

A G E N D A 7 - 14

1. Approval of Minutes: June 19, 2014

2. Public Hearing (Quasi Judicial)

♦ [Docket CU 6-14](#)

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

Location: 707 NW Alder Street, and is more specifically described as Tax Lot 12400, Section 20AA, T. 4 S., R. 4 W., W.M.

Applicant: Martin Brown

3. Public Hearing (Quasi Judicial)

♦ [Docket CU 7-14](#)

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

Location: 648 NW 16th Street, and is more specifically described as Tax Lot 1900, Section 17DC, T. 4 S., R. 4 W., W.M.

Applicant: Michael and Valerie Rogers

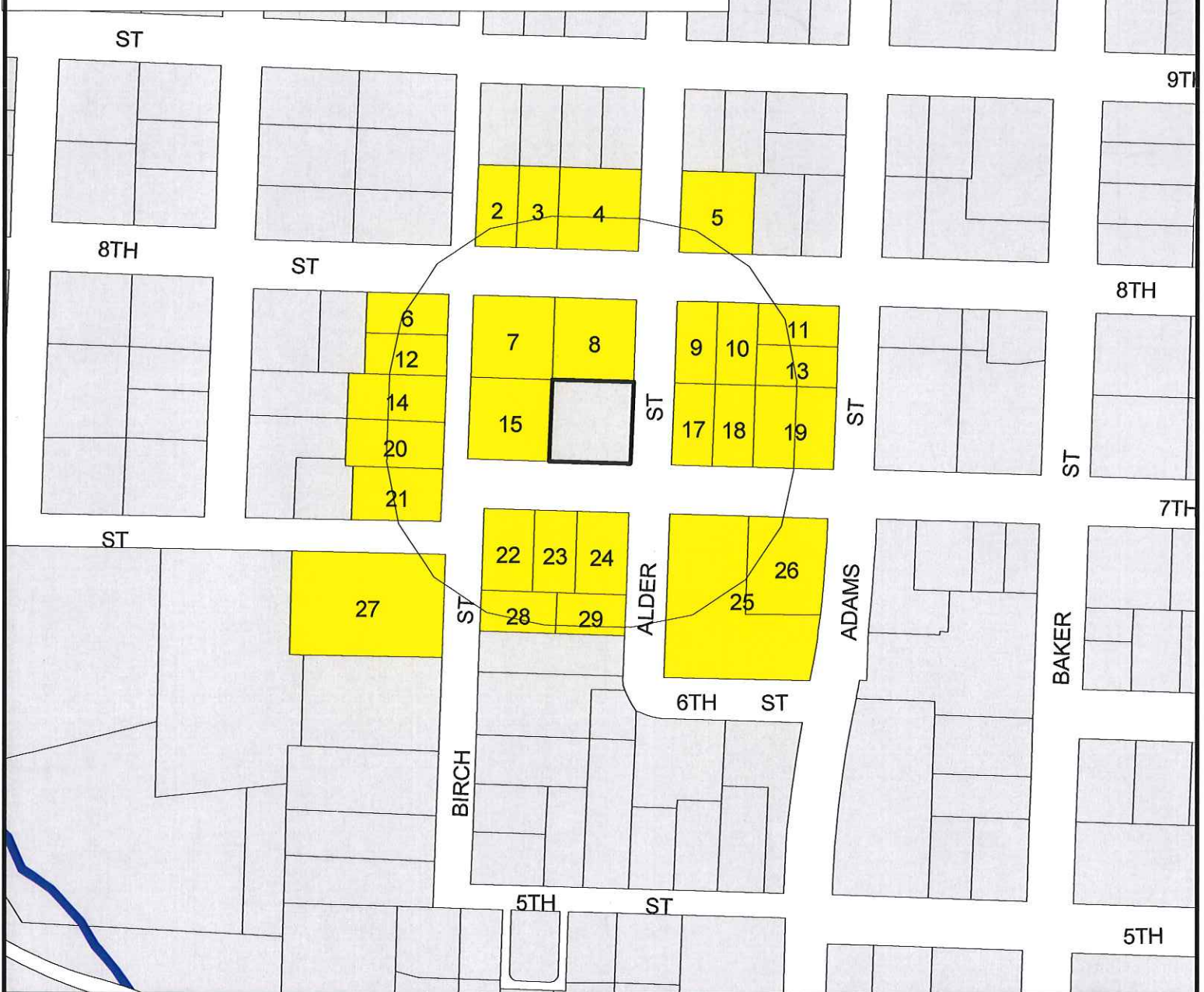
4. [Work Session \(no public testimony taken\)](#)

- ♦ Discussion of McMinnville's current conditional use permit process used to review vacation home rental and bed and breakfast uses, and possible alternatives to that process.

5. Old/New Business

6. Adjournment

Notification Map



CU 6-14

Martin Brown is requesting approval of a conditional use permit to allow for the operation of a Bed and Breakfast establishment within an existing residence.

Recorded Owner:

Martin Brown
707 NW Alder Street
McMinnville, OR 97128



Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: _____

200



0

200 Feet

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

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

Location: The subject site is located at 707 NW Alder Street and is more specifically described as Tax Lot 12400, Section 20 AA, T. 4 S., R. 4 W., W.M.

Applicant: Martin Brown

EXHIBITS

1. Staff Report
2. CU 6-14 Application and Fact Sheets
3. Supplemental materials submitted by the applicant including:
 - a) Site plan
 - b) Floor plan
 - c) Exterior photographs of the residence
4. List of property owners to whom notice was sent
5. Affidavit of Publication
6. Referrals
7. Vicinity Sketch
8. Historic Resources Survey sheet (C-304)

SUBJECT SITE

The subject site is located at the northwest corner of the intersection of NW 7th and Alder Streets. The site is approximately 10,000 square feet in size measuring some 100 feet by 100 feet and is topographically flat. A two-story house is situated within the southern portion of the property with a detached two-car garage located directly north of the house. Architecturally, the residence is of a rural vernacular style with some stick-style and Queen Anne architectural elements and is oriented on the property with the front of the home facing Alder Street. The detached two-car garage is served by a double-wide paved driveway extending west from Alder Street. Horizontal lap siding is the predominant siding style found on each of the exterior building facades. Covered front and side porches extend along portions of the eastern and southern building façades. According to information provided by the applicant, the residence's interior consists of a living room, dining room, kitchen, informal dining room, utility room, master bedroom, bathroom, and guest bedroom on the first floor, with two bedrooms, a sitting room and two bathrooms on the upper floor.

The site is fronted by NW Alder Street, a local residential street that has curbs, planting strips and sidewalks along both sides of this right-of-way. Curbs and public sidewalks extend along both sides of NW 7th Street adjacent to the south side of the subject property. A planting strip is present along only the south side of NW 7th Street.

The site is well landscaped consisting of turf and a variety of shrubs in the front, sides, and rear yards. Deciduous trees are found within all sides of the property as well as three mature deciduous trees located in the curbside planter strip along Alder Street. A private concrete walkway extends directly to the front and exterior side doors from the public curb along NE Alder and 7th Streets, respectively.

The subject site is zoned R-2 (Single-Family Residential), as are the surrounding properties to the north, west, and south. To the east is a single-family home on R-4 (Multi-Family Residential) zoned land; and to the southeast is an apartment complex on R-4 zoned land. The subject site is part of the Baker & Martin's residential subdivision (1889).

OBSERVATIONS

- The applicant is requesting approval of a conditional use permit to allow a bed and breakfast establishment within an existing two-story, five-bedroom residence at 707 NW Alder Street. The Planning Commission's responsibility regarding this type of land-use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the request for a conditional use permit.
- This residence was previously granted conditional use approval for use as a bed and breakfast establishment (CU 2-94) by the Planning Commission in 1994. Staff has no evidence that this approved bed and breakfast was ever in operation.
- The subject house is classified as a contributory resource on the City's historical resources inventory. The "contributory" designation is second to the least significant class in the four-tiered historic resources classification system. As such, any future exterior alterations or renovations of the building or site do not require review by the McMinnville Historic Landmarks Committee prior to the issuance of any building permit.
- To operate a bed and breakfast business in McMinnville, the applicant must meet the requirements as stated in Section 17.12.020 (P) of the McMinnville Zoning Ordinance. Based upon the applicant's submitted narrative, several of these requirements appear to have already been met. Specifically, the house is designed and operated as a single-family residence and is functionally and architecturally compatible with the surrounding residential development. This bed and breakfast, if approved, would continue to remain owner-occupied. Further, while the applicant is not proposing any signage for the proposed use at this time, signage on the property would be limited to one non-illuminated or indirectly illuminated wooden sign not exceeding three (3) square feet of face area. Also, while the applicant has not stated specifically if smoke detectors are in place, this is a requirement for operating a bed and breakfast establishment.
- If approved, the applicant intends to utilize one second-floor bedroom and ensuite for guest accommodations. While not stated in the application material, staff contacted the applicant by phone on Wednesday, June 11, to receive clarification on this matter. In addition, two other elements of the application were also discussed in order that staff could obtain further detail.

Specifically, the floor plan sketch provided by the applicant identifies only four bedrooms within the residence while the narrative states that there are five bedrooms. There are, in fact, five bedrooms in this home; however, one of the upstairs bedrooms now functions as a library for the family and is not presently used for sleeping. The four "usable" bedrooms were then identified as such on the floor plan sketch.

Additionally, it is required by the zoning ordinance and its definitions that a meal be provided as part of bed and breakfast activity. The applicant's narrative reflects that no meal would be provided. Through our phone conversation, the applicant now understands that a meal must be provided and has stated that a "continental style" breakfast would be part of every overnight bed and breakfast experience at this residence.

Further, there are Oregon Health Authority laws and rules that pertain to bed and breakfasts. A bed and breakfast establishment is defined under Oregon regulations as any establishment located in a structure designed as a single-family residence, and structures appurtenant thereto, that has more than two rooms for rent on a daily basis to the public and that offers meal service as part of the cost of the room. The Yamhill County Department of Health and Human Services (the department that regulates food service

within all of Yamhill County) utilizes this definition. Therefore, this proposed bed and breakfast does not require licensing for either food production or food service.

- Alder Street, adjacent to the front of the site, has a 24-foot paved curb-to-curb dimension and is four feet narrower than McMinnville's current residential street curb-to-curb dimension of 28 feet. The curb-to-curb dimension of Seventh Street, at 30 feet, is two feet wider than the current standard. Adequate on-site parking for this request must be provided by the applicant.
- The off-street bed and breakfast parking requirements for up to two guest rooms, in addition to the single-family parking requirements, dictate that a total of three paved off-street parking spaces need to be provided on the subject site. One of the required vehicle parking spaces can be provided within the garage and the remaining two of the required parking spaces can be provided on the existing driveway located in front of the garage.
- As specified in the McMinnville Zoning Ordinance, bed-and-breakfast establishments are permitted subject to the provisions of Chapter 17.72.120 (Applications – Public Hearings), 17.74.030 (Authorization to Grant or Deny Conditional Use) and criteria listed in Section 17.12.020 (P). Once approved and operational, complaints which may be filed against the bed-and-breakfast establishment are forwarded to the Planning Commission for review at a public hearing. These complaints could be in reference to parking, occupancy limits, signage, or similar issues. If the bed and breakfast facility is found in violation of the original approval conditions or ordinance provisions noted previously, the Planning Commission may terminate the use.
- The City of McMinnville Fire Department, Engineering Department, Building Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable; and Northwest Natural Gas were provided opportunity to review this request and provide comment. As of the drafting of this staff report, no comments in opposition were received from public agencies.

RECOMMENDATION

Staff believes that use of the subject property for a bed-and-breakfast establishment is compatible with surrounding residential development and with development within this R-2 (Single-Family Residential) zone. The use of the residence as a bed-and-breakfast establishment will ensure (through ongoing maintenance) that the property will remain an asset to the neighborhood. It is staff's opinion that use of the subject site for this proposed use is reasonable and is consistent with both the goals and policies of Volume II of the Comprehensive Plan, and the requirements of the McMinnville Zoning Ordinance as they relate to development in this R-2 zone. We further believe that the conditions that exist in the City's zoning ordinance relative to operating a bed-and-breakfast establishment will ensure ongoing compatibility.

For these reasons, staff recommends that CU 6-14 be approved based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicants, subject to the following condition:

1. That prior to use of the subject property for bed and breakfast purposes, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.

MOTION

The Planning Department recommends the Commission make the following motion for approval:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 6-14, SUBJECT TO THE CONDITION OF APPROVAL AS PROVIDED IN THE STAFF REPORT.

RP:pjk

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
DOCKET CU 6-14

FINDINGS OF FACT:

1. The applicant is requesting approval of a conditional use permit to allow for the operation of a bed and breakfast establishment within an existing residence located at 707 NW Alder Street.
2. The subject property is designated residential on the McMinnville Comprehensive Plan Map, 1980, and is zoned R-2 (Single-family Residential) and is more specifically described as Tax Lot 12400, Section 20 AA, T. 4 S., R. 4 W., W.M.
3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable, and Northwest Natural Gas. As of the date of this report, no comments in opposition to this application have been received from these agencies.
4. Goals and policies from Volume II of the McMinnville Comprehensive Plan which are applicable to this request include:

Parking:

- | | |
|--------|--|
| 126.00 | The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes. |
|--------|--|

Sanitary Sewer System:

- | | |
|--------|--|
| 136.00 | The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations. |
|--------|--|

Storm Drainage:

- | | |
|--------|---|
| 142.00 | The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required. |
|--------|---|

Water System:

- | | |
|--------|---|
| 144.00 | The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary. |
| 147.00 | The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions. |
| 178.00 | The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy. |

5. The following sections of the McMinnville Zoning Ordinance (ORD 3380) are applicable to this request:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

Section 17.15.020 (N) of the McMinnville Zoning Ordinance states:

"Conditional uses. Bed and breakfast establishments, subject to the provisions of Section 17.12.020 (P)."

Section 17.12.020 (P) of the McMinnville Zoning Ordinance states:

"Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.72 and 17.74:"

[...] P. Bed and breakfast establishments provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That the establishment be owner-occupied.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the bed and breakfast establishment.
5. That signage be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the bed and breakfast establishment be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.
7. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance No. 3997 of this code;
8. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020(P)(9) below.

9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the bed and breakfast establishment is found to be in violation of the criteria, the Planning Commission may terminate the use.

Section 17.60.060(C)(5) provides requirements for off-street parking for a bed and breakfast establishment at a ratio of one space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.

Section 17.74.030 of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 4) as follows:
 - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map.
 - b. Policy 126.00 can be satisfied in that the subject site provides off-street parking as required by the McMinnville zoning ordinance for this proposed use.
 - c. Policies 136.00, 142.00, 144.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer, and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently serve the site. Additionally, the Water Reclamation Facility has adequate capacity to continue to sufficiently serve the proposed use of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency cooperation to insure the coordinated provision of utilities to developing and redeveloping areas.
 - d. Policy 178.00 is satisfied in that approval of this request encourages a pattern of urban development that is energy efficient in that the subject site is within a developed neighborhood and within close proximity to the historic downtown district, aquatic center, public library, and City Park as well as other community amenities.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 5) as follows:
 - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
 - b. The proposal complies with the requirements of Sections 17.15.020 (N), 17.12.020 (P) and the procedure defined in Chapter 17.74.030 (Authorization to Grant or Deny a Conditional Use) of the McMinnville Zoning Ordinance. The applicant has met or will meet these requirements for the operation of a bed and breakfast establishment in this R-2 (Single-Family Residential) zone in that: 1) The structure is designed and will be operated as a single-family residence; 2) the establishment is owner occupied; 3) the applicant proposes to make only one room available for guest accommodates; 4) adequate off-street parking will need to be made available, as a condition of approval; 5) signage will be limited as noted in the McMinnville Zoning Ordinance; 6) the duration of guests will be limited to a maximum of seven consecutive days and no more than 15 days in the 30-day period; and, 7) smoke detectors are required consistent with the Uniform Building Code. Further, a permit to continue this use may be reviewed for one-year periods upon request by the applicant and review by the Planning Department. Any complaint regarding this business as pertains to item 1 through 7 above will be reviewed by the Planning Commission at a public hearing.
 - c. The proposal complies with the requirements of Section 17.60.060 (C) (5) as the subject residence will make one bedroom available for bed and breakfast guest use and the required off-street parking spaces (three) will be provided within the two-car driveway and as conditioned in this report's recommendation.
3. The proposal complies with the requirements of Section 17.74.030 as follows:
 - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map 1980, respectively. A bed and breakfast business is a conditional use allowed in the R-2 zone as stated in Section 17.15.020(N).

- b. There was no evidence submitted as of the writing of this report that would indicate there would be any impact on the livability or appropriate development of the surrounding properties and neighborhood when compared to the impact of any single-family residence or other uses permitted in the R-2 zone. Based upon the history of similar bed-and-breakfast establishments in McMinnville, impacts of the proposed use will be similar or less when compared to uses that are permitted outright in this zone. Vehicular access to this site is provided from NW Alder Street and NW 7th Street which are each identified as Local Residential streets and designed to accommodate the traffic generated by this use. Adequate public facilities and services necessary to serve the proposed use are also available to the site.
 - c. Operation of the proposed facility will be compatible with the surrounding neighborhood and is not anticipated to cause any significant adverse impact on the livability, value, or appropriate development or use of abutting properties.
 - d. The proposed facility is presently designed, landscaped, and situated in a manner that is complementary to existing development, and will not visually detract from the surrounding area.
 - e. The subject site has no environmental assets of particular interest to the community; therefore, Section 17.74.030 (E) is not applicable to the subject request.
 - f. The applicant has a bona fide intent and capability to use the land as proposed. There is no known inappropriate purpose for submitting the proposal.
4. Section 17.74.040 allows additional conditions to be imposed on a new conditional use. In this instance, in addition to those requirements provided in the McMinnville Zoning Ordinance and building, fire, life, and safety codes, the City has determined that there is no detrimental environmental impact to the surrounding area or community as a whole that necessitate the attachment of conditions to this request.

RP:pjk



Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311 Office
(503) 474-4955 Fax
www.ci.mcminnville.or.us

CONDITIONAL USE APPLICATION

APPLICANT/OWNER INFORMATION

Name of Applicant MARTIN BROWN Phone (Hm) 503 472-8854

Address 707 NW ALDER STREET Phone (Wk) _____

City, State, Zip McMINNVILLE, OR 97128

Email martin.martyb@gmail.com

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder
☐ Agent ☐ Other (specify) _____

Name of Property Owner PAULA MCKAY Phone (Hm) 503 472-8854
(If different than above)

Street Address 707 NW ALDER STREET Phone (Wk) 503 435-6358

City, State, Zip McMINNVILLE, OR 97128

Email pmckay56@gmail.com

LEGAL DESCRIPTION OF PROPERTY

(If metes and bounds description, indicate on separate sheet)

Property Address 707 NW ALDER STREET

Assessor Map No. R4 420-AA - 12400 Total Lot Size 10000

Subdivision Baker + Martin's Addition Block 10 Lot 7 + 8

Comprehensive Plan Designation residential Zoning Designation residential

Office Use Only:

File No. 606-14 Date Received 6-2-14 Fee \$1000.00 Receipt No. 4M0087 Staff gjk

State nature of the request in detail: Wish to operate a one bedroom airbnb. No food will be served as we will only provide guests with a bedroom + bathroom. Room will be available on a nightly or weekly basis.

Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:

Our house is one block from commercial zoning (99W) and adjacent to an apartment complex. It is in a residential setting.

Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:

There will be no impact on the neighborhood as we have a driveway and 200' of streetside parking. Most guests will walk to 3rd St.

Our house rules demand quiet after 10 P.M. No further development is needed or possible.

This is an older, historic home that has been completely restored and well maintained. It was operated as "Alder Street Bed and Breakfast" by previous owners.

Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:

The house is on the edge of a commercial area that comprised 99 W. It is an older home in an older neighborhood. No further development is needed, so it will have zero negative impact on the livability of the area.

Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:

We live on site as we have for the past 18 years. The house has 5 bedrooms and 3 bathrooms in 2400 square feet of living area. We will continue to maintain the house and property to add to and enhance the neighborhood.

Guests will like the historical nature of the house and will be positively influenced by their stay while enjoying the local area.

Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

We will continue to improve and preserve the vegetation and topography of the site as it currently exists.

Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

No development will be needed. We plan on living in this house for another 18+ years.

In addition to this completed application, the applicant must provide the following:

- ✓ One (1) site plan drawn to scale indicating all required information as shown on page one of the information sheet. If the size of the site plans are larger than 11x17 inches 20 (twenty) copies will be required to be submitted with the application.
- ✓ A legal description of the property, preferably taken from deed.
- ✓ Payment of the applicable review fee.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date

Property Owner's Signature

Date

**APPRAISAL REPORT
OF**



707 NW Alder Street
McMinnville, OR 97128-5522

PREPARED FOR

Barrington Capital Corp
5000 Birch Street Ste 610
Newport Beach, CA 92660

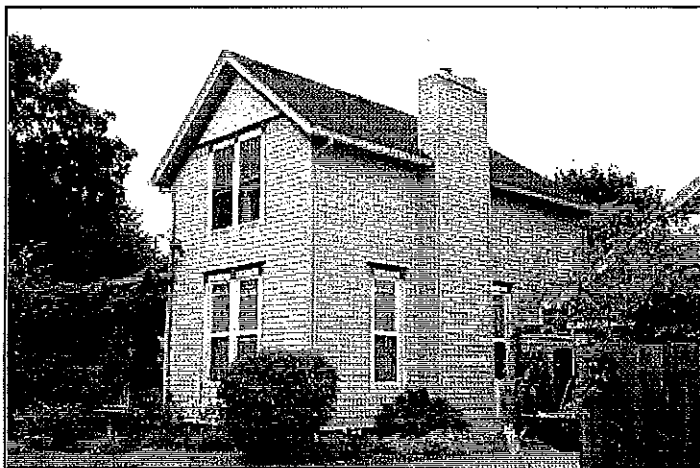
AS OF

7/16/07

SUBJECT PROPERTY PHOTO ADDENDUM

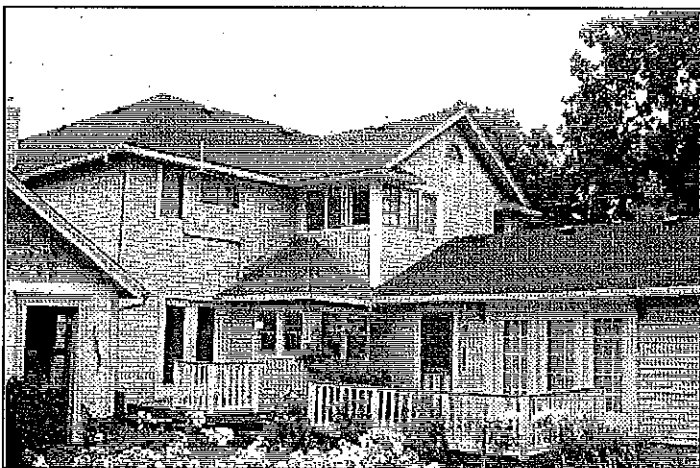
Rice-D... Inc.
5319 SW ...ate Drive
Suite 24C
Portland, OR 97221

3363
File No. 9808107

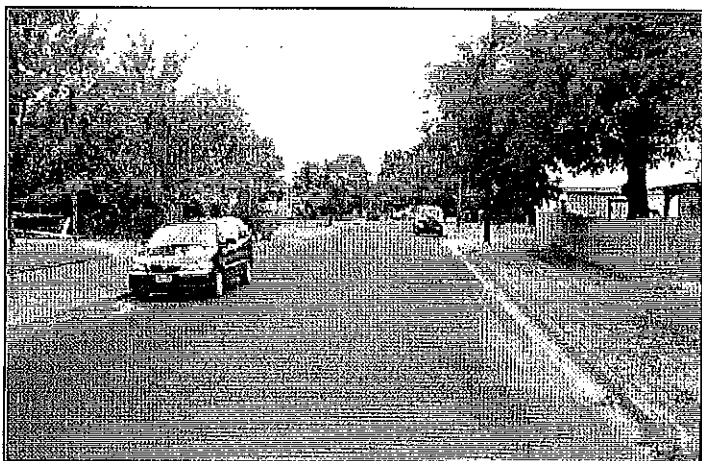


**FRONT VIEW OF
SUBJECT PROPERTY AT:**

707 NW Alder Street
McMinnville, OR 97128
Appraised: August 26, 1998



**REAR VIEW OF
SUBJECT PROPERTY**



STREET SCENE

NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of July, 2014, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET NUMBER

CU 6-14 Martin Brown is requesting approval of a conditional use permit to allow for the operation of a Bed and Breakfast establishment within an existing residence. The subject site is located at 707 NW Alder Street and is more specifically described as Tax Lot 12400, Section 20AA, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (Zoning Ordinance) with particular emphasis on Chapter 17.03.020 (Purpose), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

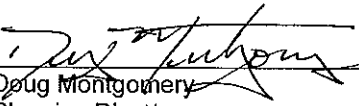
Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the City Council on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours.

For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

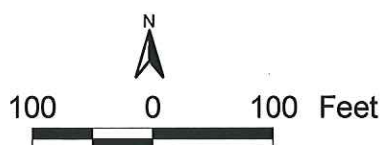

Doug Montgomery
Planning Director

(Map of area on back)

Vicinity Map



Geographic Information System



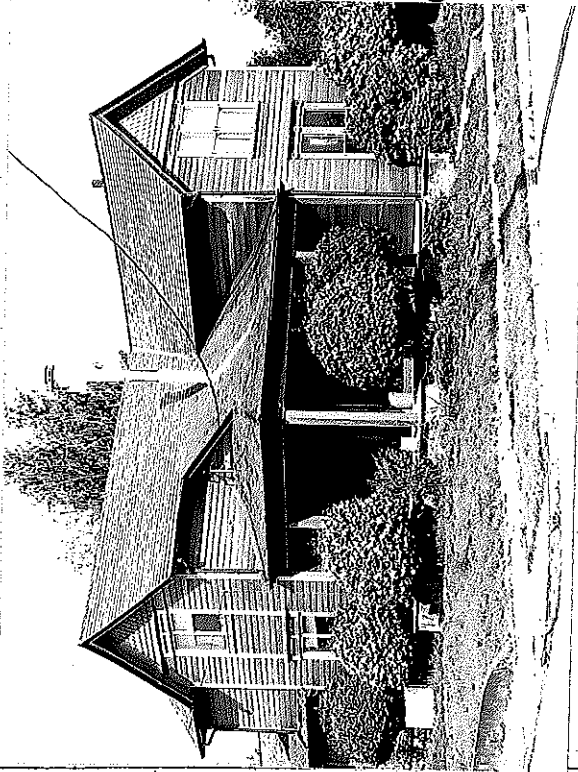
City of McMinnville
Planning Department
231 NE Fifth St
McMinnville, OR 97128
(503) 434-7311

CU 6-14

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4420AA09000	235 NW 8TH ST	COOPER VANCE	COOPER CRYSTAL S	1607 NW TRENTON AVE	BEND OR	97701
3	R4420AA09100	225 NW 8TH ST	BURTON GEORGE	BURTON GEORGE H	PO BOX 12781	SALEM OR	97309
4	R4420AA09200	805 NW ALDER ST	MURRAY SETH	MURRAY TYRA	805 NW ALDER ST	MCMINNVILLE OR	97128
5	R4420AA08300	131 NW 8TH ST	JOHNSON BRETT	JOHNSON NANCY C	526 QUAILBROOK CT	SAN JOSE CA	95110
6	R4420AA11100	735 NW BIRCH ST	AOKI SHIHO	AOKI SHIHO	735 NW BIRCH ST	MCMINNVILLE OR	97128
7	R4420AA12200	230 NW 8TH ST	ROLLINS ANN	ROLLINS ANN M REVOCABLE LIVING TRUST	PO BOX 713	MCMINNVILLE OR	97128
8	R4420AA12100	745 NW ALDER ST	BEHLINGS STEPHEN	BEHLINGS STEPHEN D & SANDRA	745 NW ALDER ST	MCMINNVILLE OR	97128
9	R4420AA12800	132 NW 8TH ST	HALL THOMAS	HALL MARY K	132 NW 8TH ST	MCMINNVILLE OR	97128
10	R4420AA12700	128 NW 8TH ST	BRILL THAD	BRILL KRISTI	12821 SW FOX RIDGE RD	MCMINNVILLE OR	97128
11	R4420AA12500	737 NW ADAMS ST	WALLACE ANDREW	WALLACE FAMILY TRUST	807 NW BIRCH ST	MCMINNVILLE OR	97128
12	R4420AA11200	733 NW BIRCH ST	CARPENTER JAS	CARPENTER HALLIE P	733 NW BIRCH ST	MCMINNVILLE OR	97128
13	R4420AA12600	725 NW ADAMS ST	BRILL THAD	BRILL KRISTINE K	12821 SW FOX RIDGE RD	MCMINNVILLE OR	97128
14	R4420AA11600	725 NW BIRCH ST	NGUYEN KIMYA	NGUYEN KIMYA	1859 NE LUCY BELLE ST	MCMINNVILLE OR	97128
15	R4420AA12300	229 NW 7TH ST	QUINTEROS SUSAN	QUINTEROS SUSAN D	229 NW 7TH ST	MCMINNVILLE OR	97128
17	R4420AA12900	135 NW 7TH ST	MUSSELMAN STEVE	MUSSELMAN STEVE J SR WROS	135 NW 7TH ST	MCMINNVILLE OR	97128
18	R4420AA13000	133 NW 7TH ST	MADSEN LON	MADSEN LON	1109 NE LAFAYETTE AVE	MCMINNVILLE OR	97128
19	R4420AA13100	105 NW 7TH ST	BRILL THAD	BRILL KRISTINE K	12821 SW FOX RIDGE RD	MCMINNVILLE OR	97128
20	R4420AA11700	719 NW BIRCH ST	SHERWOOD TERRY	SHERWOOD JOY L	719 NW BIRCH ST	MCMINNVILLE OR	97128
21	R4420AA12000	705 NW BIRCH ST	PRIMOZICH DAVID	PRIMOZICH JULIE T	705 NW BIRCH ST	MCMINNVILLE OR	97128
22	R4420AD01000	228 NW 7TH ST	STUART ROBERT	STUART ROBERT R & MARIA C	228 NW 7TH ST	MCMINNVILLE OR	97128
23	R4420AD00900	218 NW 7TH ST	ANGLAND PATRICIA	ANGLAND PATRICIA A	218 NW 7TH ST	MCMINNVILLE OR	97128
24	R4420AD00800	206 NW 7TH ST	PARIS ROBERTA	PARIS ROBERTA J	206 NW 7TH ST	MCMINNVILLE OR	97128
25	R4420AD00700	605 NW ADAMS ST	MOORE JOLYNN	MOORE JOLYNN BUSH TRUSTEE FOR TRUST	PO BOX 1299	MCMINNVILLE OR	97128
26	R4420AD00600	645 NW ADAMS ST	WILLIAMS DAVID	WILLIAMS DAVID E	645 NW ADAMS ST	MCMINNVILLE OR	97128
27	R4420AD05600	639 NW BIRCH ST	DRUSE STEPHEN	DRUSE STEPHEN E	639 NW BIRCH ST	MCMINNVILLE OR	97128
28	R4420AD01100	616 NW BIRCH ST	STEPHENSON ERIN	EASTERDAY TRAVIS R	616 NW BIRCH ST	MCMINNVILLE OR	97128
29	R4420AD01200	617 NW ALDER ST	BOLGRIN STEVEN	BOLGRIN STEVEN	3038 SE 119TH AVE	PORTLAND OR	97266
Owner	R4420AA12400	707 NW ALDER ST	BROWN MARTIN	MCKAY PAULA C	707 NW ALDER ST	MCMINNVILLE OR	97128

Date Sent 6/25/14
Sent By SA

Historic Resources Survey
City of McMinnville
Yamhill County, Oregon



Site No. 7.7 Aerial Map J-10
Block 10 Lot 7 and 8
Addition Baker and Martin's
Tax Lot 4420AA12400
Address 707^N Alder 614
Common Name Parnish House
Dell House
Historic Name -----
Present Owner Pichamp & Kay Russell
Roger and Marilyn Dell
Present Use Residence
Original Use Residence
Builder or Architect Unknown
Outbuildings None
Date of Construction c. 1895
-Condition Assessment on Reverse Side-

Statement of historical significance and description of property:

This house sits east-west on the center of a corner lot. Its basic shape is L. It is a one and one half story rural vernacular style. The four cross gables plus one story addition roof is shingle. The siding is cedar, unpainted, natural finished weatherboard. There is a cement foundation. It is an asymmetrically shaped house with a two-entrance corner porch. Four square wooden posts support the porch. Stick style and Queen Anne elements.

Windows are all double-hung sash with lintels decorated with partial pilasters. There are plain projecting eaves. Fishscale shingles decorate the gables. There is a half-round window in the west gable.

There is a cement covered outside fireplace chimney on the north elevation. The front door has a three-light window with decorated sill. It has a wide molding and entablature. The house has a one-story rear addition. The dimensions are approximately 32' by 70'.

The cedar siding has been put on the entire house just recently (1978).

House was owned for many years by Helen Parrish of Helen's Fashion Shoppe. The rear wing was added about 1969 by Jan Bergman. The cedar siding was stripped & refinished in 1978 by Roger Dell (it was not added).

Notification Map



CU 7-14

Michael and Valerie Rogers are requesting approval of a conditional use permit to allow for the operation of a Bed and Breakfast establishment within an existing residence.

Recorded Owner:

Michael & Valerie Rogers
648 NW 16th Street
McMinnville, OR 97128



Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: _____

200 0 200 Feet



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

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

Location: The subject site is located at 648 NW 16th Street and is more specifically described as Tax Lot 1900, Section 17 DC, T. 4 S., R. 4 W., W.M.

Applicant: Michael and Valerie Rogers

EXHIBITS

1. Staff Report
2. CU 7-14 Application and Fact Sheets
3. Floor plan submitted by the applicant
4. List of property owners to whom notice was sent
5. Affidavit of Publication
6. Referrals
7. Vicinity Sketch

SUBJECT SITE

The subject site is located at the northwest corner of the intersection of NW 16th and Thomsen Streets. The site is approximately 10,550 square feet in size measuring some 120 feet by 88 feet and is topographically flat. A two-story house is situated within the approximate center of the property with an attached one-car garage located at the northernmost end of the residence. Architecturally, the residence is of a mid-century modern style with the second floor constructed above the southern portion of the residence. The garage is served by a curved double-wide paved driveway extending south from 16th Street. An exterior stairway leading to the second floor is located on the southern (back) face of the residence. According to information provided by the applicant, the portion of the residence to be made available to future guests consists of a living room, bathroom, two bedrooms, and an attic space; detail of the applicant's personal living space is not provided.

The site is fronted by NW 16th Street, a local residential street that has curbs but no planting strips or sidewalks along either side of this right-of-way with one exception located some 350 feet to the east. Curbs and public sidewalks extend along both sides of the majority of NW Thomsen Lane adjacent to the west edge of the subject site.

The site is landscaped with turf and a variety of shrubs in the front, sides, and rear yards. Deciduous trees are found within all sides of the property as well as a prominent Ponderosa Pine tree located at the north edge of the site along NW 16th Street; it appears that this tree may be within the city right-of-way.

The subject site is zoned R-1 (Single-Family Residential), as are all surrounding properties. The subject site is part of the Trelayne Park Addition residential subdivision (1950).

OBSERVATIONS

- The applicant is requesting approval of a conditional use permit to allow a bed and breakfast establishment within an existing two-story residence located at 648 NW 16th Street. The Planning Commission's responsibility regarding this type of land-use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the request for a conditional use permit.

- To operate a bed and breakfast establishment in McMinnville, the applicant must meet the requirements as stated in Section 17.12.020 (P) of the McMinnville Zoning Ordinance. Based upon the applicants' submitted narrative, several of these requirements appear to have already been met. Specifically, the house is designed and operated as a single-family residence and is functionally and architecturally compatible with the surrounding residential development. This bed and breakfast, if approved, would continue to remain owner-occupied. Further, while the applicant is not proposing any signage for the proposed use at this time, signage on the property would be limited to one non-illuminated or indirectly illuminated wooden sign not exceeding three (3) square feet of face area. Also, while the applicant has not stated specifically if smoke detectors are in place, this is a requirement for operating a vacation home rental establishment.
- If approved, the applicant intends to utilize the second floor of their residence as the bed and breakfast making two bedrooms, one bathroom, and a living room available for guest accommodations. Guests would gain entrance to the second floor by following a concrete walkway leading from the front of the garage, around the west side of the house, then continue to the backyard to access a new set of stairs to the private second-floor entrance.
- The off-street bed and breakfast parking requirements for up to two guest rooms, in addition to the single-family parking requirements, dictate that a total of three paved off-street parking spaces need to be provided on the subject site. One vehicle parking space can be provided by the single-car garage and two of the required parking spaces can be provided on the existing driveway located in front of the garage. There is arguably the ability to park perhaps as many as seven vehicles onsite as the curved driveway is some 60 feet in length and approximately 20 feet in width. The driveway itself may be able to accommodate as many as six vehicles.
- There are Oregon Health Authority laws and rules that pertain to bed and breakfasts. A bed and breakfast establishment is defined under Oregon regulations as any establishment located in a structure designed as a single family residence, and structures appurtenant thereto, that has more than two rooms for rent on a daily basis to the public and that offers meal service as part of the cost of the room. The Yamhill County Department of Health and Human Services (the department that regulates food service within all of Yamhill County) utilizes this definition. Therefore, this proposed bed and breakfast does not require licensing for either food production or food service.
- As specified in the McMinnville Zoning Ordinance, bed and breakfast establishments are permitted subject to the provisions of Chapter 17.72.120 (Applications – Public Hearings), 17.74.030 (Authorization to Grant or Deny Conditional Use) and criteria listed in Section 17.12.020 (P). Once approved and operational, complaints which may be filed against the bed and breakfast establishment are forwarded to the Planning Commission for review at a public hearing. These complaints could be in reference to parking, occupancy limits, signage, or similar issues. If the bed and breakfast establishment is found in violation of the original approval conditions or ordinance provisions noted previously, the Planning Commission may terminate the use.
- The City of McMinnville Fire Department, Engineering Department, Building Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable; and Northwest Natural Gas were provided opportunity to review this request and provide comment. As of the drafting of this staff report, no comments in opposition were received from public agencies.

- Written notice of this hearing was provided to property owners within 200 feet of the subject site. As of the date of this report, no comments had been received from those notified.

RECOMMENDATION

Staff believes that use of the subject property for a bed and breakfast establishment is compatible with surrounding residential development and with development within this R-1 (Single-Family Residential) zone. The use of the residence as a bed and breakfast establishment will ensure (through ongoing maintenance) that the property will remain an asset to the neighborhood. It is staff's opinion that use of the subject site for this proposed use is reasonable and is consistent with both the goals and policies of Volume II of the Comprehensive Plan, and the requirements of the McMinnville Zoning Ordinance as they relate to development in this R-1 zone. We further believe that the conditions that exist in the City's zoning ordinance relative to operating a bed and breakfast establishment will ensure ongoing compatibility.

For these reasons, staff recommends that CU 7-14 be approved based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicants, subject to the following condition:

1. That prior to use of the subject property for bed and breakfast purposes, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.

MOTION

The Planning Department recommends the Commission make the following motion for approval:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 7-14, SUBJECT TO THE CONDITION OF APPROVAL AS PROVIDED IN THE STAFF REPORT.

RP:pjk

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
DOCKET CU 7-14

FINDINGS OF FACT:

1. The applicant is requesting approval of a conditional use permit to allow for the operation of a bed and breakfast establishment within an existing residence located at 648 NW 16th Street.
2. The subject property is designated residential on the McMinnville Comprehensive Plan Map, 1980, and is zoned R-1 (Single-family Residential) and is more specifically described as Tax Lot 1900, Section 17 DC, T. 4 S., R. 4 W., W.M.
3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable, and Northwest Natural Gas. As of the date of this report, no comments in opposition to this application have been received from these agencies.
4. Goals and policies from Volume II of the McMinnville Comprehensive Plan which are applicable to this request include:

Parking:

- | | |
|--------|--|
| 126.00 | The City of McMinnville shall continue to require adequate off-street parking and loading establishments for future developments and land use changes. |
|--------|--|

Sanitary Sewer System:

- | | |
|--------|--|
| 136.00 | The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations. |
|--------|--|

Storm Drainage:

- | | |
|--------|---|
| 142.00 | The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required. |
|--------|---|

Water System:

- | | |
|--------|---|
| 144.00 | The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary. |
| 147.00 | The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions. |
| 178.00 | The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy. |

5. The following sections of the McMinnville Zoning Ordinance (ORD 3380) are applicable to this request:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community establishments; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

Section 17.12.020 (P) of the McMinnville Zoning Ordinance states:

"Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.72 and 17.74:"

[...] P. Bed and breakfast establishments provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That the establishment be owner-occupied.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the bed and breakfast establishment.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the bed and breakfast establishment be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.
7. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance No. 3997 of this code;
8. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020(P)(9) below.
9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the bed and breakfast establishment is found to be in violation of the criteria, the Planning Commission may terminate the use.

Section 17.60.060(C)(5) provides requirements for off-street parking for a bed and breakfast establishment at a ratio of one space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.

Section 17.74.030 of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public establishments and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 4) as follows:
 - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map.
 - b. Policy 126.00 can be satisfied in that the subject site provides off-street parking as required by the McMinnville zoning ordinance for this proposed use.
 - c. Policies 136.00, 142.00, 144.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer, and drainage establishments, municipal water distribution systems and supply, and energy distribution establishments, presently serve the site. Additionally, the Water Reclamation Facility has adequate capacity to continue to sufficiently serve the proposed use of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency cooperation to insure the coordinated provision of utilities to developing and redeveloping areas.
 - d. Policy 178.00 is satisfied in that approval of this request encourages a pattern of urban development that is energy efficient in that the subject site is within a developed neighborhood with good access to local amenities.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 5) as follows:
 - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
 - b. The proposal complies with the requirements of Section 17.12.020(P) and the procedure defined in Chapter 17.74.030 (Authorization to Grant or Deny a Conditional Use) of the McMinnville Zoning Ordinance. The applicant has met or will meet these requirements for the operation of a bed and breakfast establishment in this R-1 (Single-Family Residential) zone in that: 1) The structure is designed and will be operated as a single-family residence; 2) the establishment is owner-occupied; 3) the applicant proposes to make only one room available for guest accommodates; 4) adequate off-street parking is available in that in excess of the three required vehicle parking spaces for this use are already present on site; 5) signage will be limited as noted in the McMinnville Zoning Ordinance; 6) the duration of guests will be limited to a maximum of seven consecutive days and no more than 15 days in the 30-day period; and, 7) smoke detectors are required consistent with the Uniform Building Code. Further, a permit to continue this use may be reviewed for one-year periods upon request by the applicant and review by the Planning Department. Any complaint regarding this establishment as pertains to item 1 through 7 above will be reviewed by the Planning Commission at a public hearing.
 - c. The proposal complies with the requirements of Section 17.60.060 (C) (5) as the subject residence will make two bedrooms available for bed and breakfast guest use and the required off-street parking spaces (three) can be provided within the existing driveway and garage.

3. The proposal complies with the requirements of Section 17.74.030 as follows:
 - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map 1980, respectively. A bed and breakfast establishment is a conditional use allowed in the R-1 zone as stated in Section 17.12.020(P).
 - b. There was no evidence submitted as of the writing of this report that would indicate there would be any impact on the livability or appropriate development of the surrounding properties and neighborhood when compared to the impact of any single-family residence or other uses permitted in the R-1 zone. Based upon the history of similar bed and breakfast establishments in McMinnville, impacts of the proposed use will be similar or less when compared to uses that are permitted outright in this zone. Off-street parking spaces to serve this proposed use are provided by direct vehicular access from NW 16th Street which is identified as a Local Residential street and designed to accommodate the traffic generated by this use. Adequate public services necessary to serve the proposed use are also available onsite.
 - c. Operation of the proposed establishment will be compatible with the surrounding neighborhood and is not anticipated to cause any significant adverse impact on the livability, value, or appropriate development or use of abutting properties.
 - d. The proposed establishment is presently designed, landscaped, and situated in a manner that is complementary to existing development, and will not visually detract from the surrounding area.
 - e. The subject site has no environmental assets of particular interest to the community; therefore, Section 17.74.030 (E) is not applicable to the subject request.
 - f. The applicant has a bona fide intent and capability to use the land as proposed. There is no known inappropriate purpose for submitting the proposal.
4. Section 17.74.040 allows additional conditions to be imposed on a new conditional use. In this instance, in addition to those requirements provided in the McMinnville Zoning Ordinance and building, fire, life, and safety codes, the City has determined that there is no detrimental environmental impact to the surrounding area or community as a whole that necessitate the attachment of conditions to this request.

RP:pjk



Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311 Office
(503) 474-4955 Fax
www.ci.mcminnville.or.us

CONDITIONAL USE APPLICATION

APPLICANT/OWNER INFORMATION

Name of Applicant Michael + Valerie Rogers Phone (Hm) 971-241-2139
Address 648 NW 16th Phone (Wk) 971-241-2139
City, State, Zip McMinnville OR 97128
Email Michael.rogers@countryfinancial.com

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder
☐ Agent ☐ Other (specify) _____

Name of Property Owner _____ Phone (Hm) _____
(If different than above)
Street Address _____ Phone (Wk) _____
City, State, Zip _____
Email _____

LEGAL DESCRIPTION OF PROPERTY

(If metes and bounds description, indicate on separate sheet)

Property Address 648 NW 16th McMinnville OR 97128
Assessor Map No. R4 417-PC-1900 Total Lot Size 10,353
Subdivision TRELAINE PARK ADDITION Block 1 Lot _____
Comprehensive Plan Designation R Zoning Designation R1

Office Use Only:

File No 607-14 Date Received 6-11-14 Fee \$1000.00 Receipt No 4m0095 Staff DJK

State nature of the request in detail: 900 Square feet, Second story,
two bedroom, private entrance guest suite.

There are at least six paved parking spots on site.

Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: Owner occupied residence,
offering two guest sleeping rooms, private entrance,
no exterior signage and proper safety
precautions including smoke detectors and
safety lighting.

Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:

Our property is located on a corner lot,
and quiet, privacy is important. no
interruptions will be made to existing
neighbors or their livability.

GUESTS WILL BE ABLE TO ACCESS FROM SIDEWALK
ON THOMPSON LANE.

Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:

we see no negative impact on our neighborhood.

Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:

Property will be maintained in an attractive manner, i.e.: landscaping, curb appeal.

Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

N/A

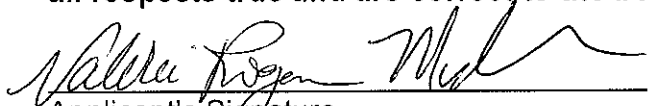
Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

N/A

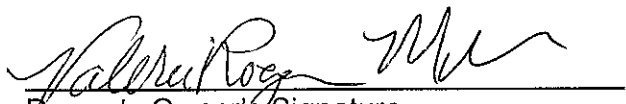
In addition to this completed application, the applicant must provide the following:

- ✓ One (1) site plan drawn to scale indicating all required information as shown on page one of the information sheet. If the size of the site plans are larger than 11x17 inches 20 (twenty) copies will be required to be submitted with the application.
- ✓ A legal description of the property, preferably taken from deed.
- ✓ Payment of the applicable review fee.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

6/10/14
Date


Property Owner's Signature

6/10/14
Date

(BEDS + LL 91)

SITE MAP

GARAGE

DRIVEWAY
OFF STREET PARKING

POREH

SINGLE LEVEL

BATHROOM

ATTIC

"2ND LEVEL GUEST QUARTERS"

DOOR

LIVING ROOM

BEDROOM

BEDROOM

LANDING

STAIRS

→ Pathway → Pathway → →

NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of July, 2014, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET
NUMBER

CU 7-14 Michael and Valerie Rogers are requesting approval of a conditional use permit to allow for the operation of a Bed and Breakfast establishment within an existing residence. The subject site is located at 648 NW 16th Street and is more specifically described as Tax Lot 1900, Section 17DC, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (Zoning Ordinance) with particular emphasis on Chapter 17.03.020 (Purpose), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

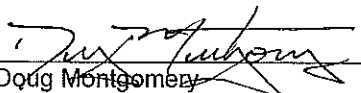
Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the City Council on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours.

For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

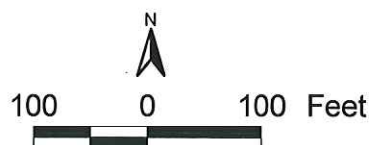

Doug Montgomery
Planning Director

(Map of area on back)

Vicinity Map



Geographic Information System



City of McMinnville
Planning Department
231 NE Fifth St
McMinnville, OR 97128
(503) 434-7311

CU 7-14

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4417DC01200	1634 NW MICHELBOOK LN	BURNETT ROBERT	BURNETT FAMILY TRUST U/A	1634 MICHELBOOK LN	MCMINNVILLE OR	97128
3	R4417DC00500	744 NW 17TH ST	STAPLE DONALD	STAPLE FAMILY TRUST	744 NW 17TH ST	MCMINNVILLE OR	97128
4	R4417DC00400	644 NW 17TH ST	SPRINGER SUSAN	SPRINGER SUSAN I	644 NW 17TH ST	MCMINNVILLE OR	97128
5	R4417DC00600	691 NW 16TH ST	BROWN LARRY	BROWN FAMILY TRUST	691 NW 16TH ST	MCMINNVILLE OR	97128
6	R4417DC00900	627 NW 16TH ST	MOORE KELLEY	ROBINS RHONDA J	627 NW 16TH ST	MCMINNVILLE OR	97128
7	R4417DC00700	641 NW 16TH ST	EVERINGHAM GUY	EVERINGHAM FAMILY TRUST	641 NW 16TH ST	MCMINNVILLE OR	97128
8	R4417DC01301	1616 NW MICHELBOOK LN	EASTERDAY RICHARD	EASTERDAY CYNTHIA L	1616 NW MICHELBOOK LN	MCMINNVILLE OR	97128
9	R4417DC00800	631 NW 16TH ST	ZELDENTHUIS HEIDI	ZELDENTHUIS HEIDI	42371 PIBURN PLATS RD	CRAWFORD CO	81415
10	R4417DC01300	1605 NW THOMSEN LN	AMERSON ERIC	AMERSON KRISTI	405 NE JOHNSON ST	MCMINNVILLE OR	97128
11	R4417DC03000	1538 NW MICHELBOOK LN	BENNETT PAUL	BENNETT PAUL I & BARBARA	1538 MICHELBOOK LN	MCMINNVILLE OR	97128
12	R4417DC02900	1545 NW THOMSEN LN	PEHAN BECKI	PEHAN BECKI J	1545 NW THOMSEN LN	MCMINNVILLE OR	97128
14	R4417DC01800	640 NW 16TH ST	MCKINNEY BETTY	MCKINNEY BETTY B REVOCABLE TRUST	640 W 16TH ST	MCMINNVILLE OR	97128
15	R4417DC01700	634 NW 16TH ST	FASANA-LYNN PATRICIA	LYNN TIMOTHY F	634 NW 16TH ST	MCMINNVILLE OR	97128
16	R4417DC01600	626 NW 16TH ST	ROBINS RHONDA	ROBINS RHONDA J	626 NW 16TH ST	MCMINNVILLE OR	97128
17	R4417DC03200	1535 NW THOMSEN LN	MIZE COLIN	MIZE COLIN G	1535 NW THOMSEN LN	MCMINNVILLE OR	97128
18	R4417DC01901	1520 NW THOMSEN LN	FRUM SUZANNE	FRUM JOHN B 1/3 &	1520 NW THOMSEN LN	MCMINNVILLE OR	97128
19	R4417DC03100	1520 NW MICHELBOOK LN	MELGREN SHARON	AMUNDSON KIRT D (WROS)	1520 NW MICHELBOOK LN	MCMINNVILLE OR	97128
20	R4417DC03301	1450 NW MICHELBOOK LN	CHANDLER HARRY	CHANDLER HARRY N	1450 MICHELBOOK LN	MCMINNVILLE OR	97128
21	R4417DC03300	1445 NW THOMSEN LN	BLADINE FAMILY	BLADINE FAMILY LIMITED PARTNERSHIP	PO BOX 727	MCMINNVILLE OR	97128
22	R4417DC02500	1440 NW THOMSEN LN	MOSER DAVID	MOSER DAVID A	1440 NW THOMSEN LN	MCMINNVILLE OR	97128
23	R4417DC02400	1349 NW ELM ST	WESTERN OREGON	SEVENTH DAY ADVENTIST	1349 NW ELM ST	MCMINNVILLE OR	97128
24	R4417DC03500	1401 NW THOMSEN LN	BROWN SUSAN	BROWN SUSAN K	1318 GRAND	ASTORIA OR	97103
25	R4417DC02600	1400 NW THOMSEN LN	REIDEL CHERYL	REIDEL EDWIN J	1400 NW THOMSEN LN	MCMINNVILLE OR	97128
Owner	R4417DC01900	648 NW 16TH ST	ROGERS MICHAEL	ROGERS MICHAEL C	648 NW 16TH ST	MCMINNVILLE OR	97128

Date Sent 6/25/14
Sent By SP



DATE: July 7, 2014
TO: McMinnville Planning Commission
FROM: Doug Montgomery, Planning Director *DM*
SUBJECT: PUBLIC WORK SESSION RE: REVIEW PROCESS FOR VHR/B&B

At the Planning Commission's June 17, 2014, meeting, staff was directed to schedule a work session for the purpose of providing an opportunity for Commission members to consider alternatives to the current process used to review vacation home rental and bed and breakfast applications.¹ This memorandum is provided as background for that work session, and to stimulate thought and discussion.

Current Situation

For context, staff offers the following "factoids" and observations.

Bed and Breakfast –

- The ordinance regulating bed and breakfast use was adopted in July of 1984. In summary, the ordinance permits such use in each of McMinnville's three lower density residential (R-1, R-2, and R-3) zones, subject to approval of a conditional use permit and compliance with standards specific to a bed and breakfast establishment. It is a permitted use in the R-4 (Multiple-Family Residential) zone, unless the proposal is for three or more beds, in which case it is conditionally permitted. They are also permitted in the City's commercial zones.
- Since adoption of the ordinance, eight bed and breakfast applications that involve residential zoned land have been proposed and approved (this number does not include the two that are scheduled for the Commission's July hearing). These approvals occurred in 1989, 1991, 1994 (no longer in operation), 1995, 1999, 2005, 2006, and 2014 (one in each of these years), and are geographically distributed with two in northeast McMinnville, three in northwest McMinnville, and three in the southeast.

¹ The purpose of the work session is limited to the review process and is not intended to be a forum for discussing other aspects of the current ordinance. If the Commission wishes to discuss issues other than the current review process, a subsequent work session would need to be scheduled.

Vacation Home Rental –

- The ordinance regulating vacation home rental use was adopted in 2008 and amended in November 2012 (deleted provision requiring 660-foot separation between vacation home rentals).
- Since adoption of the ordinance, 15 vacation home rental uses have been proposed and approved. The first of these occurred in 2009 (no longer in operation), followed by two in 2011 (of which only one is still in operation), three in 2012, six in 2013, and three in 2014. Five of these uses are located in northeast McMinnville, two in the northwest, two in the southwest, and six in the southeast.

Other Observations –

- At the time of the 2010 US Census, McMinnville had 12,389 housing units, of which 6,767 were owner-occupied. Vacation home rental and bed and breakfast use therefore accounted for approximately one-tenth of one percent of all housing units in McMinnville, and some two-tenths of one percent of owner-occupied units.
- In the time the bed and breakfast and vacation home rental ordinances have been in effect (30 years and six years, respectively), there have been no complaints received by the Planning Department regarding any of the approved uses.
- Of the 23 public hearings held for the currently approved bed and breakfast and vacation home rental uses, 16 had no public testimony; while four hearings included testimony from a total of five proponents who provided testimony in support of the application. Of the three remaining hearings, testimony was received from a total of five individuals who expressed concerns primarily related to traffic, on-street parking, and loss of "neighbor" hoods. Of further note, three of those five individuals submitted written comments related to a single application.
- Applications for bed and breakfast and vacation home rental uses require review and approval by the Planning Commission at a public hearing. None of the approvals granted to date have included conditions other than those "standard" conditions provided in the adopting ordinances (e.g., there were no conditions added related to hours of operation, accommodation of pets, additional off-street parking, etc.).

Review Process Discussion

As the Commission is aware, the current review process for both bed and breakfast and vacation home rental use requires the submittal of an application for a conditional use permit to the McMinnville Planning Department that is then scheduled for a public hearing before the Planning Commission. The application fee for this application and review is \$1,000. This fee increases each year based upon the 2nd quarter Portland-Salem consumer price index (CPI-W). An annual renewal fee of \$25 is also charged.

This same conditional use permit review process (public hearing before Commission with, in some cases, referral to the City Council) is used for variances, subdivisions (involving more than 10 lots), annexations, zone changes, planned development amendments, and legislative map and text amendments. This type of process is most appropriately used where the land use issues are typically more involved and/or complex. Also, for these public hearing items the criteria for approval are subjective and require greater judgment and discretion be applied to the decision making process. Applying this process to bed and breakfast and vacation home rental applications, as the City currently does, requires the Commission find that all of the conditional use permit criteria have been satisfied², and the standards applicable to the bed and breakfast or vacation home rental have been met (e.g. adequate off-street parking is available, there is a local contact for emergencies, signage is limited, etc.).

In addition to the public hearing process, the McMinnville Zoning Ordinance provides two other avenues of review: Director's Review; and Director's Review with notification. The former process is used for the review of home occupation permits, model home permits, recreational vehicle park permits, property line adjustments, and temporary living units. The review criteria for each of these permit applications are clear and objective and require no discretion (i.e., the standard has either been met or the request is denied; there is no ability to condition the approval).

The Director's Review with notification process is similar but, as its name implies, includes notification to adjoining property owners and 14-day opportunity to comment or request a public hearing be held prior to the Director issuing a decision. This process applies to slightly more complex issues and is used for administrative variances, land partitions, downtown design review, and subdivisions (up to 10 lots in size). The review criteria for these applications are also clear and objective.

² In summary, these criteria include: 1) The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance; 2) that the location, size, design, and operating characteristics are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties; 3) That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development; 4) That the location and design for the proposal will be as attractive as the nature of the use and its setting warrant; 5) The proposal will preserve environmental assets of interest to the community; and 6) The applicant has an intent and capability to develop and use the land as proposed.

Planning Staff Recommendation

Specific to the review process discussion, staff would suggest the Commission give consideration to amending the process currently used. Specifically, we believe both the bed and breakfast and vacation home rental use should be reviewed using the Director's Review with notification process. Here's why:

- There is no evidence to suggest these uses require discretionary review. A number of Oregon communities – coastal, valley, and Eastern – regulate these uses through simple, administratively reviewed business license registration processes, most of which require no notification at all.
- The current “double-pronged” review test (i.e., satisfy conditional use permit criteria and development standards) seems onerous and not commensurate with the scale and impact of the proposed use. The “clear and objective” standards provided in the ordinance appear more than adequate to address neighborhood issues of impact and compatibility. Such standards can – by law and experience – be administered by staff.
- The process affords the opportunity for public review before the Planning Commission, should there be a request from an adjoining neighbor or unique situation that warrants such additional scrutiny.
- The Planning Commission is able to apply its time to other, arguably more complex and important community issues.
- Public opposition to past applications, as measured by those that have participated at public hearings, has been negligible and public complaints regarding these approved establishments have been zero.

Attachments:

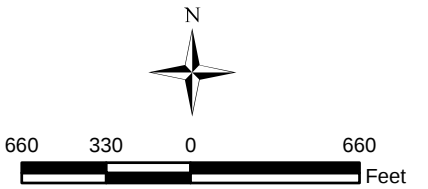
1. Map of current VHRs and B & B's
2. Director's Review with Notification review process (Section 17.72.110)
3. Vacation Home Rental standards (Section 17.12.020 (R))
4. Bed and Breakfast standards (Section 17.12.020 (P))

Bed & Breakfast and Vacation Home Rental Locations



Legend

-  Bed & Breakfast
-  B&B Discontinued
-  Vacation Home Rental
-  VHR Discontinued

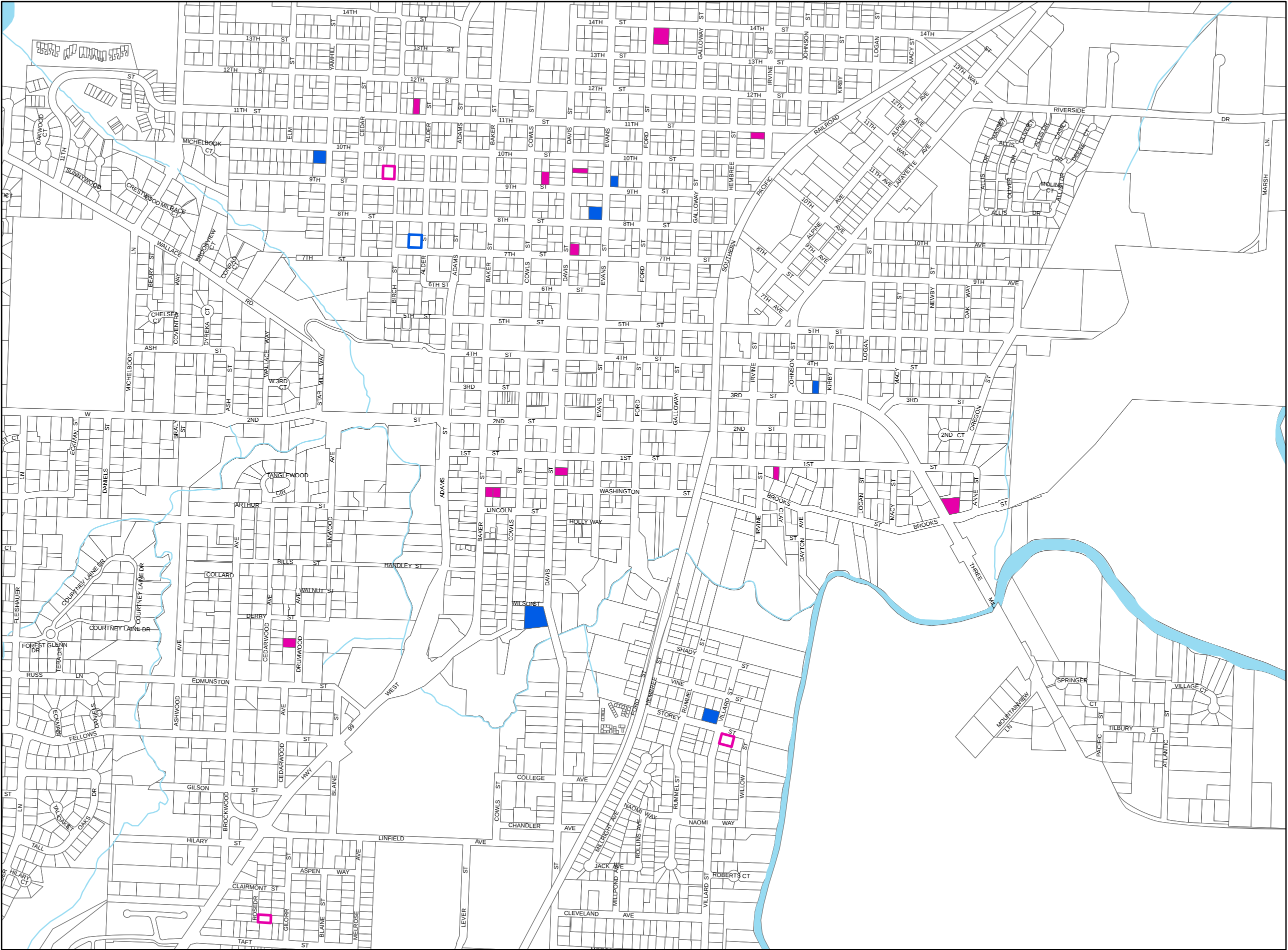


July 8, 2014

Notes:

- 1.) Due to scale, the B&B at 2361 NW Haun Drive is not indicated on this map.
- 2.) The two pending B&B applications are not included on this map.

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311



17.72.110 Applications – Director’s Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
 - Classification of an Unlisted Use
 - Downtown Design Review
 - Large Format Commercial Development (variation to standard)
 - Tentative Partition
 - Tentative Subdivision (up to 10 lots)
 - Three Mile Lane Design Review
 - Transitional Parking Permit
- A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:
1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
 2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 3. List, by commonly used citation, the applicable criteria for the decision;
 4. Set forth the street address or other easily understood geographical reference to the subject property;
 5. State the place, date and time that comments are due;
 6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 7. Include the name and phone number of a local government contact person;
 8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
 9. Briefly summarize the local decision making process for the land use decision being made.
- B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.

The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director's decision may be appealed as outlined in Section 17.72.170.

17.12.020 Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:
[...]

R. Vacation home rental, provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That a minimum of one off-street parking space be provided for each guest room.
3. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
4. That the duration of each guest's stay at the residence be limited to less than 21 (twenty-one) consecutive days.
5. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3397.
6. That the property owner shall live within the city limits or shall provide contact information of a person living within the city limits who shall be available to respond immediately to any emergency or complaint related to the vacation home rental.
7. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020(R)(8) below.
Complaints on conditions 1 through 7 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the vacation home rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

17.12.020 Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

[...]

P. Bed and breakfast establishments provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That the establishment be owner-occupied.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the bed and breakfast establishment.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the bed and breakfast establishment be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.
7. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance No. 3997 of this code;
8. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020(P)(9) below.
9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the bed and breakfast establishment is found to be in violation of the criteria, the Planning Commission may terminate the use.