

MINUTES

Members Present: Commissioners Stassens, Chroust-Masin, Hall, Pietz, Tiedge, Thomas and Hillestad

Members Absent: Commissioner Morgan

Staff Present: Mr. Montgomery and Mrs. Dyer

1. Approval of Minutes: November 19, 2015 and December 17, 2015

Chair Stassens called the meeting to order at 6:31 p.m., and called for a motion for approval of the Planning Commission minutes from the November 19, 2015 and December 17, 2015 meetings. Commissioner Hall MOVED to approve the minutes as presented. The motion was SECONDED by Commissioner Pietz and passed unanimously. Chair Stassens then acknowledged Mr. Frank Butlers' twelve years of service with the Commission and publically thanked him and awarded him with a plaque. Former Commissioner Butler expressed his appreciation for the opportunity to serve the community, and thanked the Commission and staff for their support.

2. Docket VHR 12-15

Request: Approval to allow for the operation of a vacation home rental establishment within an existing residence.

Location: 3489 NE Joel Street and is more specifically described as Tax Lot 9200, Section 09CA, T.4 S., R. 4 W., W.M.

Applicant: Nathan Ruden

Chair Stassens called the public hearing to order at 6:37 p.m. and called for abstentions, objections to jurisdiction, and disclosures. Four Planning Commissioners disclosed that they had visited the subject site. There being no abstentions or objections to jurisdiction, she requested the staff report. Planning Director Montgomery referred to his staff report and the application. For historical purposes, Mr. Montgomery reminded the Commission that since 2015, there had been 12 vacation home rental (VHR) and two bed and breakfast (B&B) properties approved for such use under the new Administrative Review process with no complaints registered to date. This request was brought to the Planning Commission at the request of a neighbor that was notified of the pending application, as provided by the current process. Mr. Montgomery noted that staff finds the application meets all the criteria required for approval as a VHR property.

Commissioner Tiedge asked if the parcel under review was subject to a variance of any kind. Mr. Montgomery replied no, but that the Commission had approved a planned development

overlay for the subject development, allowing certain modifications to the zone in relation to the alley provision and side yard setbacks.

Commissioner Hillestad asked if the Planning staff was aware that the subject residence was being used as a VHR prior to the application process of approval. Chair Stassens further asked if the applicant's home was a two or three bedroom.

Mr. Montgomery replied that staff had received information alleging the subject site's prior use as a vacation home rental, and that the home in question was currently a two bedroom with a loft.

Commissioner Hillestad asks if there were any ADA requirements to comply with once the property became a rental and/or VHR. Mr. Montgomery responded that there were none.

Chair Stassens called for the applicant's testimony at 6:45pm.

Allison Larsen, 848 NE Samson Street, McMinnville, stated that she was the sister of Nathan Ruden, the applicant. She stated that she was excited to be part of the community and the neighborhood.

Commissioner Hillestad asked Ms. Larsen if the property had been used in the past as a VHR and how wide the garage door was on the home.

Mr. Larsen replied that she did not know the exact size of the garage but that it seemed to be a standard two car garage with one large door. She also admitted and apologized for using the property as a VHR before it was approved and admitted that she didn't know the application process until recently.

Chair Stassens asked Ms. Larsen if there had been any previous problems or issues when it was in use.

Ms. Larsen replied that there had not been any problems so far and that the corner lot it sits on helped with that.

Chair Stassens asked if there were any additional questions and if anyone in favor of the applicant would like to speak, and there were none. Chair Stassens then asked if anyone in opposition to the proposal wanted to speak.

Lynette Studebaker, 3494 NE Joel Street, McMinnville, testified that her property faced Mr. Ruden's property and she had a direct view of it. Ms. Studebaker stated that parking was a major concern and believed that the size of Mr. Ruden's garage was not large enough for oversized vehicles or extended cab pickup trucks. Therefore, she noticed that these cars were parked on the street for the duration of the renters' stay. Ms. Studebaker also mentioned that she saw more than two vehicles per bedroom, and as many as one vehicle per guest. She would also like to go on record that she observed that many of the renters had children that played outside in the front yard and in the street. Since the renters were not familiar with the traffic of the neighborhood, she was fearful that a child will be hit by oncoming traffic. She furthered her concern stating that the landscaping was unkempt and was not being weeded in a timely fashion and worried that as a rental, the property will continue to not be maintained.

Commissioner Chroust-Masin asked Ms. Studebaker if there were currently any street signs that stated, "No Parking." Ms. Studebaker responded no.

Chair Stassens asked Ms. Studebaker if she preferred that the renters park their cars on Samson Street. She responded yes. Chair Stassens then asked if Ms. Studebaker knew who to contact and if she had their contact information in order to voice her concerns. Ms. Studebaker responded no.

Chair Stassens asked for any others who wished to speak in opposition.

Kathie Schumacher, 3497 NE Joel Street, McMinnville, stated that cars from the rental house in question parked on the street in front of her house, causing her personal guests to park around the corner. She also stated that she believed the garage was not large enough to accommodate two cars and that the landscaping needed to be tended to for the sake of the community. Ms. Schumacher went on to say that the streets were not wide enough for public parking and that the neighbors were concerned about outside citizens.

Commissioner Hillestad asked Ms. Schumacher if the representation of the neighborhood that was referred to was not the same as to what was purchased. Ms. Schumacher replied, no, the current neighborhood was not what she bought into.

Chair Stassens asked for any others who wished to speak in opposition.

Ingrid Van De Griff, 3511 NE Joel Street, McMinnville, testified that she received two notices about the hearing and wants to know if it was still in the application process.

Chair Stassens replied, yes, the review of this request was still in process, thus the reason for the hearing.

Ms. Van De Griff stated that the property in question was currently listed on Airbnb.com. She was frustrated that it was still being used as a vacation rental during the application process and that it had a history of use up until now. Ms. Van De Griff submitted to the record documents reflecting the activity of use. She also stated that she read that illuminated signs need to be posted for rental properties. Although she had not seen any, she worried how much more traffic a sign such as that will bring to the neighborhood. She vocalized her concern for the safety of the neighborhood and who was staying at the vacation home rental since it was such a tight knit community.

JW Millegen, 624 NE 2nd Street, McMinnville, approached and stated his concern regarding affordable housing. He mentioned that it cost 50% more to rent a house in McMinnville compared to Salem, now that McMinnville was a destination city. He stated that R-4 zoned land was being lost due to those high costs. He discussed the 21 day stay standard and difficulty that would be to enforce. He further noted that vacation home rentals were raising the cost of the housing market significantly, of which he did not approve.

Commissioner Chroust-Masin asked Mr. Millegen if there were standards that haven't been met in regards to the property proposed.

Mr. Millegen replied, yes, parking. He went on to state that he used to own a vacation home rental and it didn't work out but that he had not been to the proposed property to see if it had a garage to use.

Commissioner Chroust-Masin mentioned that the property met all the specifications and standards for parking in the garage with ample space. He asked again if there were any concerns about the standards.

Mr. Millegan responded no, that the standards seemed to have been met and that his concerns were more legislative in nature.

Chair Stassens asked if there were any more opposing comments. No one replied.

Mr. Montgomery replied that no public agencies had voiced concern regarding the requested action.

Chair Stassens asked Ms. Larsen if she wished to provide any rebuttal. Ms. Larsen said she did not.

Commissioner Hillestad asked if he could ask Ms. Larsen more questions. In response, Ms. Larsen replied that Allen and Nathan Ruden were very different people and that Allen was separate from the situation. She went on to say that Nathan purchased his property with his own money, just like everyone else.

Commissioner Hillestad asked what furniture was in the loft.

Ms. Larsen responded that the loft consisted of a sofa that was not a pull out, a television and some bookshelves.

Commissioner Hillestad then asked Ms. Larsen to explain why on one occasion there were numerous vehicles and guests at this property, as had been described by testimony earlier in the evening.

Ms. Larsen responded that she believed that particular incident occurred during Thanksgiving when her family came over and they had dinner at Mr. Ruden's residence since her house was not in the condition to accommodate them.

Commissioner Hillestad asked Ms. Larsen if the property was still being advertised online.

Ms. Larsen replied that it was but that it was blocked off for the remainder of the year so no one could book a reservation.

No person that participated in the hearing requested the record remain open or be continued for further testimony. Also, the applicant waived the seven day time period allowed to submit final written arguments in support of the application; Chair Stassens then closed the public hearing at 7:17pm.

Commissioner Hillestad voiced his concern that the applicant was operating the property before the approval process and that the narrowness of the neighborhood streets and the shortness of the length of garage were of great concern. He mentioned that there was not enough adequate parking for the unique circumstances of the neighborhood. He went on to state that there was not a requirement for width and standards of a garage that he can find but he strongly believed that there was inadequate parking for this proposed use.

Commissioner Chroust-Masin responded that he believed it fit all the standards and that the criteria were met.

Commissioner Pietz was also in favor of the vacation home rental and believed it also met all the criteria necessary to operate as a VHR.

Commissioner Thomas stated that, in her opinion, it met the criteria.

Commissioner Hall stated that he also felt that it met the criteria but asked the applicant to work hard and communicate to the potential renters about the parking situation and to not park on the street, in hopes of being a good citizen and making people feel heard.

Commissioner Tiedge stated that he does not believe the property met all the criteria since the zoning had changed to a variant R-4. He said that the overlay changes the dynamic and requirements of a normal unvaried R-4 zone. He asked if this impacted the current vacation home rental.

Chair Stassens asked staff how the previously approved planned development overlay provisions for this development impacted, if at all, the request before them and how they are to view the vacation home rental criteria.

Mr. Montgomery responded that the standards were exactly the same with everyone having the right to rent, sell or lease their property, or make application to use their home for vacation home rental purposes. He stated that he didn't see that the planned development changed, in any way, how the Commission was to review the application before them as the standards for a vacation rental are not addressed by the planned development.

Commissioner Tiedge asked Mr. Montgomery if a zero setback was less compatible with a VHR than if there wasn't one.

Mr. Montgomery responded that in his opinion it was not because the difference between a standard R-4 side yard setback and the provision allowed by the planned development for this property is but six feet.

Commissioner Hillestad said that, in his opinion, the neighborhood wasn't made for vacation home rentals but it was his job to be objective and "rubber stamp" the application, so that was what he was going to do, but with apprehension.

Chair Stassens stated that she felt the neighbors had valid points and suggested that their concerns needed to be addressed through better management. She followed by stating that the request, in her opinion, meets all the standards.

Commissioner Hall MOVED, based on the findings of fact, the conclusionary findings for approval, and materials submitted by the applicant to APPROVE VHR 12-15; SECONDED by Commissioner Chroust-Masin. The motion passed unanimously.

Following the close of hearing, the Commission discussed briefly the standards for approval of a vacation home rental.

Commissioner Pietz asked Mr. Montgomery about VHR's and their impact on the city and its residents. Mr. Montgomery responded that to date he had received no complaints regarding any of the licensed vacation home rentals or bed and breakfast establishments currently operating in McMinnville. He added that such uses represented some 1/10th of one percent of all housing units in McMinnville.

Commissioner Hall replied that it has been his experience that there were a number of fears voiced to the Commission in the past when these applications would come before them, but that time has shown that they seem to work well.

Commissioner Hillestad replied that silence wasn't always a good thing and that some people just didn't want to bother contesting the issue. He asked what the point of the hearing was if all the Commissioners do are check boxes and believed that there should be a reconsideration of the entire process.

Commissioner Chourst-Masin responded that everyone can request a hearing which was what currently happened and then it goes to the Planning Commission.

Commissioner Hillestad replied that the one thing that has value was that if the applicants didn't follow the rules, they could be brought back to a hearing, which had weight and value on the process.

3. Old/New Business

Mr. Montgomery introduced Zack Geary as a candidate for the currently vacant position on the Planning Commission and that he would be considered by the City Council for appointment at their January 26, 2016 meeting. He then closed by reminding the Commission of February's meeting.

4. Adjournment

Commissioner Hall **MOVED** to adjourn the meeting. The motion was **SECONDED** by Commissioner Chourst-Masin, and passed unanimously. Chair Stassens **ADJOURNED** the meeting at 7:40pm.



Doug Montgomery
Secretary