

MINUTES

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

Members Absent: Commissioner Drabkin, Hall, Tiedge, Thomas

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

1. Approval of Minutes: August 21, 2014

Chair Butler called the meeting to order at 6:31 p.m., and called for action on the minutes from the August 21, 2014, Planning Commission meeting. He noted that Commissioner Morgan had been absent from that meeting, and Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

2. Public Hearing (Legislative)

◆ **Docket G 1-14**

Request: The City of McMinnville is proposing amendments to the McMinnville Zoning Ordinance that, if adopted, would make bed and breakfast and vacation home rental uses subject to an administrative review (Director's Review with Notification), rather than a public hearing before the Planning Commission, as currently required.

Applicant: City of McMinnville

Chair Butler opened the public hearing at 6:34 p.m., and asked staff to describe the hearing item.

Mr. Montgomery drew attention to the updated staff memorandum that had been distributed to the Commission members, and said changes had been made in some of the references to sections in the summary action portion of the memo; however, no changes had been made to the narrative portion. He said the purpose of the hearing was to consider whether to change the review process for vacation home rentals and bed and breakfast establishments from a public hearing before the Planning Commission to an administrative review by the Planning Director.

There were no questions of staff, no members of the public were present, and Chair Butler closed the public hearing at 6:36 p.m. He asked whether staff had a recommendation on the hearing item.

Mr. Montgomery said staff had not made a recommendation, but had provided three different options for consideration by the Planning Commissioners.

Commissioner Stassens said she was in favor of changing the process to that of a director's review, with notification as detailed in the staff memorandum.

Commissioner Hillestad expressed concerns about "doing anything that might discourage neighborhoods" and stated that he had anecdotal information, based on personal experience, that bed and breakfast and/or vacation home rental establishments would adversely affect property values. He suggested they should have relevant data before doing something that might endanger the concept of neighborhoods, and for that reason, favored leaving the review process as currently written.

Chair Butler reminded Commissioner Hillestad that they were only considering the type of application process for the two uses, and not considering elimination of the ordinance itself.

Commissioner Stassens asked why Commissioner Hillestad felt his concerns would be better addressed by the current review process as opposed to an administrative review with notification.

Commissioner Hillestad said his opinions were based on past dealings as an attorney, and believed people would be more intimidated by "someone sitting in an office of an agency than they might be before a public body." He said a lot of people feel as if "the fix is already in" if they can't get a bunch of their neighbors together to come before a public hearing. He noted that his opinion was not a criticism of Mr. Montgomery, who he thought was one of the finest planners that he had come across in four decades, but he felt citizens should have an opportunity to express their concerns in a public forum.

Commissioner Hillestad acknowledged that his opinions were not based on personal experience in McMinnville, and that there had been no complaints about establishments already approved and currently in operation; however, he said it had only been a relatively short period of time since the vacation home rental ordinance had been put in place. He stated that it was difficult to convert a use back, or eliminate it altogether, once it had been approved, and pointed out that all application requests for vacation home rentals had been approved by the Planning Commission, with no restrictions.

Chair Butler said he had not heard any compelling reason why changing the review process for such applications would have more of a negative impact on neighborhoods than the current process, and noted that the review criteria would remain unchanged.

Discussion ensued with regard to other permitted and conditional uses in residential zones, and specific uses that were administratively approved.

Commissioner Morgan said he had concerns about impacts to surrounding property owners resulting from approval of such uses in a residential zone, but noted there had never been an application presented that he believed would be detrimental to surrounding property owners.

Chair Butler pointed out that they had more control over vacation rentals and bed and breakfasts than a residence that was simply a rental, which could, for instance, potentially be used as a meth house. He said that a change in the review process would provide an opportunity for people to get questions answered in a less intimidating, one-on-one encounter with the Planning

Director versus a public hearing process where all of the applications were essentially “rubber stamped.” He said he was in favor of simplifying the process for the public. Further, he reiterated that there had been no complaints about any of the approved vacation rentals or bed and breakfasts, and property owners typically improved and maintained the property in order to attract clientele. Therefore, other than the fact that the property would not have the same resident day-to-day, he said he did not see anything that would be detrimental to the neighborhood, and if someone wished to, they could still request a hearing before the Planning Commission if the process was changed.

Mr. Montgomery explained that the criteria for approval of a vacation home rental were straightforward and simple, and could be answered with either a “yes” or “no” by anyone who reviewed the application.

Commissioner Stassens agreed and pointed out that, because the criteria were so objective, there was no way to address the concerns typically brought forth by neighbors because they were outside of the criteria. She said there would be a benefit to the public if applications were reviewed by the Planning Director, because he would be able to have a dialogue and provide information about issues or concerns outside of the criteria; something that was not possible in a hearing format.

Commissioner Stassens MOVED to recommend the City Council ADOPT the amendments to the zoning ordinance as proposed by staff in their August 10, 2014, memorandum; SECONDED by Commissioner Chroust-Masin. Motion PASSED by majority vote with four Commissioners voting in FAVOR of the motion, and one Commissioner voting in OPPOSITION (Hillestad).

3. Old/New Business

Mr. Montgomery shared information with regard to applications that would likely be presented at the October 16, 2014, Planning Commission meeting, and reminded the Commissioners that election of officers would occur at the November meeting.

Ms. Haines introduced Don Iler, a reporter from the News-Register, who was the sole audience member, and explained that he had replaced Nicole Montesano as the reporter assigned to cover Planning Commission meetings.

4. Adjournment

Commissioner Stassens MOVED to ADJOURN the meeting; SECONDED by Commissioner Chroust-Masin. Motion PASSED unanimously, and Chair Butler adjourned the meeting at 7:14 p.m.

Doug Montgomery
Secretary