

MINUTES

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

Members Absent: Commissioner Hall

Staff Present: Mr. Pomeroy, Ms. Haines, Mr. Bisset, Ms. Kindel

1. Approval of Minutes: March 20, 2014

Chair Butler called the meeting to order at 6:32 p.m., and requested action on the Planning Commission minutes from the March 20, 2014, meeting. Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

2. Public Hearing (Quasi Judicial)

◆ Docket CU 2-14

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

Location: 926 NE Davis Street, and more specifically described as Tax Lot 5200, Section 21BB, T. 4 S., R. 4 W., W.M.

Applicant: Dewey and Lindalee McCandlis

Chair Butler opened the public hearing at 6:36 p.m., and called for disclosures, abstentions, or objections to jurisdiction. Commissioner Drabkin said that she was acquainted with the applicants, but had no prior knowledge of the application and her relationship with them would not affect her decision on the application. There were no other disclosures, and Chair Butler called for the staff report.

Mr. Pomeroy explained that the application for a vacation home rental was similar to others that had come before the Planning Commission. He noted that the home was listed as "environmental" on the City's historical register, which meant there were no special preservation considerations. He stated that the application met all criteria for the use, and staff had recommended approval, subject to one condition.

Chair Butler called for the applicant's testimony.

Dewey McCandlis said they were seeking approval to use their home as a vacation rental, and stated that they were in the process of doing some light remodeling on the subject property, which was located on northeast Davis Street. He said that the requested use would be an asset to the community and bring people to town for various events. Mr. McCandlis noted that they had owned the home for nine years and would also be spending time there, so it would be maintained in perfect condition to attract guests.

In response to questions from members of the Planning Commission, Mr. McCandlis explained that the residence had two bedrooms and two available on-site parking spaces. Since they did not live in McMinnville, he said that Wild Haven Management Company would be the local emergency contact for the property, and would also be responsible for establishing and enforcing regulations for on-site activities. The light remodeling work they were doing included new carpeting, tile, and a bathtub, he said.

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

Joy Sherwood said she was speaking on behalf of her mother, Beverly Granger, who was in the audience and lived on the corner of 9th and Davis Streets, across the street from the applicant's home. Ms. Sherwood pointed out that the subject site was less than half a block from the location of a vacation rental that had been approved by the Planning Commission the previous month. She expressed concern that permitting more than one vacation rental per neighborhood would put an end to "neighbor" hoods with "actual neighbors," which would mean houses would be vacant part of the time and have people coming and going. She said that, if the applicant's vacation rental was approved, her mother would have one in front of her home and the other next to her. Ms. Sherwood said she thought there were regulations that prohibited vacation rentals to locate within a certain distance of another one.

Chair Butler explained that the distance requirement had been eliminated some time ago.

Ms. Sherwood said that meant the potential existed for everyone in her mother's neighborhood to establish a vacation rental. If that occurred, she asked whether it would trigger a zone change and cause property taxes to increase.

Chair Butler explained that approval of a vacation rental would not change the neighborhood other than who was occupying a residence. He said that there had been others who had voiced the same concerns with regard to neighborhood impact from vacation rentals, yet there had never been any complaints subsequent to any of the approvals. Further, the permit could be subject to withdrawal if there were issues associated with the use that resulted in neighbor complaints, he said.

Ms. Sherwood pointed out that there were avenues available to remedy similar issues with an individual renter, as well, but there would only be one person to deal with in such a situation. She reiterated that she felt the vacation rentals were too close together, and suggested there should be a designated area with nothing but vacation rentals, rather than allowing them to infiltrate residential neighborhoods.

Chair Butler called for the public agency report.

Mr. Pomeroy said that all public agency comments had been included in the staff report.

Mr. McCandlis offered to provide Ms. Sherwood with his contact information as well as for the property management company so she would be able to report any objectionable activity that occurred at the vacation rental. He stated that guests at such facilities were quiet and responsible, and that he and his wife would also be spending a lot of time there.

The applicant waived the seven day time period allowed for submission of final written arguments in support of the application.

Ms. Sherwood stated that the owners of the vacation rental approved by the Planning Commission the previous month had been untruthful when they said they were going to travel; when, in fact, the wife had lost her job and they were moving to Ohio to live with her parents, and would not be in the area at all.

Chair Butler closed the public hearing at 6:58 p.m.

Most Commissioners present expressed sympathy for Ms. Sherwood's concerns, but noted that the application was straightforward and met the criteria, and Commissioner Stassens MOVED, based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 2-14, subject to the condition of approval recommended by staff; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously.

3. Public Hearing (Quasi Judicial)

◆ Docket ZC 1-14 / S 1-14

Request: Approval of a tentative subdivision plan on 4.89 acres of land that, if approved, would provide for the construction of 30 single-family homes. Concurrent with this application is a request for approval to amend Planned Development Ordinance No. 4953 to allow for a reduction in the front-yard setback from 15 feet to 10 feet; a reduction in the exterior side-yard setback from 20 feet to 15 feet for all proposed lots; and a reduction in the side-yard setback from six feet to zero feet for all garages proposed for construction in the development.

Location: North of NE Grandhaven Street and east of NE Hembree Street, and more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

Applicant: Alan Ruden Inc.

Chair Butler opened the public hearing at 7:06 p.m., and called for disclosures, abstentions, or objections to jurisdiction. Commissioner Stassens stated that she was acquainted with the applicant, and Chair Butler acknowledged that likely all of the Planning Commissioners were acquainted with Mr. Ruden. There were no other disclosures, and Chair Butler called for the staff report.

Mr. Pomeroy reminded the Commissioners that they had approved a 21-lot subdivision, and recommended that the City Council approve a master plan, for a large area which included Phase 1 of the proposed development in 2012. He said that the current application was essentially a duplication of Phase 1, but was a proposal to develop 30 lots toward the north. The tentative subdivision plan would extend the alleyways to the north, provide additional public streets, and construct a pedestrian connection to the south to connect with the Chegwyn Farms neighborhood park, he said. He noted that there would also be a fire department emergency access that would extend eastward from what would be the eastern terminus of Samson Street, over to McDonald Lane, and would be gated and signed. At some point in the future when the subdivision built out further, he said that the emergency access would go away, other public streets would be constructed, and street connections would be made.

In response to questions from Commissioner Hillestad about potential parking issues, Mr. Pomeroy said that enforcement and resolution of parking problems would depend on what the specific problem was. He explained that the homeowners' association also had the option to take action privately to enforce their own standards, if they wished to do so.

There were questions with regard to setbacks for garages and potential for maintenance issues if built at the zero lot line. Mr. Pomeroy said that the garages would be offset by three feet from the property lines, exactly like Phase 1, with the setback measured from the property line to the wall or foundation of the structure; although eaves could extend into required setbacks up to 30 inches.

Chair Butler called for the applicant's testimony.

Alan Ruden said he thought staff had provided a thorough explanation of his application requests, and was available to answer questions. He informed the Planning Commissioners that Phase 1 of the development had gone well, and they had avoided a lot of conflict by not building at the zero lot line. With this second phase, he said they did not intend to build at the zero lot line, either; although if the application was approved as requested, it would provide the option if the need arose. In response to questions from the Commission members, he further explained that there would be no garages with a wall in common with another garage. The drawings included with his application were conceptual, he said, so did not depict housing styles as they would actually be built. With regard to enforcement and maintenance issues, Mr. Ruden said that there were CC&Rs but no established homeowners' association, so all property owners would have the right to enforce any issues such as parking or maintenance. He added that the CC&Rs included clear maintenance requirements, and explained that the streets were built to public standards and built to withstand years of heavy traffic. The alleys, he said, would experience light traffic; although those with property that bordered the alleys would contribute to a fund to seal coat the driving surface every five years or so.

Commissioner Hillestad asked whether there would be sufficient space for a handicapped vehicle with a side-drop ramp to pull into a driveway to the garage, drop the ramp, and not be sticking out in the alley.

Mr. Ruden noted that the alleys would not experience high traffic, so if necessary, a vehicle could pause in the alley to load or unload a passenger.

Commissioner Hillestad posed a series of questions related to access to structures in order to do maintenance or repairs given potential constraints due to reduced or zero setbacks and potential complications because of fences, eave overhangs, and other protrusions such as fireplaces into the setback areas.

Mr. Ruden said the typical eave overhang was 12 inches, plus the gutter, and setbacks would be a minimum of six feet anywhere there might be a fireplace. He reiterated that the only place there could potentially be a zero setback would be next to the garage, and said the reason they wanted to be able to locate the garage so far over was to provide as much useable back yard space as possible given the increased density of the proposed development.

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

Jim Bratcher, said he lived on Hembree Street, and was neither in favor of, nor opposed to, the application. He voiced his concerns about traffic impacts due to an additional 30 homes, and

suggested the creation of an additional egress from the area "sooner rather than later." He said he thought the development plan itself was a good one, and the homes were great, but would like to see another through street to alleviate traffic congestion.

Mr. Ruden said that he did not own the property to the east of the subdivision, but they had the right to locate the temporary fire access there. As for the future development of streets through the area, he said that would occur with the development of future phases.

There was no further testimony, and Chair Butler called for the public agency report.

Mr. Pomeroy said that all public agency testimony had been included in the staff report, and those that warranted it had been converted into conditions of approval.

Mr. Ruden waived the seven-day time period to submit final written arguments in support of the application, and Chair Butler closed the public hearing at 7:41 p.m.

Commissioner Stassens MOVED, based on the application materials, the testimony received, the findings of fact, and the staff report and recommendations, to recommend the City Council APPROVE ZC 1-14; SECONDED by Commissioner Morgan. Motion PASSED unanimously.

Commissioner Stassens MOVED, based on the application materials, the testimony received, the findings of fact, and the staff report and recommendations, to APPROVE S 1-14, subject to the conditions of approval as noted in the staff report; SECONDED by Commissioner Morgan. Motion PASSED unanimously.

4. Old/New Business

Chair Butler initiated a discussion of the approval process for vacation home rentals, and suggested it could be simplified if it was an administrative process, rather than quasi-judicial. If that was done, he noted the Planning Commission would serve as an appeals board if an applicant objected to the Planning Department's decision on the application.

At the conclusion of the discussion, the consensus of the group was to leave the application process as it currently existed.

5. Adjournment

Commissioner Tiedge MOVED to adjourn the meeting; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously, and Chair Butler adjourned the meeting at 8:17 p.m.

Doug Montgomery
Secretary