

A G E N D A 8 - 14

1. [Approval of Minutes:](#) July 17, 2014

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

- ◆ [Docket CU 8-14](#)

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

Location: 310 NE Oregon Street, and is more specifically described as Tax Lot 4300, Section 21AC, T. 4 S., R. 4 W., W.M.

Applicant: Denny and Lucetta Elmer

3. **Old/New Business**

4. **Adjournment**

MINUTES

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

Members Absent: None

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

1. Approval of Minutes: June 19, 2014

Vice Chair Stassens called the meeting to order at 6:30 p.m., and called for action on the Planning Commission minutes from the June 19, 2014, meeting. She noted for the record the names of the Commissioners who had attended that meeting, and Chair Butler MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Hall. Motion PASSED unanimously by six Commissioners present at that time. (Commissioners Drabkin, Tiedge, and Morgan joined the group later; 6:32 p.m., 6:36 p.m., and 7:29 p.m., respectively.)

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

Vice Chair Stassens opened the public hearing at 6:35 p.m., and requested disclosures, abstentions, or objections to jurisdiction. Commissioner Thomas disclosed that she was acquainted with the applicants and had been to their home as a guest, but stated that fact would not influence her decision on the application request. There were no further disclosures, and Vice Chair Stassens requested the staff report.

Mr. Pomeroy said that the application request was as described in the staff report. He said that it was straightforward, met all of the required conditions of approval, and staff recommended approval with one condition specific to the Transient Lodging Tax registration.

Vice Chair Stassens called for the applicant's testimony.

Martin Brown said they had raised five children in their home and now had the space and opportunity to use the residence as a bed and breakfast establishment. He noted that the subject site was the location of a bed and breakfast establishment previously, known as the Alder Street Bed and Breakfast, prior to 1996 when they purchased it. Mr. Brown said they would be happy to comply with the condition of approval.

There was no proponent or opponent testimony and Vice Chair Stassens called for public agency testimony.

Mr. Pomeroy said that no comments had been received from public agencies.

Mr. Brown waived the seven-day time period allowed for submission of final written arguments in support of the application, and Vice Chair Stassens closed the public hearing at 6:42 p.m.

There was no discussion of the application by the Commissioners, and Commissioner Drabkin MOVED, based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, to APPROVE CU 6-14, subject to the condition of approval listed in the staff report; SECONDED by Commissioner Thomas. Motion PASSED unanimously by the eight Commissioners present.

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

Vice Chair Stassens opened the public hearing at 6:43 p.m., and requested disclosures, abstentions, or objections to jurisdiction. Commissioner Drabkin stated that she had a potential conflict of interest because the applicants owned the Oregon Wine Cottage (vacation rental), and a number of their guests were also her customers. However, she said that fact would not influence her objectivity in considering the application request. There were no further disclosures, and Vice Chair Stassens requested the staff report.

Mr. Pomeroy said the application was for a conditional use permit in order to operate a bed and breakfast establishment at the subject site. He said the application was straightforward, met all of the required criteria, and staff recommended approval, subject to one condition of approval relative to the Transient Lodging Tax registration.

Vice Chair Stassens called for the applicant's testimony.

Michael Rogers said that he and his wife had started a vacation rental seven years ago; which was doing very well. Since that time, he said that their children had moved out of their home, and they now wanted to develop a bed and breakfast establishment for his wife to operate, in addition to their vacation rental.

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

Larry Brown said he did not know whether he was opposed to the proposed use, but rather had "concerns." He listed his concerns as "parking, the structure itself, what kind of operation, and what happens with the operation." He explained that there were currently three vehicles parked at the residence, only one of which parked in the driveway, and visitors to the subject site parked on both sides of the street, rather than in the driveway. He also expressed concerns about upkeep and questioned what the ramifications would be if the applicants moved after the use was approved. Mr. Brown also stated that the application indicated there was a walkway on the subject site; however, he said the walkway did not exist. In addition, he said there was a tree in the planting strip in front of the subject site that "probably needs to come down." He also informed the Commissioners that 16th Street was very busy between 8:00 and 9:00 a.m. and around 4:00 p.m. because of buses and parents delivering children to the nearby school. Mr. Brown asked if the establishment would be non-smoking.

Vice Chair Stassens informed Mr. Brown that the walkway was not a required condition of approval.

John Ashbaugh said he lived on 16th Street and pointed out that there were no stop signs in the area, which could potentially put children at risk. He said he had two daughters and had concerns about the proposed use bringing strangers into the neighborhood.

Starr Ashbaugh added that they also had foster children, and asked whether there would be background checks on the guests who stayed at the bed and breakfast establishment. She also wanted to know if approval of the application would affect their property value or taxes.

Vice Chair Stassens said that she understood their concerns; however, they were not related to the application or the approval criteria.

Dee Staple, 744 NW 17th Street, said she lived a block away from the subject site and was not in opposition to the request, but had questions about it. She said her only question was whether there was a maximum occupancy for the proposed use.

Mr. Pomeroy said that occupancy was limited to five people unrelated to the family.

Eve Fuller Riggs, said she was speaking on behalf of her mother, Betty McKinney, who lived next door to the subject site. She explained that her mother was opposed to the proposed use for all of the reasons already mentioned. In addition, she said her mother was concerned about the use of the applicant's back yard and patio, smoking, parties, young people coming and going, traffic, and street parking associated with the bed and breakfast.

Richard Easterday, 1616 NW Michelbook Lane, which was approximately 150 feet from the proposed bed and breakfast, said his concern was that he did not want another commercial enterprise of any kind in his neighborhood. He said he felt this was the beginning of something that would be a "crack in the door" where other things would develop commercially. He also listed concerns about traffic, parking, crime, safety for children, impact on property values and taxes.

Ms. Staple asked whether the conditional use permit could be revoked.

Mr. Pomeroy said that staff would respond to any concerns or complaints about the facility, and contact the property owner to discuss them. Beyond that, he said that if complaints were filed against the establishment and forwarded to the Planning Commission for review at a public hearing, the permit could then be revoked, if deemed appropriate.

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

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

Vice Chair Stassens called for the applicant's rebuttal testimony.

Mr. Rogers discussed his experience with operating a vacation home rental, and the growth in popularity of such rentals since they opened the Oregon Wine Cottage in 2007. He stated that clientele were typically law-abiding, refined, responsible individuals. He pointed out that he and his wife had a vested interest in their neighborhood, and would not do anything to jeopardize themselves or their neighbors. With regard to traffic, he said they had raised two children who each had a car as well as friends with cars, so there should be less traffic associated with the bed and breakfast. He said he did not think people would notice any change in the neighborhood if the application was approved, and stated that neither smoking nor children would be permitted.

Discussion ensued as regard the existence of a pathway to access the proposed bed and breakfast area of the home, as well as whether sidewalks were present on both the Thomsen and 16th street frontages.

The applicant waived the seven-day time period allowed to submit final written arguments in support of the application, and Vice Chair Stassens closed the public hearing at 7:19 p.m.

Further discussion ensued with regard to the existence of a pathway to access the proposed bed and breakfast area of the home, whether sidewalks were present on both the Thomsen and 16th street frontages, and possible traffic impacts from vehicles associated with guests.

Commissioner Drabkin stated that most of the opponents' concerns could not be controlled or considered because the issues were unrelated to the approval criteria.

Commissioner Hall said that this situation was similar to others that had come before them, where people expressed concerns about things that "might" happen, but past experience had demonstrated those concerns were unfounded.

Vice Chair Stassens noted that the same concerns had been expressed for similar applications, yet there had never been a single complaint following approval of the use. Therefore, she said experience had shown such uses were very compatible with residential neighborhoods. She also reiterated that they could not consider testimony unrelated to the approval criteria, which the application clearly met.

Commissioner Tiedge 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 Chroust-Masin. Motion PASSED unanimously by the eight Commissioners present.

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.

Commissioner Morgan took his seat at the dais at 7:29 p.m., and Vice Chair Stassens referenced the information provided by staff regarding options for processing bed and breakfast and vacation home rental establishments. She asked staff to provide an overview of the details outlined in the document.

Mr. Montgomery referred the Commissioners to the memorandum and attached materials that had been included in their meeting packets. He said the purpose of the work session was twofold; the first was to review and discuss current and possible alternate review processes related to vacation rental and bed and breakfast establishments; and secondly, to receive direction from the Commissioners as to whether they wished to move it forward to a public hearing and review process, or to simply retain the current process; in effect do nothing. Mr. Montgomery said that, based upon a review of the history of these types of proposals and the information provided, staff recommended they give strong consideration to amending the application process to that of a "Planning Director with Notice." Background and details relative to that alternative had been provided in the memorandum, he said.

In response to questions about application processing costs, Mr. Montgomery reminded the Commissioners that aspect had not been part of the directive; however, the City Council's policy was to recover 40 percent of actual costs for applications subject to Planning Commission review. He suggested it would be less costly for an application that was reviewed administratively, although he admitted he did not know what that cost difference would be. He affirmed that all applications were subsidized, as pointed out by Commissioner Tiedge, and explained the process to revise application fees.

Commissioner Hall expressed his opinion that the issue was not about cost in dollars, but rather staff time and Planning Commissioners' time. He explained that when a process was new, there was not enough information available to assess what would work most effectively, or how to administer and oversee it. He said they now had enough experience with bed and breakfast and vacation home rental applications to see that it was working, as evidenced in part by the fact that there had been no complaints once the applications were approved. Therefore, he said it seemed that they had reached a point where staff could administer it administratively; and, although it may not save dollars, it would save a lot of time for a lot of people.

Commissioner Tiedge said that, although it was routine for the Planning Commissioners to consider the criteria, he did not believe it was routine for citizens. The fact that many of the concerns expressed were outside the criteria, he said was indicative of citizens' unfamiliarity with the applicable criteria. However, individuals were more educated and informed as to what the criteria were following a public hearing, he said, and as a result, could more effectively communicate with elected officials as to whether or not the criteria were appropriate. In his point of view, therefore, citizens received an education they would not have gotten otherwise, by virtue of having an opportunity to attend a public hearing. For that reason, he said the Commissioners' time was not wasted, and if that element was removed from the application process, citizens would be deprived of something to which they were entitled.

Commissioner Hillestad said he agreed with Commissioner Tiedge.

Mr. Montgomery provided clarification at the request of Chair Butler and said the suggested administrative review process would provide notice to property owners within a 100-foot radius from the subject site, rather than the current 200-foot radius; however, the Planning Commissioners could propose a different radius if they wished to.

Chair Butler said he did not believe any of the opponents of the application received an education. Although they were able to vent their frustrations, he said the Commissioners did not truly provide answers because the questions and concerns raised did not pertain to the criteria. If anything, he said their frustrations were furthered; whereas if they had gone to the Planning Department instead, they would have had all of their questions answered.

Mr. Montgomery said he wanted to make clear that staff's recommendation would not excuse or waive the right to have a public hearing. Changing the process would, he said, separate those applications that clearly had no neighborhood interest from those that did, and there would be a 14-day time period in which to request such a hearing, once notice had been received.

Mr. Pomeroy informed the Planning Commissioners that he had conversations with three individuals related to the two applications considered at this meeting, yet none of them had attended the meeting. He pointed out that everyone who gave testimony had likewise received notice but had not contacted staff ahead of the hearing. If they had done so, he said staff would have been able to answer their questions, address any issues unrelated to the criteria, or direct them to the appropriate department or individual that could.

Discussion ensued as regard the cost of applications, the existence of vacation rentals that had not gone through the application process, and code enforcement for those establishments.

Commissioner Hillestad said he saw a distinct difference between bed and breakfast and vacation rental establishments, primarily because a bed and breakfast owner lived on the premises. He stated that what had concerned him in the past about vacation rentals was that they were not really part of a neighborhood, and did not have anyone that neighbors could address with concerns. For that reason, he said he was not concerned about bed and breakfasts, but continued to be concerned about vacation rentals.

Chair Butler reminded Commissioner Hillestad that the criteria for vacation rentals required a local contact for the facility, and ultimately, an individual could contact the McMinnville Police Department if they had a complaint.

Mr. Montgomery stated that concerns expressed during this evening's hearing were with regard to potential crime, children's impacts, type of guests, traffic; yet there was no evidence to support those concerns. He told the commissioners that all of the concerns should have been rejected as the basis for any discussion, and pointed out that traffic associated with the use would likely amount to a single vehicle. The issues that were brought forth could be dealt with much more effectively across a counter or desk, which would be an advantage of processing the applications administratively, he said.

Vice Chair Stassens asked for a show of hands from those Commissioners who wanted to hold a public hearing to consider a change in the application process for vacation home rentals and bed and breakfast establishments to a "Director's Review with Notification." She announced that the majority of the Commissioners were in favor (Commissioners Hillestad and Tiedge were not in favor), and she directed staff to bring back an amendment and schedule a public hearing to consider it.

Mr. Montgomery noted it would likely be considered at the September meeting due to time constraints associated with advance notification to the State.

5. Old/New Business

Chair Butler thanked Vice Chair Stassens for chairing the meeting, and complimented her on her performance. Commissioner Drabkin echoed his sentiments.

Mr. Pomeroy advised the Commissioners that there would be a vacation home rental application for consideration at the August meeting.

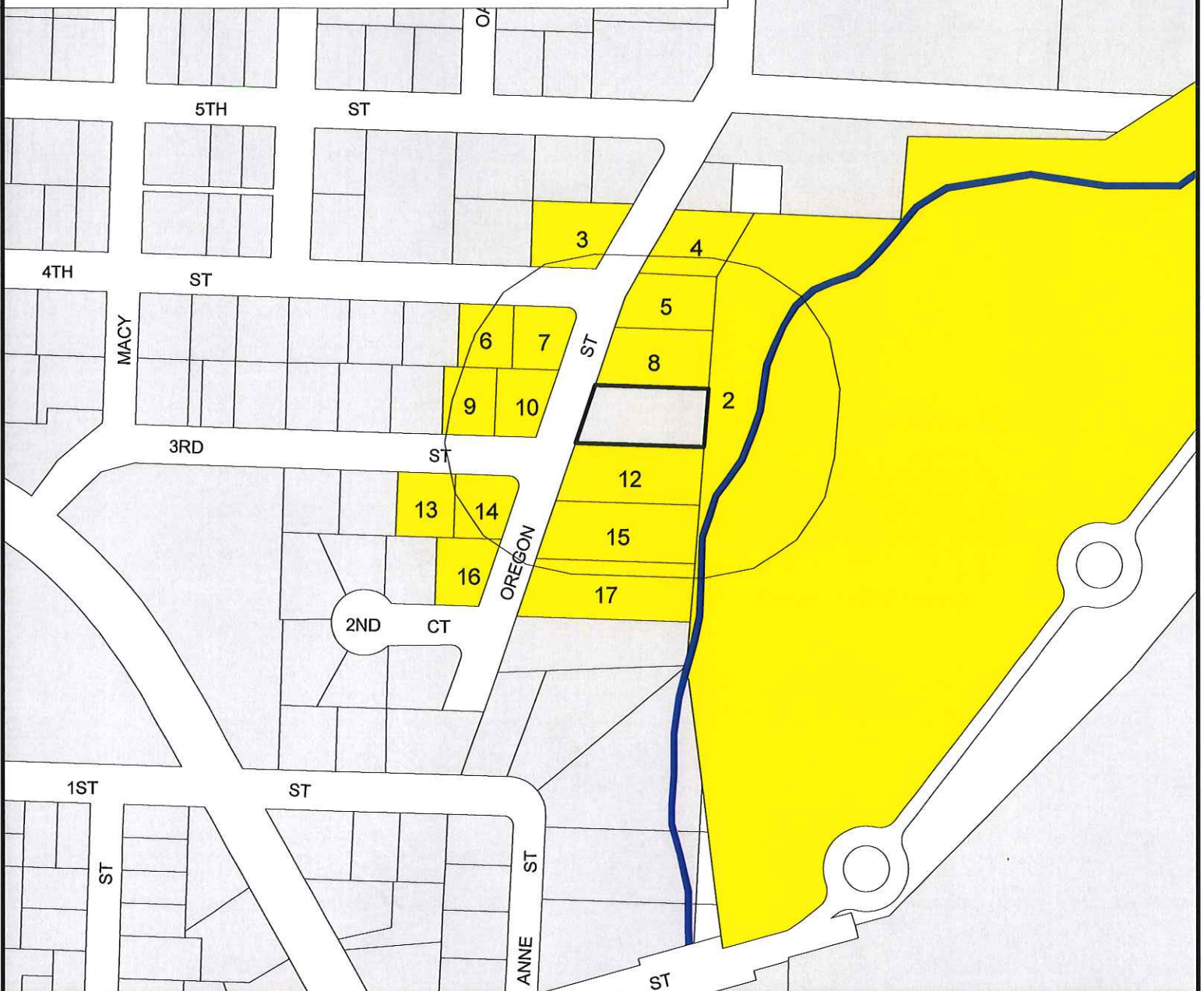
6. Adjournment

Vice Chair Stassens adjourned the meeting at 7:51 p.m.



Doug Montgomery
Secretary

Notification Map



CU 8-14

Denny and Lucetta Elmer are requesting approval of a conditional use permit to allow for the operation of a vacation home rental establishment within an existing residence.

Recorded Owner:
Dennis & Lucetta Elmer
310 NE Oregon Street
McMinnville, OR 97128



Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: _____



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 vacation home rental establishment within an existing residence.

Location: The subject site is located at 310 NE Oregon Street, and is more specifically described as Tax Lot 4300, Section 21 AC, T. 4 S., R. 4 W., W.M.

Applicant: Denny and Lucetta Elmer

EXHIBITS

1. Staff Report
2. CU 8-14 Application and Fact Sheets
3. Plot plan submitted by 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 along the east side of NE Oregon Street, just north of its intersection with NE 3rd Street. The site is generally rectangular in shape, measuring an average of some 185 feet in length by approximately 90 feet across the site frontage and topographically slopes downward to the east. A two-story residence and attached two-car garage is situated in the western portion of the property (facing onto NE Oregon Street). Architecturally, the residence is of a contemporary two-story design, with a walk-out basement. An RV pad is located adjacent to the south side of the residence.

The site is fronted by NE Oregon Street, a local residential street that has gutters, curbs, and sidewalks along both sides of this block. To the east (rear of the property) is a small tributary associated with the South Yamhill River. The site is landscaped with turf and a variety of shrubs in the front, side, and rear yards. Deciduous and evergreen trees are found within all sides of the property.

The subject site is zoned R-2 (Single-Family Residential) and F-P (Flood Area Zone), as are the adjacent properties located along the east side of Oregon Street. Across Oregon Street, properties are zoned R-2. The surrounding area is developed with single-family residences with the exception of land behind and east of the site which is developed as Joe Dancer Park.

OBSERVATIONS

- The applicant is requesting approval of a conditional use permit to allow a vacation home rental establishment within an existing two-story, 3,500-square-foot, five-bedroom residence at 310 NE Oregon 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.
- The applicant notes that as it is their intent to utilize this residence as a vacation home rental, it would not serve to allow the exterior to fall to disrepair or acquire an unkempt appearance. Toward this, the applicants have indicated that the vacation home rental would

be well managed and continue to be well maintained as are other homes within the surrounding neighborhood. It is the applicant's intent to attract high end guests to this neighborhood that is within walking distance to McMinnville's "lovely historic downtown." No changes to the existing residence are planned by the applicant to accommodate this proposed use.

- One of the approval criteria for a vacation home rental states that the "structure be designed for and occupied as a single-family residence." Occupancy of a single-family residence allows either an unlimited number of related people or a maximum of five unrelated people. While the subject residence contains five bedrooms, the applicant has noted that the VHR, if approved, would be advertised as having a five-person occupancy. This would eliminate any potential concern of inviting more than five unrelated individuals to lodge at this residence at any one time.
- To operate a vacation home rental establishment in McMinnville, the applicant must meet the requirements as stated in Section 17.18.020 (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 will be operated as a single-family residence and is functionally and architecturally compatible with the surrounding residential development. 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. Furthermore, the applicant has provided their contact information (they live locally) should an emergency or complaint situation arise. While the applicant has not stated specifically if smoke detectors are in place, this is a requirement for operating a vacation home rental establishment.
- Section 17.12.020 (R) states that one off-street parking space is required for each guest bedroom. With five guest rooms proposed for vacation home rental use, five off-street parking spaces will need to be provided to serve this proposed use. These spaces can be provided for by the nine available onsite parking spaces as follows:
 - Two-car garage (2 spaces)
 - The approximately 24-foot-wide by 38-foot-long paved four-car driveway. While the applicant's site plan indicates a driveway depth of 36 feet, this dimension is approximately 38 feet as verified by staff. (4 spaces)
 - The paved RV pad some 10 feet wide by 60 feet in length (3 spaces)
- A single-family residence is required to provide a minimum of two off-street parking spaces. The maximum number of vehicles that would be parked on this site by overnight guests is five (a maximum of five unrelated individuals each driving their own vehicle). In this unlikely scenario, a maximum potential increase of three additional vehicles utilizing the surrounding street system would occur.

Local residential streets such as NE Oregon Street and the surrounding streets are designed to accommodate a maximum of 1,200 daily vehicle trips each. These streets, as are most local residential streets, are far from reaching that capacity threshold. These streets are of the design and capacity to accommodate the potential impact of those three additional vehicles traveling through the neighborhood. The potential traffic impact of this requested VHR would be negligible to the surrounding street system.

- As the Planning Commission is aware, vacation home rental establishments have been regulated since 2008 following the adoption of Ordinance No. 4902 which was codified into the McMinnville Zoning Ordinance and can be found at Section 17.12.020 (R). Through this ordinance, vacation home rental establishments are regulated in a fashion similar to bed

and breakfast establishments. More specifically, vacation home rentals are subject to limits on the size and type of signs that may be placed at the VHR location, the number of consecutive days that a guest may stay, availability of adequate off-street parking, and having owner residency or an emergency contact person within the McMinnville city limits. Operation of this proposed vacation rental, if approved, would be subject to these conditions.

- The vacation home rental ordinance also provides a process for reviewing complaints against the proposed use. If the vacation home rental is found to be in violation of the criteria listed in Sections 17.74.030 and 17.74.040 of the McMinnville Zoning Ordinance, the Planning Commission may terminate the use. The above referenced code sections are provided in Exhibit "A" attached to this staff report. To date, staff has *not* received a complaint on *any* of the vacation home rental establishments in operation.
- 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 writing of this report, comments were received from the City Building Division and are provided below.

City Building Official-

- The proposal states that there are five bedrooms in this residence which, according to the Oregon Uniform Building Code, generates an occupant load of ten. The Building Code defines this use as a congregate residence which must comply with the Oregon Residential Code. -- [This is satisfied by the provision of smoke detectors within the residence.]
- Notice of this request was mailed to property owners located within 200 feet of the subject site. As of the date this report was written, no comments as regard the applicant's request had been received by the Planning Department from those who were notified.
- The findings of fact and conclusionary findings are attached as Exhibit "A" to this report and are by this reference herein incorporated.

RECOMMENDATION

Staff believes that use of the subject property for a vacation home rental establishment is compatible with surrounding development and with development within the R-2 (Single-Family Residential) zone. The use of the residence as a vacation home rental 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 the R-2 (Single-Family Residential) zone. We further contend that the conditions that exist in the City's zoning ordinance relative to operating a vacation home rental establishment will ensure ongoing compatibility.

For these reasons, staff recommends that based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the applicant, that CU 8-14 be approved, subject to the condition of approval, below:

1. That prior to use of the subject property for vacation home rental 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 8-14, SUBJECT TO THE CONDITION OF APPROVAL AS PROVIDED IN THE STAFF REPORT.

RP:pjk

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
DOCKET CU 8-14

FINDINGS OF FACT

1. The applicant is requesting approval of a conditional use permit to allow for the operation of a vacation home rental establishment within an existing residence located at 310 NE Oregon Street.
2. The subject site 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 4300, Section 21 AC, 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, Public Works, Wastewater Services, Parks Department, Police 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:

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

"Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.72 and 17.74:"

[...] P. Vacation home rentals, subject to the provisions of Section 17.12.020 (R):

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

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.
8. 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.

Section 17.60.060.C.22 provides requirements for off-street parking for a vacation home rental establishment at a ratio of one space for each guest 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 is satisfied in that provision of adequate, paved, off-street parking sufficient to support the proposed use is available to serve the site.
 - 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 close proximity to downtown McMinnville and the use of this property as a vacation home rental has the possibility of adding to the existing commercial activity in the downtown area.
 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 17.15.020 (P) as a vacation home rental establishment is a conditional use allowed under the provisions of Chapter 17.12.020 (R) 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 vacation home rental establishment in an R-2 (Single-Family Residential) zone in that: 1) The structure is designed and will be operated as a single-family residence; 2) adequate off-street parking is available in that five vehicle parking spaces are required for this use and nine are currently available; 3) signage will be limited as noted in the McMinnville Zoning Ordinance; 4) the duration of guests will be limited to a maximum of 21 consecutive days; 5) smoke detectors will be required consistent with the Uniform Building Code; and, 6) the applicant's contact information will be kept on file should an emergency or complaint situation arise which requires staff to contact the applicant.

Further, a permit to continue this use may be renewed for one-year periods upon request by the applicant and review by the Planning Department. Complaints regarding this establishment pertinent to items 1 through 6 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)(22) as the subject residence has five bedrooms and the required off-street parking spaces (five) can be provided within the existing four-car driveway, double-car garage, and RV parking pad.
 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 vacation home rental is a conditional use allowed in the R-2 zone as stated in Section 17.15.020(P).

- b. There was no evidence submitted that would indicate that 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 vacation home rentals in McMinnville, the Commission finds that impacts of the proposed use will be similar or less when compared to uses that are permitted outright in this zone. The off-street parking is provided direct vehicular access from NE Oregon Street, (a Local Residential street) which is designed to accommodate the traffic generated by this use. Adequate public facilities and services necessary to serve the proposed use are 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 adjacent 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 necessitates 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 Denny & Lucetta Elmer Phone (Hm) 503 437 1380
Address 390 NW Mt. Bachelor St. Phone (Wk) 971 237 6792
City, State, Zip McMinnville OR 97128 971-237-6752 cell
Email lucetta4@gmail.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 310 NE Oregon St
Assessor Map No. R4 421A 04300 Total Lot Size 16535
Subdivision Waugman Addition Block _____ Lot 3
Comprehensive Plan Designation _____ Zoning Designation res

Office Use Only:

File No. 208-14 Date Received 7-17-14 Fee \$1030.00 Receipt No. 440100 Staff pjk

State nature of the request in detail: _____

We would like the option
to use our home as a
vacation rental. We would
like to advertise our 3400 sqft.
home as a 5 person occupancy.

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

We see our plan as a positive one
for our community. We want to set
the standard to only rent to adults
25 years of age or older.

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:

We don't see our plan changing
the operating characteristics of our
neighborhood. There are several rentals
in this neighborhood already, although
they are more long term. Our vacation
rental home would be a low key
rental that will not affect traffic
or development.

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 this endeavor benefiting the neighborhood. We will keep the house and grounds professionally maintained so as to attract high end guests. We will market our home as a vacation rental home in a quiet neighborhood that is within walking distance to our lovely historic downtown.

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:

Answered above

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

7.7.14
Date


Property Owner's Signature

7.7.14
Date

310 NE Oregon St.
total lot size 16535 sqft.

EX-15PA

House

Double
deep
garage

24' 4" wide
36' deep

RV
Pad

63' long
by
18 1/2' wide

Driveway

Sidewalk

Sidewalk

310 Oregon Street

320

F
E
N
C
E

NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 21st day of August, 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 8-14 Denny and Lucetta Elmer are requesting approval of a conditional use permit to allow for the operation of a vacation home rental establishment within an existing residence. The subject site is located at 310 NE Oregon Street and is more specifically described as Tax Lot 4300, Section 21AC, 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 8-14

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4421 00400	1625 SE BROOKS ST	MCMINNVILLE CITY	MCMINNVILLE CITY OF	855 MARSH LN	MCMINNVILLE OR	97128
3	R4421AC00701	1535 NE 4TH ST	FAX JANE	FAX JANE A	13955 NW WILLIS RD	MCMINNVILLE OR	97128
4	R4421AC04000	424 NE OREGON ST	VINEYARD JOHN	HANSON SHARON C WROS	424 NE OREGON ST	MCMINNVILLE OR	97128
5	R4421AC04100	350 NE OREGON ST	HENRICKSON BRIAN	GREDVIG ADRIA L	350 NE OREGON ST	MCMINNVILLE OR	97128
6	R4421AC02101	1508 NE 4TH ST	ACKERMAN RICHARD	ACKERMAN RICHARD & SUSAN REVOC LIV TRUST	210 SE LAWSON LN	MCMINNVILLE OR	97128
7	R4421AC02100	331 NE OREGON ST	WEIN SHIRLEY	ZEIGER FAMILY LIVING TRUST 1/2	4404 BURKE WAY	FREMONT CA	94536
8	R4421AC04200	332 NE OREGON ST	SCANLAN RICHARD	SCANLAN RICHARD C & KATHY L	332 NE OREGON ST	MCMINNVILLE OR	97128
9	R4421AC02108	1505 NE 3RD ST	HANCOCK COLIN	HANCOCK COLIN L TRUSTEE FOR	221 NE OREGON ST	MCMINNVILLE OR	97128
10	R4421AC02109	313 NE OREGON ST	LIM JAMES	LIM JAMES & ALICE S J	313 NE OREGON ST	MCMINNVILLE OR	97128
12	R4421AC04400	234 NE OREGON ST	RICE GLEN	RICE GLEN W & CORINNE L REV LIV TRUST	PO BOX 985	MCMINNVILLE OR	97128
13	R4421AC02111	1440 NE 3RD ST	OREGON MENNONITE	OREGON MENNONITE RESIDENTIAL SERV INC	1125 ELM ST NW	SALEM OR	97304
14	R4421AC02110	231 NE OREGON ST	ACKERMAN RICHARD	ACKERMAN RICHARD & SUSAN REVOC LIV TRUST	210 SE LAWSON LN	MCMINNVILLE OR	97128
15	R4421AC04500	232 NE OREGON ST	FITZGERALD LESLIE	FITZGERALD LESLIE K	232 NE OREGON ST	MCMINNVILLE OR	97128
16	R4421AC02117	221 NE OREGON ST	HAMILTON MARY	HAMILTON MARY J	14900 S HENRICI	OREGON CITY OR	97045
17	R4421AC04600	222 NE OREGON ST	REHM CHRISTINE	REHM CHRISTINE L	222 NE OREGON ST	MCMINNVILLE OR	97128
Owner	R4421AC04300	310 NE OREGON ST	ELMER DENNIS	ELMER DENNIS R JR & LUCETTA A	310 NE OREGON ST	MCMINNVILLE OR	97128

390 NW Mt. Badger St.
(see app.)

Date Sent 8/1/14
Sent By SJR