



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128**

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[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A SHORT TERM RENTAL AT 1113 NE 4<sup>TH</sup> STREET**

- DOCKET:** CU 1-20 (Conditional Use)
- REQUEST:** Application for a Conditional Use to allow for the operation of a short term rental lodging use on a property within the Northeast Gateway Planned Development Overlay District.
- LOCATION:** 1113 NE 4<sup>th</sup> Street. The property is more specifically identified as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.
- ZONING:** R-2 (Single Family Residential) and Zone 3 of the Northeast Gateway Planned Development Overlay District (Ordinance 4971)
- APPLICANT:** Casey Mclane
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 11, 2020
- DECISION MAKING BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.
- DECISION DATE & LOCATION:** July 16, 2020, Zoom Online Meeting ID 942 3599 8716.
- PROCEDURE:** An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 1-20), **subject to the conditions of approval provided in Section II of this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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Planning Commission: Roger D. Hall  
Roger Hall, Chair of the McMinnville Planning Commission

Date: July 20, 2020

Planning Department: Heather Richards  
Heather Richards, Planning Director

Date: July 20, 2020

**I. APPLICATION SUMMARY:**

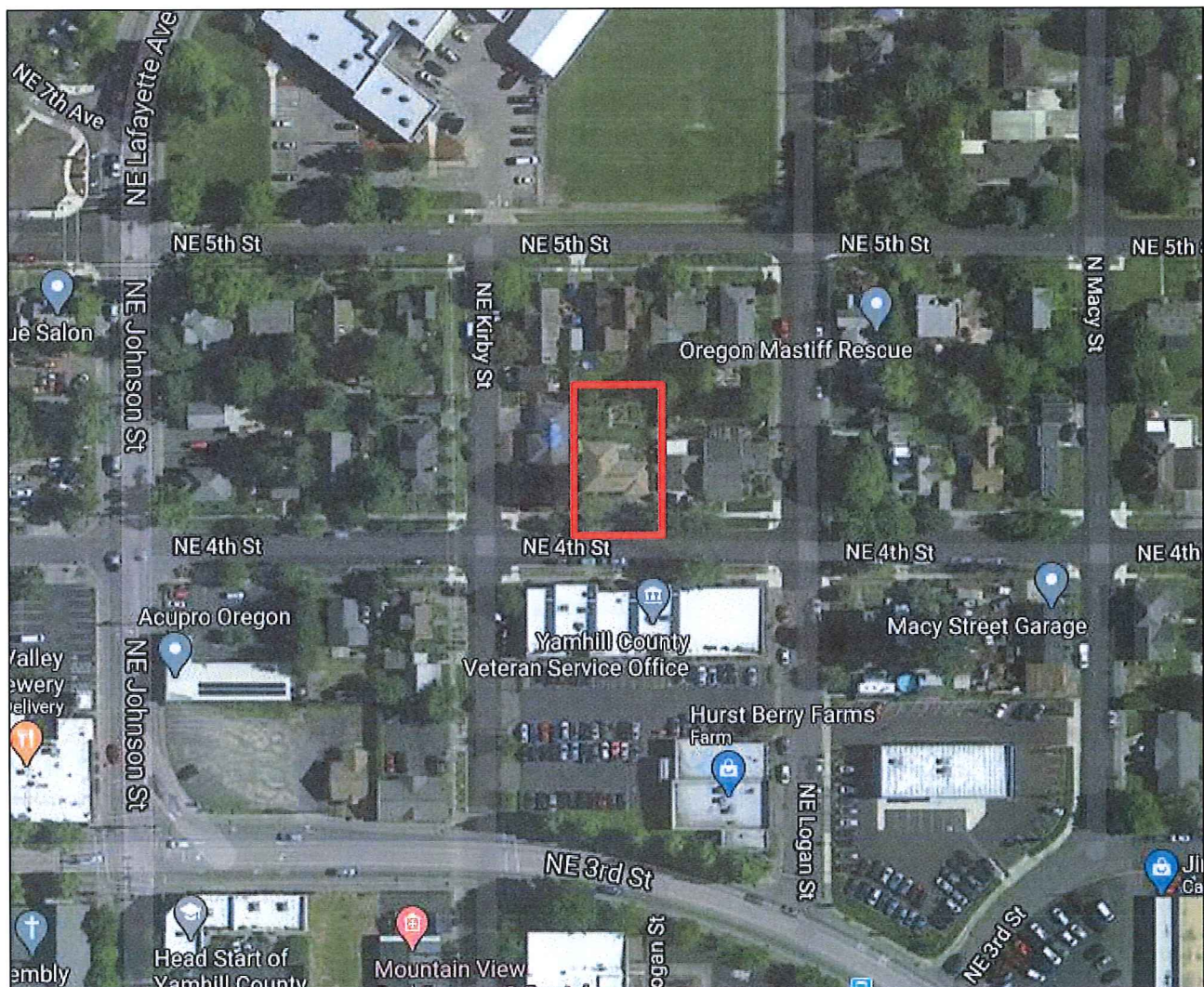
***Subject Property & Request***

The proposal is an application for a Conditional Use Permit (CU 1-20) to allow for the operation of a short term rental lodging use on the subject site. The subject site is located at 1113 NE 4<sup>th</sup> Street and is identified as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.

The subject property is located on the north side of NE 4<sup>th</sup> Street between NE Kirby Street and NE Logan Street. The subject property is zoned R-2 (Single Family Residential), and is also located in Zone 3 of the Northeast Gateway Planned Development Overlay District adopted by Ordinance 4971. The surrounding properties have multiple zoning designations, including R-2 (Single Family Residential) to the west, north, and east, and C-3 (General Commercial) to the south. The surrounding properties are all also located within Northeast Gateway Planned Development Overlay District. Uses on the surrounding properties include single family residential on the entire block as the subject site, and an office use (currently the Yamhill County Veteran’s Service Office) to the south across 4<sup>th</sup> Street.

***See Vicinity Map (Figure 1), Zoning Map (Figure 2), Northeast Gateway Planned Development Overlay Zones (Figure 3), and Applicant’s Proposed Site Pan (Figure 4) below.***

**Figure 1. Vicinity Map (Property Lines Approximate)**



Attachments :  
Attachment 1 – Application and Attachments

Figure 2. Zoning Map

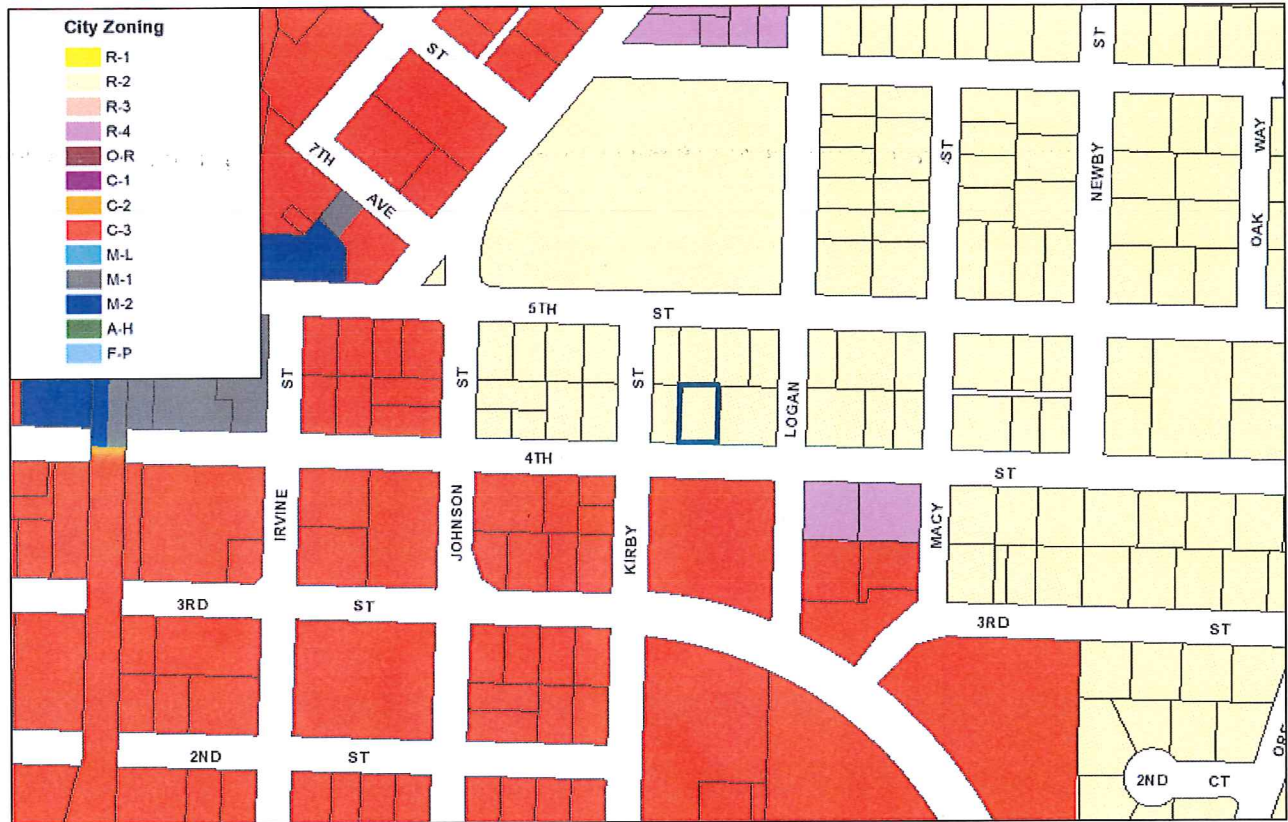


Figure 3. Northeast Gateway Planned Development Overlay District Zones

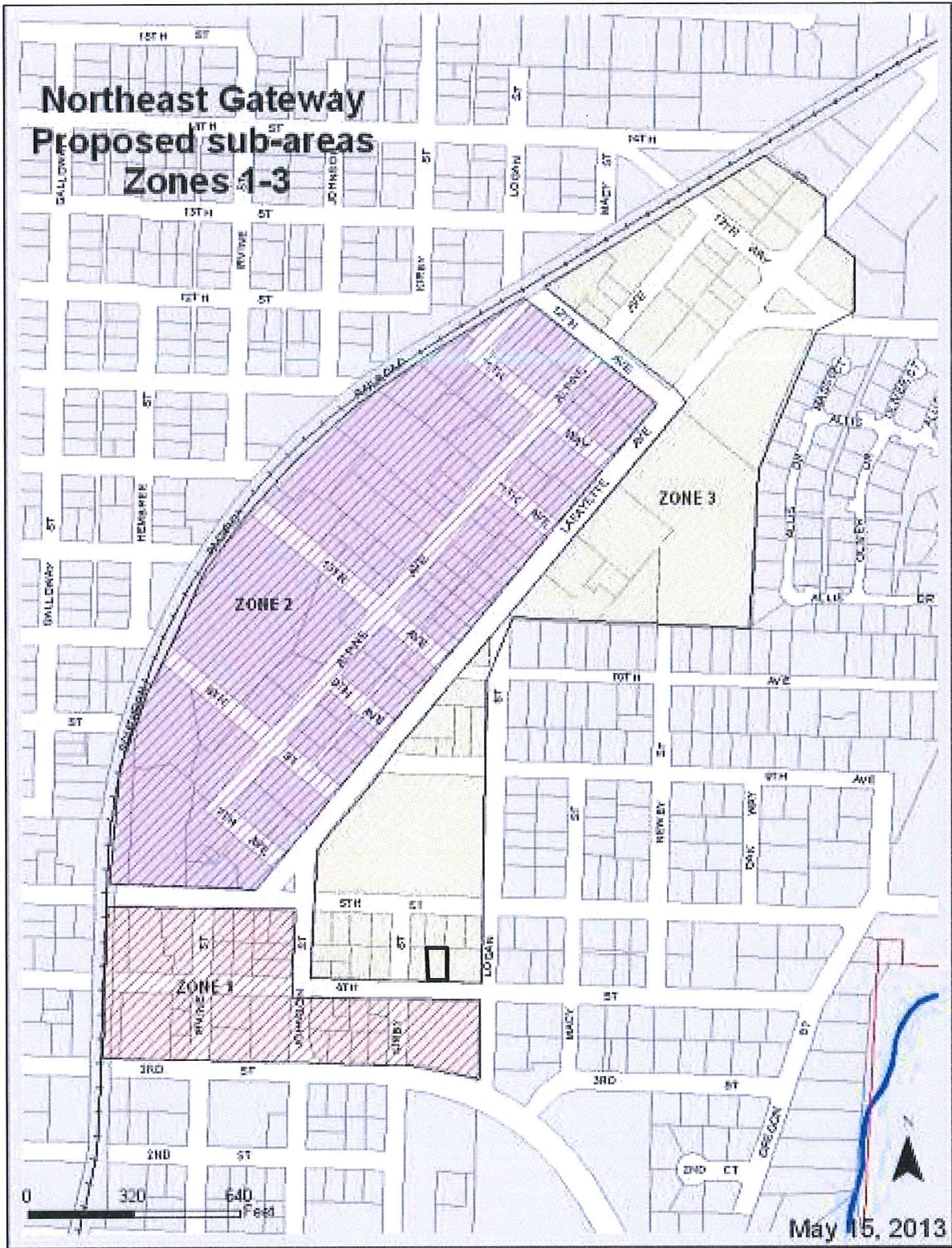
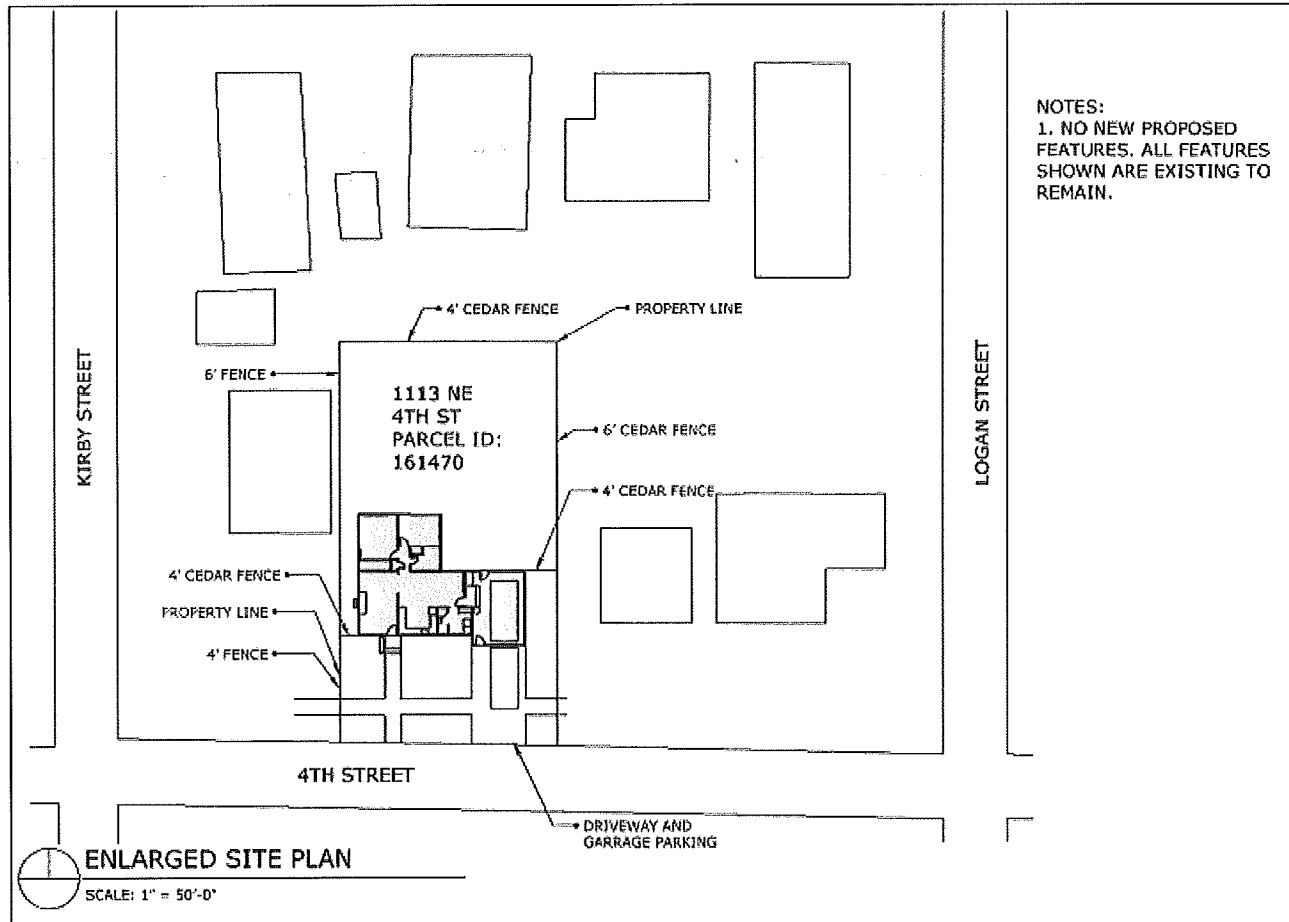


Figure 4. Site Plan



In July 2013, Ordinance 4971 was approved, establishing the Northeast Gateway Planned Development Overlay District (NEG PD), which includes the subject property at 1113 NE 4<sup>th</sup> Street. The NEG PD included the establishment of three sub-areas or zones, and the subject property is located in Zone 3 of the NEG PD. The NEG PD also included a table of uses that are permitted and conditionally permitted in each zone. These uses are described in Table 1 of Ordinance 4971, and Section 6 of Ordinance 4971 states that the uses in Table 1 "...supplant the uses that are currently permitted or conditionally permitted in the underlying zones." In Zone 3, "Lodging: Bed and Breakfast/Vacation Home Rental" is listed as a Conditionally Permitted use in Residential zones. The underlying zoning of the subject property is R-2, and therefore a Conditional Use Permit is required for the lodging use.

**Summary of Criteria & Issues**

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to "weigh the appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the proposed location." The Planning Commission may impose conditions it finds necessary "to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with

conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That 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 relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusionary Findings) below.

## **II. CONDITIONS:**

1. That prior to use of the subject property for short term rental purposes, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.
2. That 10-year Lithium battery powered smoke/CO2 detectors must be installed in all bedrooms and hallways within 15 feet from bedrooms.
3. That, as this use is required to be occupied as a single-family residence, occupancy of the vacation home rental shall be limited at all times to no more than five unrelated persons, or one or more individuals related by blood, marriage, adoption, or legal guardianship, or other duly authorized custodial relationship.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of surface face area. The only type of signage allowed will be wall-mounted signage, and the wall-mounted sign shall only be placed in traditional locations in order to fit within architectural features to satisfy the requirements of the Northeast Gateway Planned Development Overlay District.

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Attachments:

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5. That in order to maintain adequate maneuvering space for pedestrians, vehicles shall not park in the driveway if they extend into and block the sidewalk space within the right-of-way adjacent to the subject site.

### **III. ATTACHMENTS:**

1. CU 1-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments.

- McMinnville Water and Light

MW&L has no comments on this conditional use permit.

#### **Public Comments**

Notice of this request was mailed to property owners located within 200 feet of the subject site. No public testimony was received by the Planning Department prior to the Planning Commission public hearing.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant, Casey McLane, held a neighborhood meeting on June 5, 2020.
2. The applicant submitted the Conditional Use application (CU 1-20) on June 8, 2020.
3. The application was deemed complete on June 11, 2020. Based on that date, the 120 day land use decision time limit expires on October 9, 2020.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of the Decision Document.

5. Notice of the application and the July 16, 2020 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

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Attachments:

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6. Notice of the application and the July 16, 2020 Planning Commission public hearing was published in the News Register on Tuesday, July 7, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On July 16, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 1113 NE 4<sup>th</sup> Street (Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 6,700 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single Family Residential)
5. **Overlay Zones/Special Districts:** Northeast Gateway Planned Development Overlay District (Ordinances 4971)
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:**
  - a. **Slopes:** None
  - b. **Easements and Utilities:** None
9. **Utilities:**
  - a. **Water:** The property is served by a water main in NE 4<sup>th</sup> Street. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** The property is served by an 8" sewer main in NE 4<sup>th</sup> Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** Storm water in NE 4<sup>th</sup> Street is conveyed by curb and gutter to catch basins and storm drains in NE 4<sup>th</sup> Street.
  - d. **Other Services:** Other services are available to the property. Overhead utilities are present on the north side of NE 4<sup>th</sup> Street adjacent to the subject site.
10. **Transportation:** NE 4<sup>th</sup> Street is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide, with improved street surface of approximately 30 feet in width that is centered within the right-of-way. Sidewalks exist on both sides of 4<sup>th</sup> Street, with a planter strip that is wider (approximately 9 to 10 feet) than the typical 5 foot planter strip identified for Local Residential Streets in the TSP. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use are specified in Section 17.74.030 of the Zoning Ordinance

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In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**GOAL X 1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The process for a Conditional Use review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

**Chapter 17.03. General Provisions**

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

## Chapter 17.74 Review Criteria

### **17.74.030. Authorization to Grant or Deny Conditional Use.**

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

**17.74.030(A).** *The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;*

**APPLICANT'S RESPONSE:** This property is in compliance with Zone 3 regulations goals of creating a mixed use neighborhood. I have not altered or changed the property or landscape other than maintenance. The only change I am proposing is the change in use to Lodging / Vacation Home Rental.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan policies and Northeast Gateway Planned Development Overlay District policies in Section VII (Conclusionary Findings).

**17.74.030(B).** *That 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 relative impact of the development;*

**APPLICANT'S RESPONSE:** The size and design of the home has not changed therefor will have minimum impact on the livability of the abutting properties. Generation of traffic will not change as there is a no events or parties policy for the short term rental and a maximum of 5 adults.

**FINDING: SATISFIED WITH CONDITION #3.** The City concurs with the applicant's findings. The proposed use of the existing structure and site, including parking and landscaping improvements, will not result in any physical changes from how they currently exist. Therefore, the structure will retain its residential appearance, which is consistent with the appearance and the scale of the development pattern of much of the surrounding neighborhood. No development is proposed that would result in impacts on the abutting properties or the surrounding neighborhood.

The applicant is proposing operating characteristics that would result in the use having minimal impact on the surrounding neighborhood, including limiting the occupancy to a maximum of 5 adults and prohibiting events or parties. A condition of approval is included to limit the occupancy of the short term rental use as described by the applicant, and also as consistent with the limitations on occupancy of other short term rental uses in other residential zones within the city.

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**17.74.030(C).** *That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;*

**APPLICANT'S RESPONSE:** Updates to the property include paint, light fixtures, landscaping, front door, security hardware all add to the value of the home and in turn the neighborhood. As a short term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. My girlfriend and I currently use the property on the weekend and plan to do so off and on through out the course my ownership. For short term guests, I have a maximum of 5 adults can stay in the home at one time. There is a no parties or events policy. No pets and quite hours begin at 10pm on week nights and 11pm on weekends.

The property is directly across from the Yamhill County Veteran Service Office which is closed in the evening and on weekends. Parking by any guest can either be in the driveway and/or garage. Short term rentals bring tourists and revenue to local businesses.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the Northeast Gateway Planned Development Overlay District allows a wide range of permitted and conditional uses. The subject property is in Zone 3, but is directly across the street (to the south) from properties in Zone 1 of the Northeast Gateway Planned Development Overlay District. Permitted uses in both of these Overlay District zones, but particularly Zone 1, could have comparatively greater impacts on the livability, value, or appropriate development of abutting properties of the surrounding area. The proposed use is of a limited size and scale that is less than impactful than could occur for more intensive permitted uses in the surrounding area.

**17.74.030(D).** *The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;*

**APPLICANT'S RESPONSE:** Curb appeal and property will be constantly maintained to keep in line with the neighborhood. The property highlights fruit trees and berries and has 100% of the existing landscaping to enhance the attractive natural of the home.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the design and operations of the short term rental use will be as attractive as the nature of the use and its setting warrant. The proposed use of the existing structure and site, including parking and landscaping improvements, will not result in any physical changes from how they currently exist. Therefore, the structure will retain its residential appearance, which is consistent with the appearance and the scale of the development pattern of much of the surrounding neighborhood.

**17.74.030(E).** *The proposal will preserve environmental assets of particular interest to the community;*

**APPLICANT'S RESPONSE:** All vegetation is maintained. Trees are regularly trimmed. Street side grapevines are trimmed and maintained. Lawn is mowed regularly.

**FINDING: SATISFIED.** The City concurs with the applicant's findings. The City adds that there are not any significant or protected environmental assets of particular interest to the community on the subject site, but the applicant is proposing to maintain all existing vegetation and trees on the subject site. None of the existing vegetation or trees will be impacted by the proposed use, as the existing improvements will be used with no new structures or parking areas proposed on-site.

**17.74.030(F).** *The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.*

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**APPLICANT’S RESPONSE:** The short term rental does not artificially alter property or the value or have an inappropriate purpose. Short term rentals bring tourists and revenue to local McMinnville businesses.

**FINDING: SATISFIED.** The applicant intends to use the property as a short term rental once approved by the City.

**17.74.040. Placing Conditions on a Conditional Use Permit.**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS #1, #2, #3, AND #4.** In order to protect the best interest of the surrounding area and the community as a whole, the City is including conditions of approval to require that that the same operational standards are required for the proposed use as are required of other short term rental uses that take place in single dwelling units in other residential zoning districts. These operational standards will limit the manner in which the use is conducted in an effort to maintain safe operations of the short term rental lodging use in an area with surrounding residential uses. Those operational conditions related to the best interest of the community as a whole include that the applicant register with the McMinnville Finance Department to participate in the local Transient Lodging Tax program. Operational conditions related to the best interest of the surrounding area include that adequate smoke and CO2 detectors be installed in the structure, and that the occupancy of the short term rental be limited at all times to no more than five unrelated persons, or one or more individuals related by blood, marriage, adoption, or legal guardianship, or other duly authorized custodial relationship. In addition, to ensure that the structure maintains its residential appearance and character as described by the applicant, signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.

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Operational standards that are required of other short term rentals in other residential zones are not included or required of the proposed use at this subject site, such as parking requirements or spacing standards between short term rental uses, because they are superseded by standards in the Northeast Gateway Planned Development Overlay District.

### **Planned Development Ordinance**

The following Sections of the Planned Development adopted by Ordinance 4971 provide criteria applicable to the request:

**Section 2 – Purpose.** The NE Gateway Planned Development Overlay (PDO) is designed to guide the transition of a light and heavy industrial area to a vital, mixed use, pedestrian-friendly neighborhood, consistent with the vision described in the adopted NE Gateway Plan. In so doing, this PDO provides a design framework and specific use standards that allows for a complementary mix of uses to include residential, employment, cultural/tourism, education, and neighborhood-scale support services. In addition, the PDO includes design standards and guidelines that are intended to reflect the area’s unique character and history, while promoting an attractive, walkable, and vibrant neighborhood.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District, and the proposed use is listed as a conditional use in that zone. The short term rental use will provide for a mix of uses within the surrounding neighborhood, including a cultural/tourism use as is listed in the mix of uses in the purpose statement.

**Section 3 – Applicability of NE Gateway PDO.** The provisions within the NE Gateway Planned Development Ordinance apply to an approximately 75-acre area located generally south of 14th Street, east of the Portland and Western Railroad, north of 3rd Street, and west of Logan Street and Lafayette Avenue, and as depicted in Exhibit A. The affected area is further divided into three zones (refer to map, Exhibit B), described as follows: [...]

- C. Zone 3 includes the remainder of the study area and is bordered by 14th Street to the north, the railroad track to the west, Logan Street and the properties fronting the eastern side of Lafayette Avenue to the east, and the portion of 4th Street (between Johnson and Logan Streets) to the south. Given the extent of existing development in this area, Zone 3 is considered a transition area between Alpine Avenue and Zone 2 to the west, established industrial uses to the north, and residential neighborhoods to the east. The purpose of Zone 3 is to allow for the development of a mixed-use, residential zone with a variety of housing types, neighborhood scale commercial uses, and an education component.
- D. The regulations contained in this ordinance apply to all new development within the area subject to this ordinance including the following:
  1. New construction.
  2. Any expansion of an existing development or structure involving the addition of 15 percent or more of the existing square footage of the building. Incremental additions over a period of three (3) consecutive years totaling 15 percent or more of the original square footage of the structure shall also be subject to the design standards in this ordinance.
  3. New signage.
  4. Parking lot design.
  5. New roofing.
  6. Changes to façade material (re-siding).
  7. Window replacement/modification.

**APPLICANT’S RESPONSE:** None.

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**FINDING: SATISFIED.** The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District, and the proposed use is listed as a conditional use in that zone. The applicant is not proposing any development or changes to the existing structure or site. Therefore, the development standards and development review process is not necessary, as none of the development activities listed in Section D of Ordinance 4971 are occurring.

**Section 6 – Permitted and Conditionally Permitted Uses.** One of the primary goals of the adopted NE Gateway Plan is to create a mixed-use neighborhood that allows for a variety of complementary uses within the same area. Thus the purpose of this section is to establish a list of such uses that would supplant traditional zoning for the area and help achieve this goal.

Table 1 describes the uses that are permitted or conditionally permitted in each of the three (3) Zones. The uses listed in Table 1 supplant the uses that are currently permitted or conditionally permitted in the underlying zones as noted in the Zoning Ordinance. However, for properties zoned R-2 (Single-Family Residential) and R-4 (Multi-Family Residential) in Zone 3, the permitted and conditionally permitted uses listed in Chapters 17.15 and 17.21 respectively shall apply.

If a use is not listed in Table 1 as either permitted or conditionally permitted, it should be considered a prohibited use. Alternatively, the procedure for determining the permissibility of a particular use that is not listed as permitted or conditionally permitted is stated in Section 17.54.010 (Classification of an Unlisted Use) of the Zoning Ordinance.

**Table 1**

Use	Zone	Zone	Zone
	1	2	3
<b>P - Permitted C –Conditionally Permitted</b>			
<b>Residential</b>			
Single-Family	P <sup>3</sup>	P <sup>4</sup>	P –Only in R-2/R-4 zones
Social Relief Facility (up to 5 Individuals)	P	P	P
Two-Family	P	P	P <sup>5</sup>
Multi-Family	P	P	P – Not permitted in R-2 zone
<b>Group Living</b>			
Assisted Living Facility/Nursing Home	C	C	C – Not permitted in R-2 Zone
Social Relief Facility (six or more)	C	C	C
<b>Commercial</b>			
Animal Grooming	P	P	P –Not permitted in Res zones
Call Center/Centralized Office	P	P	P –Not permitted in Res zones
Club/Lodge	C	C	C – Not permitted in Res zones
Commercial Recreation Center	C	C	C –Not permitted in Res zones
Conference Center	C	C	C – Not permitted in Res zones
Daycare (up to 12 individuals)	P	P	P
Daycare (more than 12 individuals)	C	C	C
Financial Services	P	P	P – Not permitted in Res zones
Food and Beverage Establishment (non-drive-through)	P	P	P – Not permitted in Res zones
Laundry Services	P	P	P – Not permitted in Res zones
Lodging: Bed and Breakfast/Vacation Home Rental	P	P	P – C in res zones
Lodging: Hotel/Motel	P	P	P –Not permitted in Res zones
Office Medical/Professional	P	P	P – Not permitted in Res zones
Parking Lot (non-accessory to existing use)	P	P	P – Not permitted in Res zones
Parking Lot (Public)	P	P	P – Not permitted in Res zones
Personal Services (including gym, spa, barber shop)	P	P	P – Not permitted in Res zones
Retail Sales(General) up to 25,000 square-feet on ground floor – non-auto	P	P	P –Not permitted in Res zones
Retail Sales(General) greater than 25,000 square-feet on ground floor – non-auto	P	C	C – Not permitted in Res zones
Repair /Service (non-auto)	P	P	P – Not permitted in Res zones
Theater	P	P	P – Not permitted in Res zones
<b>Industrial</b>			
Food/Beverage Manufacturing	-	P	-
Industry, Light <sup>6</sup>	-	P	-

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District. The underlying zoning district is R-2 (Single Family Residential), which requires a conditional use permit for the proposed lodging or short term rental use.

**Section 8 – Off-Street Parking and Loading- Location and Standards.** The NE Gateway Plan recognizes that application of the City's current off-street parking requirements may not be practicable or conducive to the goals and future development of the area. The following off-street parking standards shall apply to development within this area. Except as noted below, the standards listed in Chapter 17.60 (Off-Street Parking and Loading) of the Zoning Ordinance shall apply to the development of properties in Zone 1-3.

- A. No off-street parking shall be required for non-residential uses having 3,000 square feet or less of floor area. Off-street parking must be provided for the floor area in excess of 3,000 square feet.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #5.** The proposed use is non-residential, as the lodging or short term rental use is listed under the Commercial category of Table 1 in Section 6 in Ordinance 4971. The existing structure is a 2 bedroom, 2 bath dwelling unit of approximately 1,191 square feet in size. The structure is less than 3,000 square feet, and for non-residential use as proposed would not require off-street parking spaces. While not required, the applicant is proposing to maintain the existing garage and driveway to allow parking to occur on site within those spaces. The driveway is currently only approximately 14 feet in depth as measured from the garage wall to the property line, which does not meet the minimum depth dimension of a standard parking space as required in other development standards in Chapter 17.60. However, some smaller vehicles may be able to park within this driveway adequately. Therefore, a condition of approval is included to require that vehicles shall not park in the driveway if they extend into and block the sidewalk space within the right-of-way adjacent to the subject site.

**Section 9 – Signage. [...]**

Zone 2 and Zone 3: Signage in Zone 2 and Zone 3 shall comply with the standards of Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance except as follows:

- A. Each site or multi-tenant complex is allowed a maximum of one (1) permanent monument sign not to exceed 48 square feet in area and six (6) feet in height.
- B. Properties with frontage on Lafayette Avenue may have one additional permanent free-standing sign per site not to exceed 12 feet in height and 48 square feet in area. If the property has frontage on Lafayette Avenue and one or more additional public streets, the additional free-standing sign is permitted only on Lafayette Avenue.
- C. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet. Wall signage shall be constructed of a material that is complementary to the material of the building façade. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as above transoms or below cornices.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #4.** While no signage was proposed with the current application, a condition of approval related to signage is included to satisfy requirements of the conditional use process, as described in more detail above. This condition requires that signage be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area. This limitation on size results in signage consistent with the Northeast Gateway Planned Development Overlay District standards for size. In addition, the condition of approval requires that the only signage allowed will be wall-mounted signage, and

Attachments:

Attachment 1 – Application and Attachments



that the wall-mounted sign only be placed in traditional locations in order to fit within architectural features to be consistent with the Northeast Gateway Planned Development Overlay District standards related to locations of wall-mounted signage.

**Section 10 – Landscaping.** Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.
- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant is not proposing any development or changes to the existing structure or site. Therefore, the application of the landscaping standards is not necessary.

CD:sjs