed vacation rental is limited to one bedroom and is therefore eligible to host a maximum of two occupants. There are a total of two off-street parking spaces for the vacation rental behind the house. There are R-2 designated properties located directly to the north, south, east, and west of the subject property. A vacation rental use is compatible with the surrounding residential neighborhood because it 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:** According to the application materials, the applicants are committed to maintaining a functional, attractive living environment for themselves and the vacation rental since they are connected. The application materials mention that the location provides easy access to all local



amenities. The house is located close to arterial streets (Springbrook RD / Hwy 99W) which provides access to various amenities in Newberg. A vacation rental is a compatible use with other residential uses because its operating characteristics are similar in size and scope to a long-term rental (longer than 30-days) or owner-occupied dwelling.

This criterion is met.

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

**Finding:** The vacation rental standards are addressed in the findings below. If the proposed project complies with the standards of Article VII. Vacation Rentals (NMC Chapter 15.445) the application will be consistent with code requirements.

**II. Applicable Criteria for Special Use Standards - NMC 15.445.300 to 15.445.350 relating to 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 NMC Chapter 15.305, which states that vacation rental homes are permitted as a conditional use in the R-2 zone.

The owner has applied for a conditional use permit for the proposed 1-bedroom vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

<u>Use</u>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RP</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
<u>Vacation rental home</u>	C	C	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:** According to NMC Chapter 3.10, agents and operators must register for and pay a Transient Lodging Tax for occupancy activities within the City of Newberg which are less than 30 successive calendar days. According to NMC Chapter 5.05, businesses that operate within the City are required to obtain and hold a business license. Because vacation rental homes are

characterized as commercial uses involved in occupancy activities which are less than 30 successive calendar days, operators are required to comply with requirements identified in NMC Chapters 3.10 and 5.05 relating to Transient Lodging Tax and business licenses.

As required by NMC 15.445.320 and other code provisions, 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 and obtain a business license.

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 Applicants have proposed that the vacation rental will:

- A. Provide two off-street parking spaces, two behind the house on the property.
- B. Maintain weekly refuse collection on Friday. Receptacles to be stored adjacent to the side of the house.
- C. Offer a vacation rental in one bedroom of an existing five-bedroom single family home with a maximum occupancy of two people for the vacation rental.
- D. Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy.

These criteria are met with the adherence to the aforementioned conditions of approval.

***15.445.340 Registration posting.***

***The applicant shall post the vacation rental home registration within the dwelling adjacent to the front door. At a minimum, the posting will contain the following information:***

- A. The name of the operator and a telephone number where the operator may be reached.***
- B. The telephone number for the police department.***
- C. The maximum number of occupants permitted to stay in the dwelling.***
- D. The standards for the rental occupancy.***

***E. The solid waste collection day.***

**Finding:** 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 15.445.340(A-E) by the front door of the vacation rental:

Operator Name: Taylor and Bailey Smith

Operator Phone Number: (503) 608-2294

Rental Management Company Contact: Taylor and Bailey Smith

Rental Management Company Phone Number: (503) 608-2294

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

Max Number of Guests: Two (2)

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 2 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 15.445.340 will be met with 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 NMC Section 15.445.350 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.

### **III. 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 2024-02  
Conditions of Approval – Vacation Rental Conditional Use Permit  
3232 E Province Court – File CUP23-0022**

**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 and Business License:** 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 and obtain a business license.
2. **Parking:** Provide two off-street parking spaces, two behind the house on the property.
3. **Refuse Collection:** Maintain weekly refuse collection on Friday. Receptacles to be stored on the side of the house.
4. **Maximum Occupancy:** Offer a vacation rental in one bedroom of an existing five-bedroom single family home with a maximum occupancy of two people for the vacation rental.
5. **Temporary Occupancy Limits:** Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during the rental occupancy.
6. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the Applicant is required to post the required information for NMC 15.445.340(A-E) by the front door of the vacation rental:

Operator Name: Taylor and Bailey Smith

Operator Phone Number: (503) 608-2294

Rental Management Company Contact: Taylor and Bailey Smith

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

Max Number of Guests: Two (2)

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