

MINUTES

**October 20, 2022
Planning Commission
Regular Meeting**

**6:30 pm
Hybrid Meeting
McMinnville, Oregon**

Members Present: Brian Randall, Beth Rankin, Sidonie Winfield, Sylla McClellan, Dan Tucholsky, Matt Deppe, Gary Langenwalter, and Lori Schanche

Members Absent:

Staff Present: Heather Richards – Planning Director and Tom Schauer – Senior Planner

1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Minutes

- **August 18, 2022**

Commissioner Schanche moved to approve the August 18, 2022 minutes. The motion was seconded by Commissioner McClellan and passed 8-0.

4. Action Items:

A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development

overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Applicant: Kimco McMinnville LLC, c/o Michael Strahs

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Langenwalter MOVED to CONTINUE the hearing for CPA 2-20/ZC 3-20 to January 19, 2023. The motion was seconded by Commissioner McClellan and PASSED 8-0.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. Representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Rankin MOVED to CONTINUE the hearing for CPA 1-21/ZC 2-21 to January 19, 2023. The motion was seconded by Commissioner Tucholsky and PASSED 8-0.

C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)

Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 2-21/ZC 3-21 to January 19, 2023. The motion was seconded by Commissioner Langenwaller and PASSED 8-0.

5. Work Session Discussion

- Short-Term Rentals

Bill Kabeiseman, City Attorney, explained declarations of ex parte contact, actual and potential conflict of interest, and bias in land use decisions as compared to legislative decisions.

There was discussion regarding examples of actual and potential conflict of interest.

Planning Director Richards said the Commission discussed short term rentals in September and wanted to have more discussion on adding a requirement for inspections of permitted properties, separation standard, limiting the number of permitted properties, applying the same rules to short term rentals in commercial zones, charging a fine to a short term rental if they were operating without a permit, signage and permits on the short term rental, and limiting how many short term rentals were in the commercial zone. The Commission asked staff to come back with a survey of what other communities did in terms of fees and maps that showed the impact of a short term rental separation of 100 feet, 200 feet, 300 feet, and 600 feet.

There was consensus that requiring an inspection was unnecessary and eliminating that as a condition for short term rentals, adding a requirement that the contact would be available 24 hours, 7 days per week for emergencies, and making the contact list available to the Police Department.

Senior Planner Schauer reviewed the short term rental separation maps. The current code stated that a short term rental was not to be located within 200 feet of another short term rental.

There was discussion regarding buffer vs. spacing standard numbers as well as how the standard chosen would impact the ability to have future short term rentals, setting a limit on the number of permits that were issued annually, livability, and grandfathering in current short term rentals.

There was consensus to go with a 600 foot separation standard between short term rentals, noting Commissioner Langenwalter preferred 400 feet, to not set a limit to the number of permitted properties, to not apply the same rules to short term rentals in commercial zones, to require permit numbers to be part of the listing but not on a sign outside of the home, to be able to revoke a permit due to habitual nuisance and to have it possibly come to the Planning Commission for a public hearing, and to deny the opportunity to apply for a short term rental permit for a year if the rental was operating without a permit.

There was discussion regarding concern about the loss of affordable housing in commercial zones and how to address it, occupancy limits, changes to the short term rental application, and instituting a short term rental moratorium for 3-5 years or removing short term rentals from the code as permitted uses in residential zones.

There was consensus to finish the current moratorium with the option to extend it if needed based on any new information.

The Commission discussed the information they would like staff to bring back.

6. Action Items

None

7. Commissioner Comments

None

7. Staff Comments

Planning Director Richards discussed Senior Planner recruitment. She explained the recent Work Session with Council regarding code for implementing Measure 109. She noted there might be an appeal of the Commission's recent decision to deny a short term rental application.

8. Adjournment

Chair Winfield adjourned the meeting at 8:49 p.m.