

A G E N D A 10 - 14

1. [Approval of Minutes:](#) September 18, 2014

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

- ◆ [Docket CU 10-14](#)

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

Location: 210 SW Daniels Street, and is more specifically described as Tax Lots 1400 and 1401, Section 20DB, T. 4 S., R. 4 W., W.M.

Applicant: Charles and Dianne Gluskoter

3. **Old/New Business**

4. **Adjournment**

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.

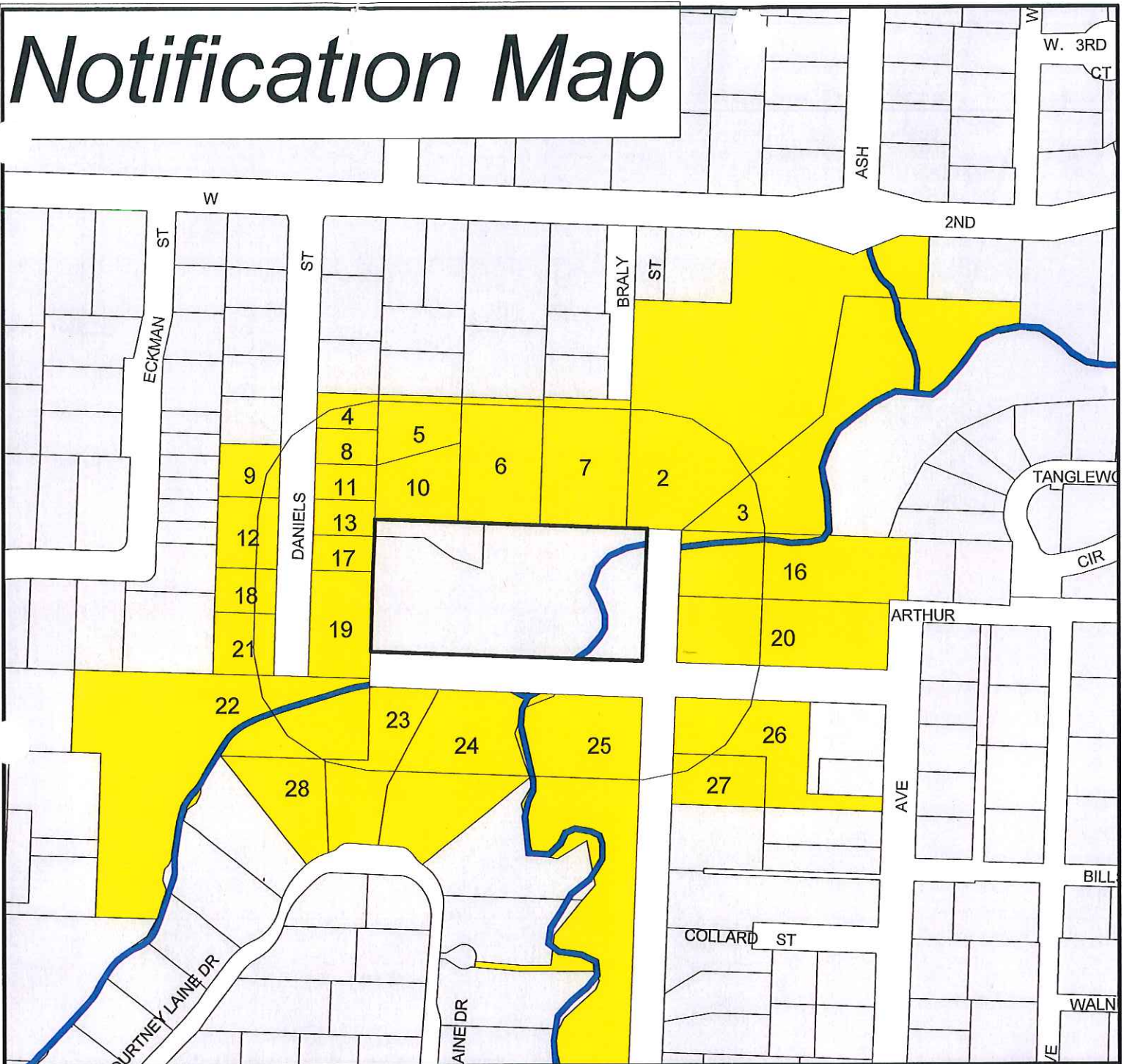
Ms. Haines introduced Don Iler, a reporter from the News-Register, who was the sole audience member, and explained that he had replaced Nicole Montesano as the reporter assigned to cover Planning Commission meetings.

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

Notification Map



CU 10-14

Charles and Dianne Gluskoter 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:

Criag & Laurine Lapp
PO Box 478
McMinnville, OR 97128

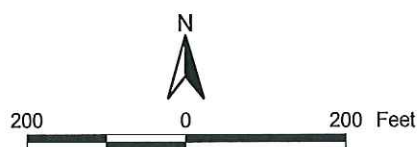


Geographic Information System

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 210 SW Daniels Street, and is more specifically described as Tax Lots 01400 and 01401, Section 20 DB, T. 4 S., R. 4 W., W.M.

Applicant: Charles and Dianne Gluskoter

EXHIBITS

1. Staff Report
2. CU 10-14 Application and Fact Sheets
3. Plot plan submitted by applicant
4. Color photographs submitted by applicant
5. List of property owners to whom notice was sent
6. Affidavit of Publication
7. Referrals
8. Vicinity Sketch

SUBJECT SITE

The subject site is located along the east side of SW Daniels Street, south of its intersection with West 2nd Street. The site is comprised of two parcels some 7,960 square feet and 54,753 square feet in size (tax lots 1400 and 1401, respectively). A two-story residence and attached two-car garage is situated in the western portion of the property. Beyond the house, the site slopes to the south and east with over half of the site being located within the 100-year flood plain of Cozine Creek. A wooden fence is located along the northern property line. The site is landscaped with turf and a variety of shrubs, bamboo, and ground covers. Deciduous and evergreen trees are found within all sides of the property.

The site is provided access by a shared paved driveway that extends west from SW Daniels Street to serve the site and two other single-family residences. SW Daniels Street is a local residential street that is paved but does not have gutters, curbs, or sidewalks along either side of this right-of-way.

The subject site is zoned R-2 (Single-Family Residential) and F-P (Flood Area Zone) as are properties located to the north and south. Properties to the west, across SW Daniels Street, are zoned R-2. The surrounding area is developed with single-family residences.

OBSERVATIONS

- The applicant is requesting approval of a conditional use permit to allow a vacation home rental establishment within an existing two-story, 3,300-square-foot, four-bedroom residence located at 210 SW Daniels 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 has indicated 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. It is the applicant's intent to attract guests to this "secluded home in the heart of the city with easy access to shopping and services." 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. Occupancy of this residence for vacation home rental purposes will need to comply with this single-family requirement just as every other single-family residential use.

Additionally, in part, the applicant's narrative states: "The design features 4 bedrooms, each with a private bath, a full kitchen, and a large common area." For clarification, each of the four bedrooms has its own private bath, however, the residence contains only one kitchen and one large common area.

- 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, the applicant is proposing installation of a three (3) square foot sign on the property identifying this vacation home rental. A sign of this size would be allowed and could be either a non-illuminated or indirectly illuminated wooden sign not to exceed the maximum allowance of three (3) square feet of face area.
- The applicant is currently in the process of purchasing this property (signatures of the current property owners have been provided on the application form). Contact information for the applicant and the current owner has been provided should an emergency or complaint situation arise. By the time this vacation home rental opens for business (should the Planning Commission approve this conditional use permit request), the applicants will be living within the McMinnville city limits or additional contact information for a person who is living within the city limits will be provided. The applicant also states that smoke detectors will be provided as 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 four guest rooms proposed for vacation home rental use, four off-street parking spaces will need to be provided to serve this proposed use. These spaces can be provided for by the five available onsite paved parking spaces as follows:
 - Two-car garage (2 spaces)
 - Two paved parking spaces located in front of the two-car garage (2 spaces)
 - One paved parking space located to the right of the paved driveway (1 space)
- Local residential streets such as SW Daniels Street are designed to accommodate a maximum of 1,200 daily vehicle trips each. This street, as are most local residential streets, is far from reaching that capacity threshold. These streets are of the design and capacity to accommodate the potential impact of this requested VHR which 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 regulations.

- 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, no comments in opposition to the request have been provided.
- 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 10-14 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 10-14, SUBJECT TO THE CONDITION OF APPROVAL AS PROVIDED IN THE STAFF REPORT.

RP:pjk

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
DOCKET CU 10-14

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 210 SW Daniels 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 Lots 01400 and 01401, Section 20 DB, 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:

- | | |
|--------|--|
| 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 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 located within an existing residential neighborhood and is within a reasonable walking distance to McMinnville's historic downtown (approximately 10 blocks).
 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 four paved vehicle parking spaces are required for this use and five 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 property owner/applicant's contact information will be kept on file should an emergency or complaint situation arise which requires staff to contact the applicant. Additionally, the applicant states that by the time this vacation home rental opens for business (should the Planning Commission approve this conditional use permit request), the applicants will be living within the McMinnville city limits or additional contact information for a person who is living within the city limits will be provided.

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 four bedrooms and the required paved off-street parking spaces (four) are provided within the existing two-car driveway, double-car garage, and additional paved parking spaces.
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 by direct vehicular access from SW Daniels 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. There are 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 Charles & Dianne Gluskoter Phone (Hm) (503) 843-2462
Address 26376 SW Mayette Dr. Phone (Wk) (971) 237-2289
City, State, Zip Sheridan, OR 97378
Email gluskoter@embargo.mail.com

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder
☐ Agent ☒ Other (specify) Buyers with sale in escrow

Name of Property Owner CRAIL & LAURINE LAPP Phone (Hm) 503-472-9796
(If different than above)
Street Address P.O. Box 478 Phone (Wk) 503-472-9796
City, State, Zip McMinnville OR 97128
Email ORDERS@PRECISION-ARTS.COM

LEGAL DESCRIPTION OF PROPERTY

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

Property Address 210 SW Daniels St., McMinnville, OR
Assessor Map No. R4 420-DB-01401 Total Lot Size 62,713 sq.ft.
R4 420-DB-01400
Subdivision _____ Block _____ Lot _____
Comprehensive Plan Designation R Zoning Designation R-2 / FP

Office Use Only:

File No. CV10-14 Date Received 9-4-14 Fee \$1030 Receipt No. 1110149 Staff pjk

State nature of the request in detail: _____

We would like to obtain a conditional use permit to operate a Vacation Rental with four guest rooms.

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

1. The structure is designed and will be occupied as a single family residence
2. There will be 4 guest rooms, and off-street parking for up to 5 vehicles
3. A sign will be installed that is no larger than 3 feet square of face area
4. Duration of each guest stay will be limited to less than 21 consecutive days
5. Smoke detectors will be provided as per requirements for lodging houses
6. Owners Charles and Dianne Gluskoter will be living within the city limits at the time the Vacation Rental opens for guests, or contact information for a person who is living within the city limits will be provided

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:

The building has 3300 square feet. The design features 4 bedrooms, each with a private bath, a full kitchen, and a large common area. The building is sited on a 1 ½ acre site that is situated in a secluded setting that allows privacy from adjoining neighbors. As the house is not visible from the street, there will be little impact on neighbors, with the exception of a partially shared driveway with the neighbor. The house is located within 300 feet of W. 2nd St. and will result in minimal traffic impact from this project.

The house has full access to public utilities.

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 expect little impact on the livability or value of other adjoining single family homes in the surrounding 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: _____

This 1 ½ acre wooded site is located within 4/10 of a mile of the 3rd St. business district, and will provide visitors a secluded home in the heart of the city with easy access to shopping and services.

The low profile and natural cedar siding of this house blend harmoniously with the surrounding wooded lot, and will provide a quiet and peaceful space for potential visitors.

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

The development has been designed to preserve the environmental assets of the property. Many large conifers and oak trees dot the property. The many windows in the living room and bedrooms provide visual access to the wooded acreage.

The house has been built with minimal impact on the surrounding woods. The natural cedar siding and green shingle roof blend harmoniously with the surrounding environment.

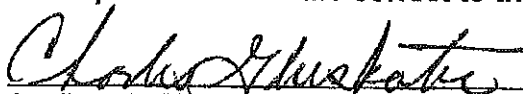
Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

It is our intention to operate this house^{AS} as a vacation rental for the enjoyment of visitors to McMinnville. We do not have any plans that would artificially alter property values or plan to use this property for any inappropriate purpose.


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

9/2/14
Date


Property Owner's Signature
Lamin A. Lapp

9/3/14
Date

SW DANIELS ST.

Paved Drive

House

N
↓

280'

Fence

Live Bamboo screen

Pathway

PARKING

8'

Garage

Gravel parking

Fence

House

Wooded Area

Wooded Area

Wooded Area
CO2 INC

220'

280'





NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 16th day of October, 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 10-14 Charles and Dianne Gluskoter 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 210 SW Daniels Street and is more specifically described as Tax Lots 1400 and 1401, Section 20DB, 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).

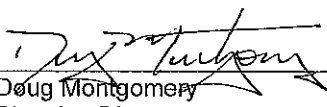
Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the City Council on that issue.

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.

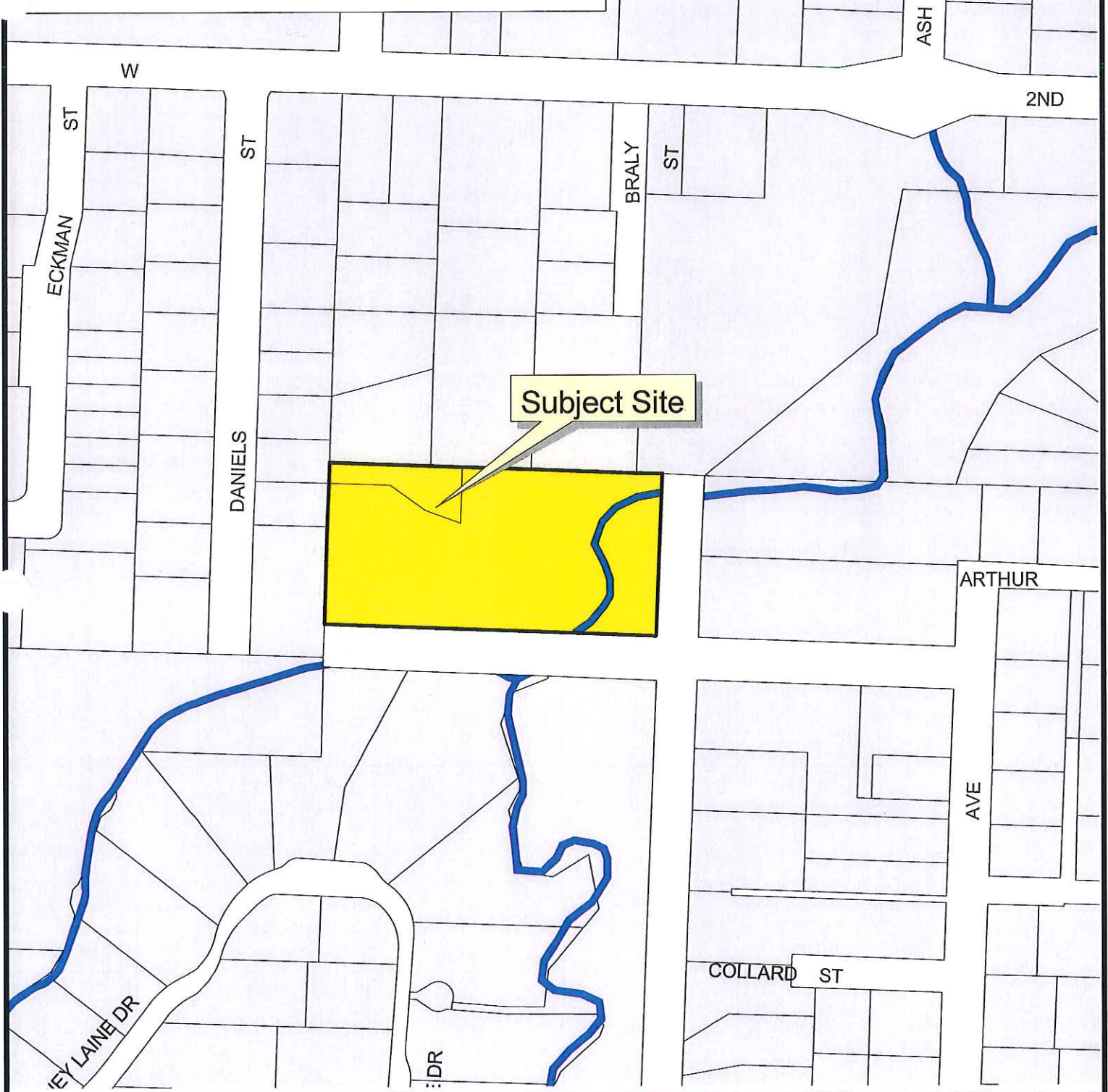
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

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 10-14

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4420DB00400	822 SW 2ND ST	ST BARNABAS	PARISH OF MCMINNVILLE	414 5TH ST	MCMINNVILLE OR	97128
3	R4420DB00200		MCMINNVILLE CITY	MCMINNVILLE CITY OF	230 NE 2ND ST	MCMINNVILLE OR	97128
4	R4420CA00400	150 SW DANIELS ST	CLARK CLIFFORD	CLARK DEBORAH L	150 SW DANIELS ST	MCMINNVILLE OR	97128
5	R4420DB01103	196 SW DANIELS ST	QUINCY CHRIS	QUINCY TARA	196 SW DANIELS ST	MCMINNVILLE OR	97128
6	R4420DB00902	988 SW 2ND ST	OTTELE SUSAN	OTTELE SUSAN	988 SW 2ND ST	MCMINNVILLE OR	97128
7	R4420DB00800	235 SW BRALY ST	STOLP AARON	STOLP CYNTHIA N	235 SW BRALY ST	MCMINNVILLE OR	97128
8	R4420CA00500		CLARK CLIFFORD	CLARK DEBORAH L	150 SW DANIELS ST	MCMINNVILLE OR	97128
9	R4420CA01401		ZULASKI CRISTIN	ZULASKI DARLENE K (WROS)	205 SW DANIELS ST	MCMINNVILLE OR	97128
10	R4420DB01101	205 SW DANIELS ST	HANLEY HAROLD		815 W 2ND ST	MCMINNVILLE OR	97128
11	R4420CA00600	204 SW DANIELS ST	NETTROUER DARREN	NETTROUER BRENDA	204 SW DANIELS ST	MCMINNVILLE OR	97128
12	R4420CA01300	215 SW DANIELS ST	GEPHART TIMOTHY	GEPHART JEANNIE	215 SW DANIELS ST	MCMINNVILLE OR	97128
13	R4420CA00700	218 SW DANIELS ST	RODGERS JOHN	RODGERS CYNTHIA A	218 SW DANIELS ST	MCMINNVILLE OR	97128
16	R4420DB01300	745 SW ARTHUR ST	BALL DENNIS	BALL SUSAN E	745 SW ARTHUR ST	MCMINNVILLE OR	97128
17	R4420CA00800	220 SW DANIELS ST	CHASTAIN LARRY	CHASTAIN TAMARA D	220 SW DANIELS ST	MCMINNVILLE OR	97128
18	R4420CA01100	235 SW DANIELS ST	RODIGUEZ CARMEN	MARTINEZ CHERIE L	235 SW DANIELS ST	MCMINNVILLE OR	97128
19	R4420CA00900	240 SW DANIELS ST	HICKS JOHN	HICKS JOHN D & JUNE	240 SW DANIELS ST	MCMINNVILLE OR	97128
20	R4420DB01301	345 SW BROCKWOOD AVE	KELLY FRED	KELLY FRED L & CAROLEEN L	345 SW BROCKWOOD AVE	MCMINNVILLE OR	97128
21	R4420CA01000	255 SW DANIELS ST	MURRAY KIMBERLY	MURRAY KIMBERLY S	255 SW DANIELS ST	MCMINNVILLE OR	97128
22	R4420CA03101	350 SW FLEISHAUER LN	MALOTT ROBERT	MALOTT ROBERT & CAROLYN JOINT REV TRUST	350 SW FLEISHAUER LN	MCMINNVILLE OR	97128
23	R4420DB04600	1073 SW COURTNEY LAINE DR	FOREST GLEN	FOREST GLEN BUILDERS LLC	PO BOX 1100	WILSONVILLE OR	97070
24	R4420DB04700	1077 SW COURTNEY LAINE DR	SCHEEL DONALD	SCHEEL FAMILY TRUST	1503 FOX HOLLOW RD	SEQUIM WA	98382
25	R4420DB04500		FOREST GLEN	FOREST GLEN HOMEOWNERS ASSOCIATION	735 NW ADAMS ST	MCMINNVILLE OR	97128
26	R4420DB01800		STEBBINS THOMAS	STEBBINS THOMAS E	423 SW BROCKWOOD AVE	MCMINNVILLE OR	97128
27	R4420DB01900	423 SW BROCKWOOD AVE	STEBBINS THOMAS	STEBBINS THOMAS E	423 SW BROCKWOOD AVE	MCMINNVILLE OR	97128
28	R4420CA03412	1069 SW COURTNEY LAINE DR	FOREST GLEN	FOREST GLEN BUILDERS LLC	PO BOX 1100	WILSONVILLE OR	97070
Owner	R4420DB01400	210 SW DANIELS ST	LAPP CRAIG	LAPP FAMILY TRUST	PO BOX 478	MCMINNVILLE OR	97128
Owner	R4420DB01401	210 SW DANIELS ST	LAPP CRAIG	LAPP FAMILY TRUST	PO BOX 478	MCMINNVILLE OR	97128
Applicant				CHARLES & DIANNE GLUSKOTER	26376 SW MAYETTE DR	SHERIDAN OR	97378

Date Sent 9/23/14
Sent By SP