

MINUTES

July 6, 2023
Planning Commission
Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

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

Members Absent: Matt Deppe and Megan Murray

Staff Present: Heather Richard – Community Development Director, 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

- April 6, 2023

Commissioner Rankin said on agenda item 4, her comment should read, “Commissioner Rankin had just received the County Assessor’s Office information on property transfers from corporations and would share her information at a future meeting.”

Commissioner Tucholsky moved to approve the April 6, 2023 minutes as amended. The motion was seconded by Commissioner McClellan and passed unanimously.

4. Public Hearings

A. Quasi-Judicial Hearing: Conditional Use (CU 1-23)

Request: An application for a Conditional Use Permit to operate a CrossFit Gym in zone M-2 (General Industrial) at 1245 NE Alpha Drive, Building 1A, (Tax Lot R4415C 03100). The proposed Conditional Use would occupy 1,976 square feet of an existing building.

Location: 1245 NE Alpha Drive, Building 1A, more specifically described at Tax Lot 3100, Section 15C, T.4S., R 4 W., W.M.

Applicant: Cyra & JP Kloninger

Vice Chair Langenwaller opened the public hearing and 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 McClellan said she was friends with applicants and was a former client, but it had been many years and it would not affect her ability to make an impartial decision.

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: Senior Planner Swanson said this was a request for a conditional use for a CrossFit gym facility in an industrial zone. He described the subject site and project summary. The use would occupy 1,976 net square feet of the building and would require 7 parking spaces. The gym would operate according to a set schedule and customer capacity limits. He then reviewed the site plan, building photo, criteria, and conditions of approval. Staff recommended approval with conditions.

There was discussion regarding changes to the use that would need to be brought back to the Planning Commission, how the industrial uses surrounding the building might affect the business in using potentially toxic materials, how there were air systems in each building to protect other uses and they would be reviewed per building code, concern about shortage of parking and options to address it, and building permit requirement for this application.

Commissioner Winfield joined the meeting virtually.

Applicant's Testimony: Cyra & JP Kloninger said they were there to answer any questions.

There were questions regarding the industrial uses allowed in this area that might not be appropriate for a gym to be nearby, jobs the business would provide, community need for this type of business, concern about setting a precedent, and no equipment or storage in the parking lot or outside.

Proponents: Mikalie Moreno, McMinnville resident, was in support of the application.

Opponents: None

Commissioner McClellan MOVED to CLOSE the public hearing, SECONDED by Commissioner Tucholsky. The motion PASSED 6-0.

Vice Chair Langenwaller closed the public hearing.

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

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Tucholsky MOVED to APPROVE CU 1-23 with conditions. SECONDED by Commissioner Rankin. The motion PASSED 6-0.

B. Quasi-Judicial Hearing: Appeal of Historic Landmarks Committee of Denial for a Certificate of Approval for exterior alterations to a historic landmark (AP 9-23)

Request: The applicant has submitted an appeal of the Historic Landmarks Committee decision to deny the application (HL 1-22) for a Certificate of Approval for exterior alterations to a historic landmark. The decision was to deny the proposed alterations, based on the applicable criteria are in Section 17.65.060(B) of the McMinnville City Code.

Location: 436 SE Baker Street, more specifically described at Tax Lot 9800, Section 21CB, T.4S., R 4 W., W.M.

Applicant: Emily & Ryan Forbes

Vice Chair Langenwaller opened the public hearing and 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. 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 an appeal of the Historic Landmarks Committee's decision to deny the application for a Certificate of Approval for exterior alterations to a historic landmark. He discussed the subject site, project summary, applicable review criteria, and Commission options. Staff recommended remanding the application back to the Historic Landmarks Committee with the direction that the current property owners provide a detailed photo survey of the existing stairwell for the HLC to consider and the following conditions to be retained: the property owners would allow the Building Official to inspect the staircase and room it accessed, any improvements to bring the staircase up to code as recommended by the Building Official would be undertaken, and the Building Official would determine if the room accessed from the staircase could be deemed habitable.

Community Development Director Richards said the findings recommended denial. If the Commission wanted to approve the appeal, they would implement a provision from the National Park Service and Secretary of Interior standards to approve the appeal on the basis of new additions should look new and not replicate the old and the rehab should be financially feasible and non-public facing sides were given more leniency. The remand was based on the fact that the HLC did not have enough information to make a decision.

The Commission discussed what the HLC approved and the garage demolition which was a staff decision.

Applicant's Testimony: Emily & Ryan Forbes were the new owners of the property and had not been aware of any lingering approval processes before they closed on the home. They wanted to work with the City to resolve the issue. They would prefer not to remove a functioning staircase but bring it into code compliance instead. They would be able to provide the information needed to the HLC. The staircase was the only way to access the storage room as it was blocked off from the rest of the house. The home was currently a short-term vacation rental, but guests were not given access to the space.

There was discussion that this did not come up in the inspection or title search and how the applicant was unaware of this issue until they received the notice of denial and had not attended any of the HLC meetings. There was further discussion regarding a procedural

change that could be made in the future that the property could not transfer ownership if there was pending action.

City Attorney Kabeiseman said there was no authority for the City to adopt regulations that would prevent a transfer of property.

Proponents: None

Opponents: None

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner Rankin. The motion PASSED 6-0.

Vice Chair Langenwaller closed the public hearing.

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

Commissioner Tucholsky said the applicants were not given a fair opportunity to provide the information to the HLC. He supported remanding it back to the HLC. The rest of the Commission agreed.

Based on the materials submitted by the applicant, Commissioner Tucholsky MOVED to REMAND AP 9-23 to the Historic Landmarks Committee. The applicant shall provide a detailed photo survey of the existing stairwell for the HLC to consider. SECONDED by Commissioner McClellan.

Commissioner Randall amended the motion, to say the applicant shall provide documentation in consultation with staff for the HLC to consider. The amendment PASSED 6-0.

The motion to REMAND AP 9-23 as amended PASSED 6-0.

5. Commissioner Comments

Commissioner Rankin said the Planning Commission and staff gathering at her home would be held on September 16.

6. Staff Comments

Community Development Director Richards said the property owners for the commercial Comprehensive Plan amendment and rezone on Three Mile Lane had withdrawn their applications. Staff had been updating the Housing Needs Analysis, Economic Opportunity Analysis, and Public Land Need Analysis and she explained the deficit of land supply found in the process. To meet the need, they would be doing a sequential Urban Growth Boundary amendment process. They would go through a land use efficiencies process next year to better determine what the land need was. They would also need to do a Housing Production Strategy. In the recently adopted budget for next year, a new Associate Planner position was included. This position would support the affordable housing program. Advertising for the Planning Commission vacancy would begin on Monday, with interviews in August. She then shared stories from residents in the Baker Creek North area and encouraged the Commission to walk around and talk to people in these new developments.

There was discussion regarding getting more multi-family housing in the City.

City Attorney Kabeiseman thought they could mandate multi-family housing to be done in the first phase of a development, but there might be unintended consequences that he would have to research.

7. Adjournment

Vice Chair Langenwalter adjourned the meeting at 8:01 p.m.