

MINUTES

Members Present: Chair Butler; Commissioners Chroust-Masin, Drabkin, Hillestad, Koch, Morgan, Stassens, Tiedge

Members Absent: Commissioner Hall

Staff Present: Ms. Lynagh, Ms. Haines, Ms. Kindel

1. Approval of Minutes – December 20, 2012

Chair Butler called the meeting to order at 6:32 p.m., and called for action on the minutes from the December 20, 2012, Planning Commission meeting. He listed the names of the Commissioners who had been present at that meeting, and Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Hillestad. Motion PASSED unanimously.

2. Public Hearing (Quasi Judicial)

◆ Docket CU 8-12

Request: Approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.

Location: 1330 NE Ford Street, and more specifically described as Tax Lot 3700, Section 16CC, T. 4 S., R. 4 W., W.M.

Applicant: Jayson Murray and Karen Saez

Chair Butler opened the public hearing at 6:37 p.m., and requested disclosures, abstentions, or objections to jurisdiction. There were none from the Planning Commissioners that were present, and Chair Butler called for the staff report.

Ms. Lynagh explained that the application was for a conditional use permit to operate a vacation home rental in an existing residence. She reminded the Commissioners that the separation requirement for such facilities had been eliminated, and said the applicants had met, or would meet, the criteria; and staff recommended approval with no conditions.

Commissioner Hillestad noted that staff recommendations were “essentially identical” for the four conditional use permit applications on the docket. He asked for clarification of the statement that the proposed use was “a benefit to the immediate area,” and whether staff considered the conversion from single-family use to vacation rental use to be a benefit.

Ms. Lynagh explained that there would be a benefit to the property by being put to use rather than being empty. Further, she said there would be a tourism benefit to the greater McMinnville area as a result of visitors to the area staying in the house.

Discussion ensued as regard whether there were other uses that would be allowed on the subject site if the application for the requested use was approved. Ms. Lynagh explained that any conditional use permit would become void if a period of one year passed uninterrupted without being used for the approved conditional use. She further clarified that the property could be used for other permitted uses for the zone as long as it was used for the conditionally approved use at least once within a one-year time period.

Chair Butler called for the applicant's testimony.

Karen Saez said she and her husband, Jayson Murray, currently lived in southern California and when they visited McMinnville the previous summer, had "fallen in love with the area." Subsequent to that trip, she said that they had purchased a home in McMinnville with an eventual plan to retire there. With that goal in mind, she said that using the home as a vacation rental would assist them financially, and also allow them to offer the facility to family and friends when they weren't using it themselves. Ms. Saez said they would continue to keep the home in good condition and stated that it met the criteria for approval.

There was no proponent testimony, and Chair Butler called for opponent's testimony.

Kris Haley-Eggers, 609 NE 13th Street, said her home was located directly behind the subject site and she was in opposition to the property being used as a vacation home rental. She expressed her opinion that such a use would not benefit the neighborhood, and she did not want the home to be "a transient living place where people come and stay, and come and go." She said that rentals were fraught with problems, and that she wanted the home to be an owner-occupied, single-family residence.

Discussion ensued with regard to the approval criteria for the requested use, and Chair Butler explained that the vacation home rental ordinance provided a process for addressing complaints about the facility, should they arise.

Ms. Haley-Eggers said she had not been aware that the applicants intended to stay in the home at times, and she felt better knowing that there would be a local contact if problems with guests arose.

Chair Butler called for public agency testimony.

Ms. Lynagh said that all public agency comments had been included in the staff report.

Chair Butler asked the applicants whether they wished to respond to the opposing testimony from Ms. Haley-Eggers.

Ms. Saez explained that they did not purchase their home with the intention of establishing a vacation home rental business, but it was the only way for them to be able to spend time in McMinnville at this point in time. She said they had two children in high school and did not want to relocate them yet. She stated that the home would be their "second home" and they intended to offer it as a vacation home rental so that others could enjoy it and be able to experience the McMinnville area.

Jayson Murray reiterated what Ms. Saez had said, and added that they intended to maintain the home so they could also enjoy it. He told Ms. Haley-Eggers that they wanted to be good neighbors, and she was welcome to call them if she had any complaints or issues about the vacation home rental use. He said they anticipated moving to McMinnville within the next four years.

The applicants waived the seven-day period, and Chair Butler closed the public hearing at 7:00 p.m.

Commissioner Chroust-Masin said he was confident that the applicants would make sure the house was sound and well kept since they intended to live there in the future.

Commissioner Hillestad expressed his opinion that staff was giving a “rubber stamp approval” to vacation rentals, especially in full residential zones, and he would prefer that not be done. He stated that he was not as concerned about applications for properties located in commercial or transitional zones. He noted he was going to vote to approve the application because there was nothing in the current ordinance that would trigger a negative vote; however, he said he was “really feeling bad about the trend we are going in.”

Commissioner Drabkin said there had not been enough applications for vacation home rentals presented to the Commission to draw a conclusion that they were being rubber stamped. She pointed out that if the conditional use permit was not granted for the subject property, the house would sit empty.

Commissioner Hillestad said that there was a precedent being set, and he believed the subject property was fine in its current use. He said he did not believe that converting it was a genuine benefit, and based on personal experience, he would rather see the home sit empty.

Commissioner Morgan pointed out that all of the applications were similar, but he did not feel that the applications were being rubber stamped.

Commissioner Hillestad said he did not have any objection to this particular proposal, and he did not mean to imply that there had been a long history of rubber stamping such applications. He said he believed they were going to see more vacation rental applications, and he would like to see them considered individually with more attention given to whether or not there was a genuine reason for changing the use.

Commissioner Chroust-Masin said he did not see anything in the applicants’ submittal or the staff report that would indicate the criteria had not been met. He stated that the approval criteria was in the zoning ordinance after having been set by the City Council, and it was the role of the Planning Commission to follow the criteria.

Commissioner Koch said that all of the vacation rentals he had stayed in had been very well kept, something that would be necessary in order to attract clientele, and he anticipated the proposed facility would be no different.

Commissioner Chroust-Masin MOVED based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 8-12; SECONDED by Commissioner Koch. Motion PASSED unanimously.

3. Public Hearing (Quasi Judicial)

◆ Docket CU 9-12

Request: Approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.

Location: 905 NW Birch Street, and more specifically described as Tax Lot 5000, Section 20AA, T. 4 S., R. 4 W., W.M.

Applicant: Corey Guinnee and Sylla McClellan

Chair Butler opened the public hearing at 7:07 p.m., and requested disclosures, abstentions, or objections to jurisdiction. Commissioner Drabkin stated that she was acquainted with both applicants; however, her decision on the application would not be influenced by that fact. There were no further disclosures, and Chair Butler called for the staff report.

Ms. Lynagh explained that the application was for a conditional use permit to allow for the operation of a vacation home rental in an R-2 (single-family residential) zone. She said that the application had been submitted previously, but had been rejected based on the fact that the separation requirement between vacation home rentals was in place, which had made it ineligible for approval consideration. Similar to the foregoing application, the applicants wanted to use the property for themselves from time to time, so a vacation home rental was the best option for them.

Chair Butler called for the applicant's testimony.

Kate Bonilla said she was present to represent the applicants, who were unable to attend the hearing. She read a letter from the applicants that stated Ms. Bonilla and her husband would be the local emergency contacts for the vacation home rental business. The letter also noted that the Bonillas lived around the corner from the subject property, so would be available to monitor the property and provide immediate response in case of an emergency.

Chair Butler asked whether Ms. Bonilla had been in the home.

Ms. Bonilla answered affirmatively, and added that as a very close neighbor, she was in support of the proposed use.

There was no proponent or opponent testimony, and Chair Butler called for the public agency report.

Ms. Lynagh said that all public agency comments had been included in the staff report.

Chair Butler closed the public hearing at 7:15 p.m.

Commissioner Koch MOVED based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 9-12; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

4. Public Hearing (Quasi Judicial)

◆ Docket CU 10-12

Request: Approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.

Location: 208 SE Baker Street, and more specifically described as Tax Lot 4800, Section 21CB, T. 4 S., R. 4 W., W.M.

Applicant: Shannon Thorson

Chair Butler opened the public hearing at 7:16 p.m., and requested disclosures, abstentions, or objections to jurisdiction. Chair Butler and Commissioners Drabkin and Stassens all stated that they were acquainted with the applicant, but that would not affect their decisions on the application. There were no other disclosures, and Chair Butler called for the staff report.

Ms. Lynagh said that the conditional use permit application was also for a vacation home rental; however, it was different than the others because it was located in an O-R (Office-Residential) zone, which was a transitional zone between commercial and residential zoning. She stated that staff recommended approval of the application request, and the use was a good fit for the property and the neighborhood.

Commissioner Hillestad asked for clarification about the two-bedroom basement unit noted in the staff report, and wanted to know whether the vacation rental would be for the entire property, or whether there would be two separate units.

Ms. Lynagh explained that the vacation rental would be on the main floor, and there was a separate apartment in the basement. She noted that, while it would be possible to have two vacation rental units in the house, it would require another conditional use permit to operate a second one. Further, she said that the applicant had indicated only the top portion of the structure would be used as a vacation rental at this time.

Chair Butler called for the applicant's testimony.

Shannon Thorson said she had owned the subject property since 2005, and stated that she believed her application was thorough and met all of the criteria for approval. In response to questions about the basement apartment, she explained that it was currently vacant, but she had entered into a contract for a long-term rental beginning February 15. Ms. Thorson addressed Commissioner Hillestad's comments about staff "rubber stamping" applications and said that as a small struggling business owner, she appreciated the clarity and direction provided by staff when assessing the likelihood of approval of an application. Given the fact that the application fee was more than \$950, she said it was important to have a clear understanding of the criteria required for approval.

There was no proponent or opponent testimony, and Chair Butler called for the public agency report.

Ms. Lynagh said that all public agency comments had been included in the staff report.

Commissioner Hillestad asked whether it would be permitted to have a second vacation home rental in the basement apartment.

Ms. Lynagh said such use of the subject site would be permitted.

Commissioner Hillestad asked whether vacation rentals were monitored for compliance once they were approved, or if it would require a complaint to trigger an evaluation.

Ms. Lynagh said that vacation rentals were not routinely checked; however, complaints would be investigated. In addition, she said that a website for such facilities was reviewed from time to time. She noted the only vacation home rental complaints that had come into the Planning Department were to report non-permitted facilities. Ms. Lynagh explained that if there were any complaints about a vacation rental, it would likely return to the Planning Commission for review, if the property owner failed to bring the facility into compliance. She reiterated that there had been no complaints about existing vacation home rentals.

Chair Butler closed the public hearing at 7:27 p.m.

Commissioner Morgan MOVED, based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 10-12; SECONDED by Commissioner Koch. Motion PASSED by majority vote, with seven Commissioners in FAVOR and one in OPPOSITION (Commissioner Hillestad who stated he was opposed because of future impacts to the adjacent use due to the proximity of the basement unit, and in particular because the unit was not currently rented).

5. Public Hearing (Quasi Judicial)

◆ Docket CU 11-12

Request: Approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.

Location: 218 SE Washington Street, and more specifically described as Tax Lot 4700, Section 21CB, T. 4 S., R. 4 W., W.M.

Applicant: Stacy J. Martin

Chair Butler opened the public hearing at 7:29 p.m., and requested disclosures, abstentions, or objections to jurisdiction. Commissioners Chroust-Masin and Stassens both stated that they knew the applicant, but noted they could remain objective in their consideration of the application. There were no other disclosures, and Chair Butler called for the staff report.

Ms. Lynagh said that this was the fourth conditional use permit application for a vacation home rental to be presented at the meeting, and the application was the third one to have been precluded from earlier submission due to the separation requirement. She said that the subject site was next door to Ms. Thorson's, and was also located in an O-R (Office-Residential) zone.

Ms. Lynagh said that staff was recommending approval of the application, with a condition that the gravel parking area be paved to accommodate two vehicles.

Commissioner Drabkin asked whether staff had seen a lot of new interest in establishing such facilities, or whether inquiries were primarily from individuals who had been prevented from submitting applications due to the distance requirement.

Ms. Lynagh reiterated that three of the applicants at this meeting had been waiting for the elimination of the distance requirement to submit their applications, and she was not aware of any others that were pending at this time. She stated that if all four of the applications under consideration were approved, it would only bring the total number of conditional use permits for vacation home rentals to nine. She said that, although there had been a recent inquiry by another individual who had picked up an application form, they had not submitted an application.

Commissioner Morgan said he wanted to go on record to express his appreciation to staff that reports were always thorough and concise, and that all of his questions were answered before the meeting.

Chair Butler called for the applicant's testimony.

Stacy Martin said she believed her vacation home rental would be a benefit to the neighborhood and community. She noted that the conditional use permit request met the criteria, and she was in agreement with the condition of approval. In response to questions from Commissioners Stassens and Chroust-Masin, she said she had previously been renting the home on a monthly basis, but had no experience operating vacation home rentals. Ms. Martin said she planned to market the property by listing it on the Vacation Rental By Owner (VRBO) website.

There was no proponent or opponent testimony, and Chair Butler called for the public agency report.

Ms. Lynagh said that any comments from public agencies had been included in the staff report.

Chair Butler closed the public hearing at 7:37 p.m.

Commissioner Stassens MOVED based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 11-12, subject to the condition of approval; SECONDED by Commissioner Morgan. Motion PASSED unanimously.

6. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Morgan. Motion PASSED unanimously. Chair Butler adjourned the meeting at 7:43 p.m.

Doug Montgomery
Secretary