

## MINUTES

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

Members Absent: Commissioners Hall, Stassens

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

### **1. Approval of Minutes:** April 17, 2014

Chair Butler called the meeting to order at 6:30 p.m., and requested action on the Planning Commission minutes from the April 17, 2014, meeting. Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously.

### **2. Public Hearing (Quasi Judicial)**

#### **◆ Docket CU 5-14**

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

Location: 1055 NE Irvine Street, and more specifically described as Tax Lot 12100, Section 16CD, T. 4 S., R. 4 W., W.M.

Applicant: Mark and Shelley Houston

Chair Butler announced that he was going to change the order of the two hearing items as listed in the agenda, and opened the public hearing at 6:32 p.m. There were no disclosures, abstentions, or objections to jurisdiction, and he requested the staff report.

Mr. Pomeroy said that the application for a vacation home rental business within an existing residence met all of the criteria, and staff recommended approval, subject to two conditions. In addition to the condition related to the transient occupancy tax which was now being required of all such applications, he said the applicant would be required to pave the driveway from their property line to the front of the garage within 60 days of approval. He noted this would provide parking for up to four off-street vehicles.

Chair Butler called for the applicant's testimony.

Shelley Houston introduced her husband, Mark, and said they lived next door to the subject site. She explained that they recently moved to McMinnville and liked the area so much they bought the house next door in order to establish a vacation home rental business. She informed the Commissioners that they were familiar with the criteria for the use as well as the two conditions of approval, and had no issues with any of them.

Mr. Houston said they were very excited to be in McMinnville and were looking forward to living here and being landlords.

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

Mr. Pomeroy advised that there was no testimony submitted by public agencies.

The applicants waived the seven-day time period allowed for submission of final written arguments in support of the application, and Chair Butler closed the public hearing at 6:39 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 5-14, subject to the conditions of approval as detailed in the staff report; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously.

### **3. Public Hearing (Quasi Judicial)**

#### **◆ Docket CU 4-14**

Request: Approval of a conditional use permit to allow for the operation of a bed and breakfast business within an existing residence.

Location: 2361 NW Haun Drive, and more specifically described as Tax Lot 11500, Section 18AD, T. 4 S., R. 4 W., W.M.

Applicant: William Wilton

Chair Butler opened the public hearing at 6:43 p.m., and called for disclosures, abstentions, or objections to jurisdiction. Commissioner Tiedge stated that he owned property just barely beyond the notification radius and in direct line-of-sight of the subject site; therefore, in the interest of fairness, he felt that he should not participate in the hearing. Chair Butler excused him from the rest of the meeting at 6:45 p.m., and he left the building. There were no other disclosures, and the Chair called for the staff report.

Mr. Pomeroy explained that the Commissioners had been provided a copy of a letter that had arrived on May 8, after the staff report had already been published. He entered it into the record and said it was from Jean Griswold of Prescott Valley, Arizona, who owned property within the notification area. Prior to receipt of the letter, he said he had also spoken to Ms. Griswold on the telephone, at which time she requested the letter be included in the record when it arrived. Mr. Pomeroy said that the application was for a bed and breakfast, which had criteria similar to a vacation home rental, all of which had been met. Therefore, he said that staff recommended approval of the application request, subject to the condition that the applicant register for the transient occupancy tax. With regard to letters of opposition that had been received, he said they were directed toward parking issues, pedestrian safety, signage, and strangers staying overnight in the neighborhood, a concern that could not be addressed. He noted that all of the issues had been addressed in the staff report, but summarized that the applicant had exceeded the off-street parking requirement; no signage had been proposed, and signage was regulated by the zoning ordinance; and pedestrian safety would be addressed by a fully improved local public street.

Chair Butler asked whether street parking in the vicinity of the subject site was restricted to only one side of the street, as stated in one of the letters of opposition.

Mr. Pomeroy said there was no signage to indicate any such parking restrictions, and provided an explanation of the street standards that were in place, and would have been applied, at the time the subdivision was developed. He noted that those street-width standards not only allowed parking on both sides of the street, but also provided access for emergency vehicles.

Chair Butler called for the applicant's testimony.

Randy McCreith said he was present on behalf of the applicant who was out of the state and unable to attend. He said he was familiar with the application, and told the Commissioners that the portion of the home intended for the proposed use was a single suite which consisted of a bedroom and sitting room. He said that area of the home could accommodate two individuals, and guests would be provided a "continental breakfast" during their stay. He responded to a question from Commissioner Chroust-Masin, and stated that he did not believe the applicant was required to obtain a permit from the health department in order to provide the light meal.

Discussion ensued as regard whether part of the criteria for approval of a bed and breakfast should include a requirement that a permit be obtained from the Yamhill County Public Health Department because food was typically included as part of the accommodations. Ms. Haines stated that she would discuss the issue with the City Manager.

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

Mr. Pomeroy said there were no comments from public agencies.

In response to a question from the Chair, Mr. McCreith said he had not personally read the written testimony, but assumed the applicant had. He reviewed a copy of the letter submitted by Ms. Griswold, in which she expressed concerns about parking issues associated with the requested use. He informed the Commissioners that the applicant only owned one vehicle, and since there would only be a single guest vehicle at any one time, there should not be any impact to availability of on-street parking.

Mr. McCreith waived the seven-day time period allowed for submission of final written arguments in support of the application, and Chair Butler closed the public hearing at 7:02 p.m.

With the exception of questions and concerns expressed by Commissioners Chroust-Masin and Hillestad about the lack of health department requirements, the Commissioners expressed approval of the application. Commissioner Drabkin MOVED, based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 4-14, subject to the condition of approval as detailed in the staff report; SECONDED by Commissioner Morgan. Motion PASSED unanimously.

#### **4. Old/New Business**

Mr. Pomeroy informed the Planning Commissioners that there might be a variance application to consider at the June meeting, but it had not been submitted yet.

There was no other discussion of old or new business.

#### **5. Adjournment**

Commissioner Morgan MOVED to adjourn the meeting; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously. Chair Butler adjourned the meeting at 7:06 p.m.

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Doug Montgomery  
Secretary