

MINUTES

June 15, 2023
Planning Commission
Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Matt Deppe, Dan Tucholsky, Gary Langenwalter, Beth Rankin, Megan Murray, Brian Randall, and Sylla McClellan

Members Absent: Sidonie Winfield

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Adam Tate – Associate Planner, and John Swanson – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

None

4. Public Hearings

A. Quasi-Judicial Hearing: Conditional Use Permit (Docket CU 2-23) and Historic Structure Parking Variance (Docket VR 1-23)

Request: CU 2-23. Applicant Christie Toal is requesting approval of a Conditional Use Permit to operate a Bed and Breakfast on property located in the O-R (Office Residential) Zone. The proposal would continue to provide 4 sleeping rooms in the main house and a basement apartment, as well as renovation of the detached garage into a fifth sleeping room/suite. Each sleeping room would be improved with an attached bathroom increasing the number of bathrooms from three to seven and a half.

VR 1-23. The applicant is also requesting a parking variance for the historic structure, as provided for in Section 17.60.150 of the Zoning Ordinance. The application states the property would continue to have two parking spaces, and the applicant is requesting a variance for a historic structure such that the 4 additional parking spaces required for guests based on the standards for a bed and breakfast would not be required.

Location: 706 SE First Street, Tax Lot R4421CB 300

Applicant: Christie Toal

Vice Chair Langenwaller opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky met Ms. Toal at Humble Spirit one night and they spoke about her plans, but he stopped when he realized he shouldn't be speaking about that. It would not impact his ability to vote on this matter.

Vice Chair Langenwaller asked if any Commissioner had visited the site. Commissioners Deppe, Randall, Rankin, Tucholsky, and Langenwaller had visited the site.

Vice Chair Langenwaller asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Associate Planner Tate said this was a request for a conditional use to convert the historic home into a bed and breakfast and for a parking variance. He discussed the subject site, project summary, applicable review criteria, agency comments, and questions from Commissioner McClellan. Staff recommended approval with conditions.

There was discussion regarding how if the applicant moved and no manager was on site, it could not operate as a bed and breakfast. It would need a permit to function as an Air B&B or VRBO. There was further discussion regarding the definition of bed and breakfast and how there were no additional requirements needed for the building to meet the building code. There was no definition of "meal," but the Planning Commission could add a condition of approval regarding the definition. There was more discussion on widening the driveway.

Applicant's Testimony: Christie Toal, applicant, said the plan was to retain as much of the historical character and the footprint of the structure as possible while bringing it to today's standards. She would offer a meal at least once per week and would work with a local bakery to bring in an assortment of different options. She did not plan to have a large, sit-down meal. Every room would have its own bathroom and would operate more like a hotel. The three rooms upstairs would be three suites and there would be one suite on the main floor. She would be living in the basement apartment. The carriage house would be remodeled to a fifth guest suite. She would also be redoing the landscaping. To create additional parking spaces would be detrimental to the footprint of the existing house, given its historic nature. There was plenty of on-street parking in front of the property as well. She was asking for a 66% reduction for parking. She planned to market no cars and would work with local drivers for transportation to and from the airport. She planned to have people park on 1st and her neighbors had not complained about the on-street parking.

Proponents: None

Opponents: None

Commissioner Deppe MOVED to CLOSE the public hearing, SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

Vice Chair Langenwalter closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commission Deliberation: Commissioner Murray thought this was exactly what the City needed, especially restoration of a historic home that would be used for tourism. Commissioner Randall agreed. He did not think there would be that many cars parked all at once at the property.

Commissioner McClellan was concerned about the parking, especially with the increased traffic on 1st and the other businesses that also needed parking. She thought approving the application would set a precedent.

Commissioner Langenwalter said there would not be as much competition for parking as the B&B customers would be parked during the night, not during the day when the businesses would be open.

Commissioner Deppe thought it met all the requirements.

Commissioner Rankin was not concerned about the parking, especially since parking would be addressed in the upcoming Transportation System Plan update.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Deppe MOVED to APPROVE VR 1-23. SECONDED by Commissioner Murray. The motion PASSED 6-1 with Commissioner McClellan opposed.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Deppe MOVED to APPROVE CU 2-23 with conditions. SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

B. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)

(Continued from May 4, 2023)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

Vice Chair Langenwalter opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards presented on natural hazard areas in McMinnville and how to move forward with development in these areas from the perspective of safety planning without undue burdens on property owners and developers. These actions would not impact properties within the City's UGB until they were annexed into the City limits. Most of the protection zone that was not also within the floodplain zone was in the UGB by Fox Ridge Road. Staff recommended continuing the hearing to July 20 for additional evaluation, deliberation, and research. She discussed Oregon land use, City's Goal 7 natural hazards work, natural hazard planning, adding a social vulnerability assessment, geologic hazard maps, and the resulting recommended program and plan. She explained the new natural hazards overlay zones, conformance/exemptions, natural hazard zones new construction requirements, transfer of development rights, partner agency review, public outreach, property owner concerns, meeting with DOGAMI and DLCD staff, Planning Commission direction thus far, and new testimony received tonight. The next steps were to engage with state representatives, listen to public testimony, and continue the hearing. Staff would continue to collect people's concerns, visit with experts, and continue to refine the program.

There was discussion regarding what other communities were doing for natural hazards, geologic study requirements for new development, differences between the current code and the proposed new code for building a single-family home in one of these zones, and appeal process.

Bill Burns, landslide specialist at DOGAMI, spoke about natural hazard risk reduction, the use of Lidar topographic data, and FEMA grants to help do the work.

Marian Lahav, Natural Hazards Mitigation Planning Program Coordinator at DLCD, said the City's analysis was thorough and consistent with the implementation of statewide planning goal 7. DLCD supported the proposal with some recommended refinements. She reviewed the changes suggested.

There was discussion regarding updating the Natural Hazard Mitigation Plan when new hazard data was made available, eligibility for certain FEMA mitigation funds, what was considered new data information on which they had to act, making sure the community qualified to receive as much federal funding as possible, and Lidar data and geographic mapping.

Mark Davis, McMinnville resident, was supportive of the plan, but he was concerned that the maps were not very accurate. He hoped the City applied for the grant and they could get better data. He thought there needed to be a clear explanation of the numbers on the map.

Allison Reynolds, land use attorney in Portland, was representing Schnitzer Steel Industries. She raised an issue regarding the areas mapped as natural hazards at the steel mill which were manmade for the operation of the mill. They requested that those areas be removed from the overlay zone. The other two issues were in regard to a site north of the mill that Schnitzer wanted to sell and facilitate a land division to split off the floodplain area from the development lot as part of the sale. Schnitzer planned to retain the floodplain area as a conservation lot. The issue was land divisions were prohibited in the natural hazards protection zone unless the applicant went through a planned development process. They would like an option for an exception to the planned development requirement when they were just creating a lot for conservation. The second issue was the natural hazard areas on the lot that would be developed and this made it questionable for potential buyers whether it could be developed. They would like the City to provide an option for owners to conduct the geological evaluation now for possible removal from the overlay maps or to confirm what mitigation would be required.

Commissioner Tucholsky MOVED to CONTINUE G 3-22 to July 20, 2023. SECONDED by Commissioner McClellan. The motion PASSED 7-0.

C. Legislative Hearing: Zoning Ordinance Amendment (Docket G 3-23) – (Exhibit 3)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO CHAPTER 17.57 OF THE ZONING ORDINANCE REGARDING LANDSCAPING AND LANDSCAPE PLANS AND AMENDMENTS TO CHAPTER 17.58 REGARDING STREET TREE REMOVAL PERMITS, AS FOLLOWS:** The proposal would amend various provisions of Chapter 17.57 regarding landscape plans and landscaping standards. The proposal would also amend provisions of Chapter 17.58 to create categories for “simple” and “complex” permits for major pruning or removal of trees which are subject to Chapter 17.58. Applications for simple permits would now be reviewed by staff, while applications for complex permits would continue to be reviewed by the Landscape Review Committee.

Applicant: City of McMinnville

Vice Chair Langenwaller opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Senior Planner Schauer presented on the proposed amendments to the zoning ordinance regarding standards for landscaping, landscape plans, and tree removal. He discussed the key issues including two categories of tree removal applications, changes to the requirements for landscape plans, and additional work and further refinements needed. Staff recommended continuing the hearing to July 20. Staff would bring back a revised draft to the next hearing.

There was discussion regarding conflicts between streetlights and street tree locations and having utility plans submitted earlier, compliance enforcement, bump from 30 to 45 days for applications to go to the Landscape Review Committee, landscaping for parking lots, street tree survey, cost of Landscape Review Committee review of street tree removals vs. administrative review, emergency removals at no cost, size of replacement tree, options for tree removal and sidewalk repair, funding resources to help with the cost, and creating tree lists for neighborhoods.

Commissioner Deppe MOVED to CONTINUE G 3-23 to July 20, 2023. SECONDED by Commissioner Randall. The motion PASSED 7-0.

D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (Docket CPA 1-20) and Zoning Map Amendment (Docket ZC 1-20) – (Exhibit 4)

The application for Docket CPA 1-20/ZC1-20 has been withdrawn.

This application was previously continued from the February 16, 2023 Planning Commission meeting to June 15, 2023. Because the application has been withdrawn, no public hearing will be held.

Location: 3225 NE Highway 99W, Tax Lot R4410 1500

Applicant: White Top Properties LLC

7. Work Session

None

8. Commissioner Comments

Commissioner Rankin said a curb needed to be painted yellow at the corner of Fellows and Sitka. She scheduled a meeting at her house on September 23.

Commissioner Deppe discussed the need for robust parking enforcement downtown and the option of lot sharing.

9. Staff Comments

Community Development Director Richards said the Council adopted the short term rental provisions and the moratorium had been lifted. The Gwendolyn Hotel did not appeal the Council's decision.

10. Adjournment

Vice Chair Langenwalter adjourned the meeting at 9:20 p.m.