



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Planning Commission**  
**ZOOM Online Meeting:**  
**December 16, 2021**

*Please Note that this meeting will be conducted via  
ZOOM meeting software due to the COVID-19 event.*

**6:30 PM Regular Meeting**

**ZOOM Meeting: You may join online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGlmaXFWYms0a0ovakxua0hNci9lUT09>

**Zoom ID: 856 3179 4745**

**Zoom Password: 286067**

**Or you can call in and listen via zoom: 1 253 215 8782**  
**ID: 856 3179 4745**

---

*Public Participation:*

*Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

*Public Hearing: To participate in the public hearings, please choose one of the following.*

- 1) *Email in advance of the meeting – Email at any time up to 12 p.m. the day of the meeting to [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov), that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.*
- 2) *By ZOOM at the meeting - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.*
- 3) *By telephone at the meeting – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom.*

**----- MEETING AGENDA ON NEXT PAGE -----**

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.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Roger Hall, Chair	<b>6:30 PM – REGULAR MEETING</b>
Lori Schanche, Vice-Chair	<b>1. Call to Order</b>
Robert Banagay	<b>2. Citizen Comments</b>
Gary Langenwalter	<b>3. Public Hearing:</b>
Sylla McClellan	<b>A. <u>Legislative Hearing: Proposed Comprehensive Plan Amendments (G 7-21) – (Exhibit 1)</u></b>
Brian Randall	Request: This is a legislative action initiated by the City of McMinnville to amend the McMinnville Comprehensive Plan by adopting the Three Mile Lane Area Plan as a supplemental document and to amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal to amend the Comprehensive Plan Map and Transportation System Plan consistent with the Three Mile Lane Area Plan, and to amend the McMinnville Municipal Code by adding a special overlay zone for the Three Mile Lane Area.
Beth Rankin	Applicant: City of McMinnville
Dan Tucholsky	<b>B. <u>Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20) – (Exhibit 2)</u></b>
Sidonie Winfield	<b>(Continued from November 18, 2021 PC Meeting)</b>
	Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.
	The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.
	The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final

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.

\*Please note that these documents are also on the City’s website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Application: Kimco McMinnville LLC, c/o Michael Strahs

**C. Quasi-Judicial Hearing: Short Term Rental (STR 6-21) – (Exhibit 3)**

Request: Approval to allow for the operation of a short term rental establishment within an existing residence.

Location: The subject site is located at 713 NW Cedar Street and is more specifically described as Tax Lot 10800, Section 20AA, T.4 S., R. 4 W., W.M.

Applicant: Kari Mamizuka

**D. Quasi-Judicial Hearing: Zone Change (ZC 1-21) – (Exhibit 4)**

Request: Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

Location: The subject site is located at 436 SW Baker Street and is more specifically described as Tax Lot 9800, Section 21CB, T.4 S., R. 4 W., W.M.

Applicant: Teresa Drevdahl

**E. Quasi-Judicial Hearing: Variance (VR 3-21) – (Exhibit 5)**

Request: Approval of a variance to the maximum fence height standards of MMC Section 17.54.090 and the provisions of MMS Section 8.10.210 governing authorized location of electric fences, in order to authorize a 10-foot tall perimeter “suspended wire security alarm system” electric fence approximately 1900 linear feet around the perimeter of a portion of the property containing buildings and a bus storage area. The fence is proposed to be located one foot behind the existing fence along the frontage of the 20<sup>th</sup> Street right-of-way and the railroad right-of-way and along an interior portion of the property.

Location: The subject site is located at 1936 NE Lafayette Avenue and is more specifically described as Tax Lot 1900, Section 15, T.4 S., R. 4 W., W.M.

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.

\*Please note that these documents are also on the City’s website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

Applicant: Danielle Hufford, on behalf of property owner Lee Larson Properties LLC, c/o Dave Kiersey/Kiersey & McMillan

**4. Discussion Item**

- **Planning Commission Work Plan**

**5. Commissioner/Committee Member Comments**

**6. Staff Comments**

**7. Adjournment**

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.

\*Please note that these documents are also on the City's website, [www.mcminvilleoregon.gov](http://www.mcminvilleoregon.gov). You may also request a copy from the Planning Department.

EST.  1856

# City of McMinnville Oregon

PLANNING DEPARTMENT

231 NE Fifth Street, McMinnville, Oregon 97128

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

## EXHIBIT 1 - MEMORANDUM

**DATE:** December 16, 2021  
**TO:** McMinnville Planning Commissioners  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** G 7-21, Three Mile Lane Area Plan

This memorandum is relative to the noticed first evidentiary public hearing for the consideration of adopting the Three Mile Lane Area Plan as a supplemental document to the McMinnville Comprehensive Plan.

The Three Mile Lane Area Plan is a legislative initiative by the City of McMinnville, and the City is requesting that the Planning Commission open the noticed public hearing for the consideration of adopting the Three Mile Lane Area Plan as a supplemental document to the McMinnville Comprehensive Plan, amending the McMinnville City Code, Title 17, Zoning Ordinance, Chapter 17.66 to add a Three Mile Lane Overlay Zone, and to amend Volume II of the Comprehensive Plan to add new a new action item as a proposal to Chapter VI (Transportation System) to amend the Comprehensive Plan map and Transportation System Plan consistent with the Three Mile Lane Area Plan, and continue the public hearing to January 20, 2022.

The City would like more time to refine the proposed amendments for consideration.

More information about the Three Mile Lane Area Plan can be found at [www.threemilelane.com](http://www.threemilelane.com).



**City of McMinnville**  
**Planning Department**  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 2 - STAFF REPORT

**DATE:** December 16, 2021  
**TO:** Planning Commission Members  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Public Hearing (Docket CPA 2-20/ZC 3-20) – Kimco Map Amendment, Request for Continuance

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

### Report in Brief:

This agenda item is the Comprehensive Plan Map Amendment and Zone Change with a Planned Development Overlay (CPA 2-20/ZC 3-20) for the property owned by Kimco McMinnville LLC located at 3310 SE Three Mile Lane. Staff has previously concurred with and recommended continuances requested by the applicant in order to work through resolution of transportation mitigation issues. In addition, the applicant has previously requested continuances to facilitate coordination of applications for map amendments for the adjoining properties to the east and west, with the intention of a hearing date for all three applications to be heard at a concurrent meeting. In November, Kimco requested a continuance to the December 16, 2021 Planning Commission meeting.

Kimco has requested that the public testimony portion of the hearing which was continued to December 16 be re-opened on December 16 to allow for additional public testimony, and that the hearing then be continued to January 20, 2022 upon conclusion of public testimony on December 16, with additional public testimony to be taken on January 20, 2022. **See Attachment A.**

### Background and Discussion:

At this time, staff does not have updated recommendations following the original staff report and decision document from the May 20, 2021 meeting to be incorporated into a new staff report or decision document, since transportation mitigation is still under discussion. The May 20, 2021 meeting packet with the original staff report, decision document, and application materials is available at the link below:

Attachments:  
 Attachment A – December 9, 2021 Correspondence from Dana Krawczuk

[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning\\_commission/meeting/packets/22013/pc\\_5-20-21\\_packet\\_final.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning_commission/meeting/packets/22013/pc_5-20-21_packet_final.pdf)

At such time as staff recommendations regarding transportation mitigation have been finalized, staff will provide an updated staff report and decision document with an updated recommendation, conditions, and findings.

The Planning Commission should be aware that the map amendment applications for the adjoining properties to the east and west have been submitted, but they are still in the completeness review period and have not yet been noticed for a public hearing. **Therefore, since those other two applications haven't been scheduled or noticed for a December 16 public hearing, the Planning Commission should not discuss the substantive issues associated with those other applications on December 16, in order to avoid ex-parte communication outside of noticed public hearings for those other applications.**

**Attachments:**

Attachment A: December 9, 2021 correspondence from Dana Krawczuk

**Recommendation:**

Staff recommends that the Planning Commission re-open the public testimony portion of the public hearing for additional testimony on December 16, 2021, and at the conclusion of public testimony, that the Planning Commission continue the public hearing to the January 20, 2022 Planning Commission meeting.

**RECOMMENDED MOTION BEFORE PUBLIC TESTIMONY: "I MOVE THAT THE PLANNING COMMISSION RE-OPEN THE PUBLIC TESTIMONY PORTION OF THE PUBLIC HEARING FOR DOCKET CPA 2-20/ZC3-20 FOR ADDITIONAL PUBLIC TESTIMONY."**

**RECOMMENDED MOTION AT THE END OF PUBLIC TESTIMONY: "I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET CPA 2-20/ZC3-20 TO THE JANUARY 20, 2022 PLANNING COMMISSION MEETING."**

---

Attachments:

Attachment A – December 9, 2021 Correspondence from Dana Krawczuk



December 9, 2021

Dana L. Krawczuk  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
D. 503.294.9218  
dana.krawczuk@stoel.com

**VIA EMAIL**

McMinnville Planning Commission  
c/o Tom Schauer  
Senior Planner  
City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97218

**Re: Status Update and December 16, 2021 Hearing for CPA 2-20 and ZC 3-20  
(3310 SE Three Mile Lane, Map & Tax Lot R4426 00700)**

Dear Planning Commissioners:

The Planning Commission conducted a public hearing on May 20, 2021 to consider Kimco McMinnville LLC's ("Kimco") above referenced applications, which propose to rezone 37.7 acres (with approximately 4.25 acres needed for right of way) from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay). See the attached Project Proposal.

Since the May hearing, Kimco has been working to address the issues that were raised, including coordinating with neighboring property owners, the City, County and ODOT. We requested the opportunity to briefly check in with the Planning Commission at the December 16, 2021 hearing so that we can:

- Provide you with a brief update of our progress. We hope that this will refresh the Planning Commission on the application in preparation of a detailed substantive public hearing on January 20, 2022 which will consider Kimco's application and applications of neighboring property owners.
- Hear from the community and Planning Commission about any new concerns. We request that the Planning Commissioners identify any concerns they have with Kimco's application at the December 16<sup>th</sup> hearing so that we will be prepared to address the issues at the January hearing.



## Update on Key Issues

A following issue themes emerged at the May 20, 2021 hearing.

1. **Coordination with neighboring property owners.** Kimco and the abutting property owners, DRS Land, LLC and 330 TML LLC (collectively, the “Neighboring Property Owners”), have been collaborating since the May hearing. The Neighboring Property Owners have filed their own applications requesting comprehensive plan and zoning map amendments consistent with Kimco’s, and as depicted on the attached Neighboring Property Owners’ Proposal. Our shared goal is to have all three applications considered concurrently on their merits at the January 20, 2022 Planning Commission hearing.

So that ex parte contacts are not inadvertently created, we will not go into any detail about the Neighboring Property Owners’ pending applications at the December 16<sup>th</sup> hearing. We simply wanted to let the Planning Commission know that coordination is occurring, and that you will have the opportunity to evaluate the applications at an upcoming public hearing.

2. **The timing of Kimco’s application and its consistency with the 3MLAP.** A benefit of the time that has passed since the Planning Commission first heard Kimco’s application is that the 3MLAP has been further refined and is closer to adoption. The Planning Commission is likely to continue the 3MLAP hearing so that it is considered at the January 20, 2022 hearing. If Kimco’s application is ready to be approved prior to when the 3MLAP is adopted, Kimco will work with the City to craft conditions of approval that ensure that any development of Kimco’s property will be consistent with the 3MLAP.
3. **Confirm Kimco’s application will not absorb all of the commercial land need in the 3MLAP.** Comprehensive Plan Policy 48.70 (Ordinance 5098) provides that “40 acres of property along the south side of the Highway 18 frontage” shall be changed from industrial to commercial. The Neighboring Property Owners expressed concern that if Kimco’s rezone of approximately 37.7 acres was approved, it would absorb most of the 40 acre land need, which means that their property could not be zoned commercial in the future. We provided a detailed legal analysis on June 21, 2021 that explained why the 40 acre need in Policy 48.70 and the commercial land deficit in the 2013 EOA are the minimum acreage needed to accommodate the City’s commercial land demand; they are the “floor” not the “ceiling” of how much land can be designated commercial. We understand that the City Attorney and DLCDC agree with our analysis. Simply stated, there is enough commercial land need to support rezoning Kimco’s property and the Neighboring Property Owners’ parcels commercial.
4. **Traffic mitigation.** Kimco continues to work with the City, County, ODOT and Neighboring Property Owners to reach consensus on appropriate transportation mitigation measures and funding for those improvements. We will provide a detailed analysis in advance of the January 20, 2022 hearing.

McMinnville Planning Commission  
December 9, 2021  
Page 3

We appreciate the opportunity to update the Planning Commission on December 16, and look forward to hearing your and the community's input. We believe that checking in on December 16 will help us all prepare for the January 20, 2022 public hearing, at which time the three applications will be considered concurrently.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dana L. Krawczuk".

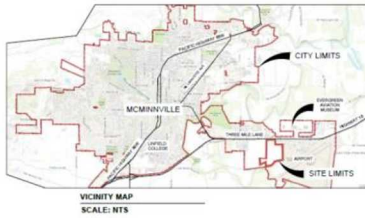
Dana L. Krawczuk

Attachments: Kimco's Project Proposal  
Neighboring Property Owners' Proposal

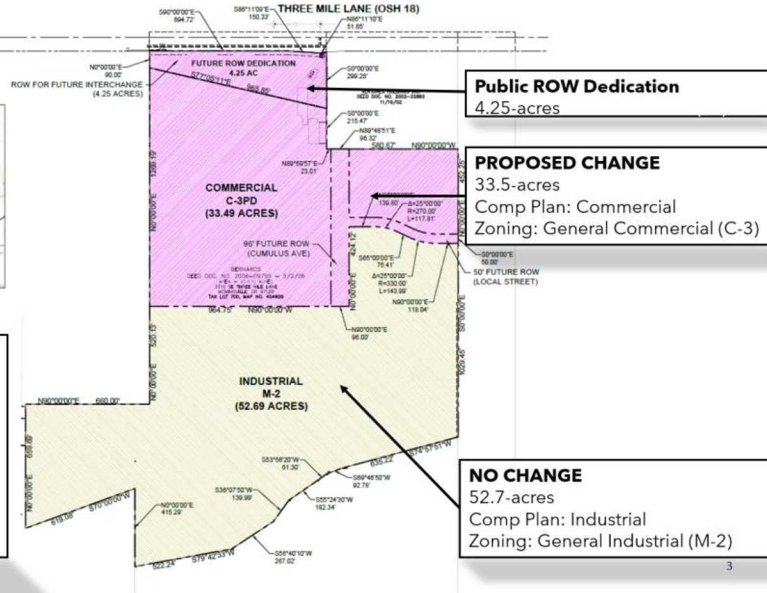
cc: Michael Strahs  
Alan Roodhouse  
Stewart Kircher, DRS Land, LLC and  
Fee Stubblefield, 330 TML LLC  
Mike Connors  
David Koch

### Kimco's Project Proposal

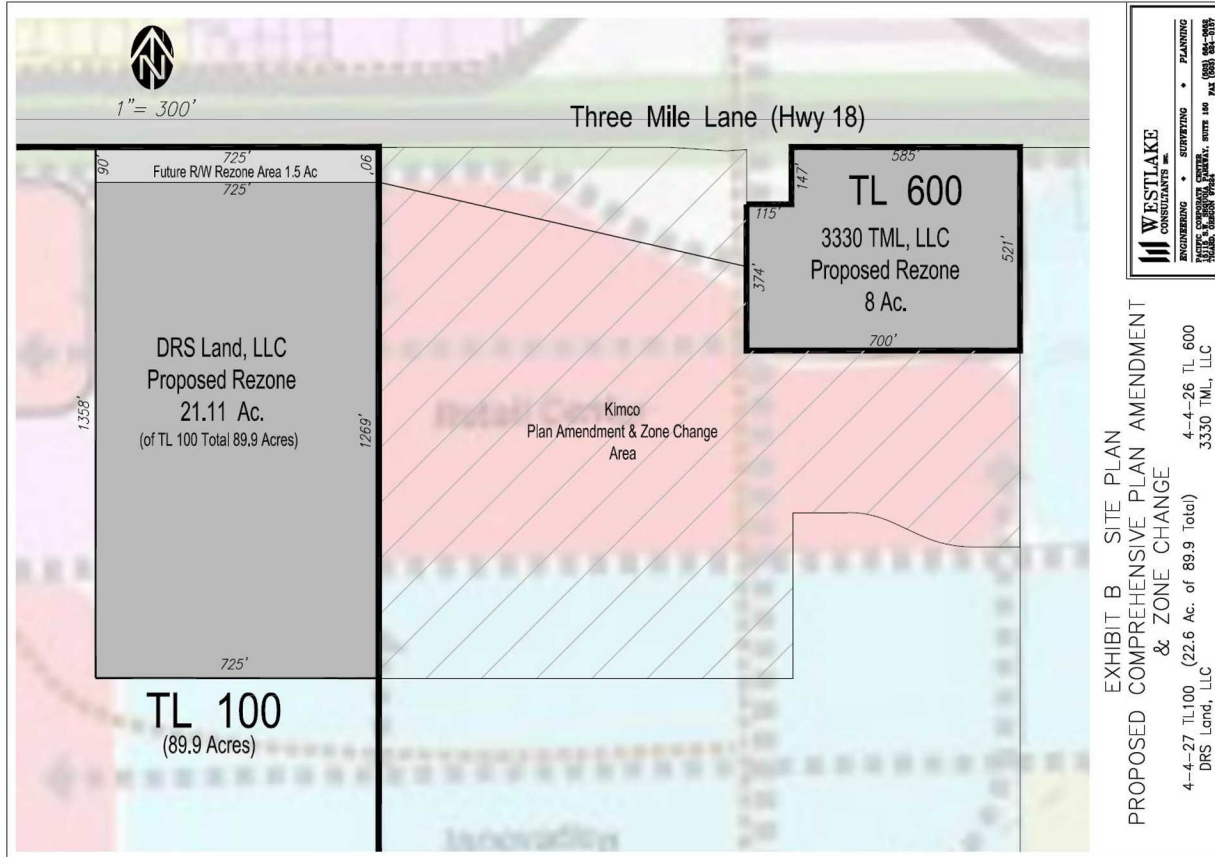
## PROJECT PROPOSAL



- **Comprehensive Plan Map Amendment** from **Industrial** to **Commercial**
- **Zone Change** from **General Industrial (M-2)** to **General Commercial (C-3)**
- Applies to **northern 33.5-acre portion** of the site along State Highway 18
- **No development** is proposed at this time.



**Neighboring Property Owners' Proposal**





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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 3 - STAFF REPORT

**DATE:** December 16, 2021  
**TO:** Planning Commission  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Short-Term Rental STR 6-21, 713 NW Cedar Street, Map & Tax Lot R4420AA 10800

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Short-Term Rental (STR 6-21) to operate a short-term rental at 713 NW Cedar Street.

Applications for Short-Term Rentals are processed according to the procedures for a “Director’s Review with Notification” as specified in Sections 17.72.090 and 17.72.110 of the Zoning Ordinance. This process includes mailed notice to surrounding property owners and provides a 14-day comment period from the date the notice is mailed during which comments may be submitted, and during which a person who has received notice may request a public hearing. If a public hearing is requested, the Planning Commission becomes the decision-maker, and the public hearing is held by the Planning Commission following the procedures in Section 17.72.120 of the Zoning Ordinance.

The procedures for a Short-Term Rental application require the property owner to hold a neighborhood meeting prior to submittal of an application, consistent with the requirements of Section 17.72.095 of the Zoning Ordinance. At the time an application is submitted, the application submittal must include the items specified in Section 17.72.085(G), providing evidence of compliance with the requirements for the Neighborhood Meeting.

This application (STR 6-21) was received on October 29, 2021, reviewed for completeness, and deemed complete on November 2, 2021. The required public notice for a Director’s Review with Notification was mailed to surrounding property owners on November 3, 2021, with the 14-day public comment period ending on November 17, 2021. On November 16, 2021, during the 14-day public comment period, a letter was submitted requesting a public hearing. The request for hearing makes the Planning Commission, rather than the Planning Director, the decision-maker. However, the same standards and

-----  
*Attachments:*

*Attachment A. Decision Document with Attachments*

- *Attachment 1: STR 6-21 Application*
- *Attachment 2: Public Testimony*

criteria apply to the application. The matter is now before the Planning Commission. A request for a public hearing is different than an appeal of a Planning Director's decision, since a hearing is requested before a decision is issued by the Planning Director. The Planning Commission hearing date was set for December 16, 2021, and notice of the Planning Commission hearing was mailed to property owners on November 24, 2021 in accordance with Section 17.72.120 of the Zoning Ordinance.

The decision of the Planning Commission is the final decision, unless appealed to City Council. If appealed, the City Council would then be the final local decision-maker, and the same criteria and standards would continue to apply. The City Council's decision can also be appealed to the Oregon Land Use Board of Appeals (LUBA).

The Planning Commission public hearing is conducted in accordance with quasi-judicial hearing procedures specified in Section 17.72.130 of the Zoning Ordinance, and the application is subject to the 120-day processing timeline.

### **Background:**

Quasi-judicial procedures and decision-making are conducted in accordance with the procedures specified in Chapter 17.72 of the Zoning Ordinance.

The purpose of this hearing is to determine whether the Short-Term Rental application complies with the applicable standards specified in the Zoning Ordinance. The hearing is not a referendum on the regulations and standards that apply to short-term rentals.

If the application meets the applicable standards, it must be approved. If the application would comply with the criteria and standards with conditions of approval, it may only include those conditions which are necessary to comply with the applicable criteria and standards. If it doesn't meet the applicable criteria and standards, it must be denied. The Planning Commission is required to make findings regarding how the application does or doesn't meet the applicable standards. The burden of proof is on the applicant.

In accordance with state law, the application must be reviewed based on the standards in effect at the time of application.

### ***Subject Property & Request***

The subject property is located at 713 NW Cedar Street. The property is zoned R-2. A Short-Term Rental is a permitted use in the R-2 zone as specified in Section 17.15.010(P), subject to compliance with the referenced standards listed in Section 17.12.010(P), and subject to the procedures in specified in Section 17.72 of the Zoning Ordinance. **See Figure 1 for Vicinity Map & Aerial Photo, Figure 2 for Zoning Map, and Figure 3 for Applicant's Site Plan. See Figure 4 for map of Short-Term Rentals with 200' buffer shown.** The application submittal includes additional materials including a floorplan diagram, photos, information from the Assessor's Office, and information from the neighborhood meeting. Those additional materials are attached as **Attachment 1 to the Decision Document**.

The existing use in which the short-term rental is proposed is a single-family dwelling. As noted on the building diagram submitted by the applicant, no outward modifications to the residence are proposed at this time. The floor plan submitted with the application shows the existing structure with a note "No changes proposed." However, the notes from the neighborhood meeting do indicate future upgrades are planned for the site, including painting, landscaping, and potential changes to the façade of the house.

The application describes the proposed use as a "single-family home used for part-time residence and vacation rental." Both of these are permitted uses, and the property can be used for each, as long as the

---

#### **Attachments:**

##### **Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

permit for a short-term rental remains current, subject to the applicable standards. The home includes three bedrooms to be used as three guest rooms for the short-term rental, with a maximum of six guests. Three parking spaces are proposed, with two to be provided in the driveway, and one to be provided in the garage.

## **Discussion**

### ***Applicable Standards and Issues***

Use and development of properties in the R-2 zone are subject to the applicable standards of the zone and general provisions of the Zoning Ordinance. No modifications to the site or the exterior of the existing single-family dwelling are proposed at this time, so the only applicable standards for the proposed short-term rental are those listed in Section 17.12.010(P) for use of the property for a Short-Term Rental.

These standards and associated findings are summarized below. The specific findings regarding the applicable standards are addressed in the Decision Document attached as Attachment A.

**Note:** *The applicable standards for a short-term rental were recently renumbered as a result of a recent amendment to the Zoning Ordinance, and those standards previously codified in Section 17.12.010(0) are now codified in Section 17.12.010(P).*

### **Summary of Findings Regarding Consistency with Applicable Standards**

<b>Standard</b>	<b>Summary of Findings</b>
<b>17.15.010. Permitted Uses:</b>	
(P) Short-term rentals, subject to the provisions of Section 17.12.010(P).	<b>Satisfied.</b> The proposed short-term rental use is listed as a permitted use of the subject R-2 zoned property.
<b>17.12.010(P)</b>	
1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.	<b>Satisfied.</b> The map provided as <b>Figure 4</b> shows no other short-term rental within 200 feet.
2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.	<b>Satisfied with Conditions.</b> The application complies with this requirement at the time of application. The existing structure is a single-family dwelling.  As an ongoing condition of approval, the structure shall retain the characteristics of a residence.
3. That a minimum of one off-street parking space be provided for each guest room.	<b>Satisfied with Conditions.</b> The application complies with this requirement at the time of application. The short-term rental will have three guest rooms and three parking spaces.  As an ongoing condition of approval, the structure shall retain the minimum required parking spaces, to be available for guest use.

-----  
**Attachments:**

**Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

<p>4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.</p>	<p><b>Satisfied with Conditions.</b> No signage is proposed at this time.</p> <p>As an ongoing condition of approval, any signage shall comply with this standard.</p>
<p>5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.</p>	<p><b>Satisfied with Conditions.</b> As an ongoing condition of approval, the short-term rental use shall comply with this requirement.</p>
<p>6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.</p>	<p><b>Satisfied with Conditions.</b> The applicant's building diagram shows the location of smoke detectors that comply with this requirement at the time of application.</p> <p>As an ongoing condition of approval, the structure shall remain in compliance with this standard.</p>
<p>7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.</p>	<p><b>Satisfied with Conditions.</b> The property owner has provided the contact information of a person living within the area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short-term rental.</p> <p>As an ongoing condition of approval, this requirement shall continue to apply.</p>
<p>8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:</p> <p>a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or</p> <p>b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.</p>	<p><b>Satisfied with Conditions.</b> The permit is issued to the current property owner at the time of application.</p> <p>This code provision remains an ongoing requirement for the use and operation of the property for a Short-Term Rental to remain in compliance with the ordinance.</p>

-----  
**Attachments:**

**Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony



<p>9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.</p>	<p><b>Satisfied with Conditions.</b> This code provision remains an ongoing requirement for the use and operation of the property for a Short-Term Rental to remain in compliance with the ordinance.</p>
<p>10. Complaints on conditions 1 through 9 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.</p>	<p><b>Satisfied with Conditions.</b></p> <p>This provision isn't applicable at this time. The use of the property as a short-term rental has not begun.</p> <p>This provision will continue to apply and be available as the mechanism for reviewing complaints, and will be listed as a condition of approval for this application.</p>
<p><b>CONCLUSION &amp; RECOMMENDATION:</b></p>	<p>The proposed Short-Term Rental is a permitted use of the subject property. The submitted application demonstrates the proposal complies with the applicable standards.</p> <p>With conditions of approval and ongoing compliance with these standards, the proposal complies with all applicable standards for a short-term rental.</p> <p>Therefore, staff recommends approval with conditions as proposed in the submitted application, subject to the conditions in Section II of the Decision Document attached as Attachment A.</p>

**Public Comments**

In response to the original mailed notice, written comments were submitted by property owners. The specific comments received are listed below and in Section IV of the Decision Document, and they are attached as Exhibit 2 to the Decision Document. The following comments were received:

- Letter received November 16, 2021 from William Sykes, Ted Cutler, and Dallas Pedersen, with attachments
  - 1 page list of issues
  - 1 page map
  - 2 pages of signature sheets
- Letter received November 8, 2021 from Betsy Aster

Subsequent mailed notice was provided for the requested Planning Commission public hearing. As of the December 9, 2021 date of this staff report, no additional written public comments were submitted following the date that notice was mailed.

Additional written public comments received after the date of this staff report will be entered into the public record and provided to the Planning Commission. Any oral testimony presented at the Planning Commission public hearing will also be part of the record and reflected in the meeting minutes.

-----  
**Attachments:**

*Attachment A. Decision Document with Attachments*

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

As of the date of this staff report, none of the written public testimony submitted contends that a short-term rental is not a permitted use of the property per Section 17.15.010(P) or that the proposed short-term rental as described in the application fails to comply with any of the applicable standards listed in Section 17.12.010(P)(1)-(10).

The letter dated November 16, 2021 states, "Applicant is already in violation of code 8.10.310(A) 3 as applicants trash bin has been in the public way for greater than 24 hours. The cavalier attitude at this stage raises even greater concerns after application is approved."

Chapter 8.10 of the McMinnville Municipal Code is for public nuisances and is typically regulated by the city's code compliance team. Use of the property as a short-term rental has not begun. There are provisions in Section 17.12.010(P) 10) for the review of complaints to ensure a short-term rental continues to comply with the applicable requirements for a short-term rental.

### **Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Responses were received from the Building Department, McMinnville Water & Light, the Engineering Department, and Comcast. Those comments are provided in Section IV of the Decision Document attached as Attachment A.

### **Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria or standards are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria or standards are satisfied, in the motion to deny.

### **Staff Recommendation:**

Staff has reviewed the proposal for consistency with the applicable criteria and standards. Absent any new evidence to the contrary presented after this staff report or during the public hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, subject to the conditions of approval in Section II of the Decision Document, the application complies with the applicable standards for a short-term rental and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

### **Suggested Motion:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE SHORT-TERM RENTAL APPLICATION STR 6-21 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

---

#### *Attachments:*

*Attachment A. Decision Document with Attachments*

- *Attachment 1: STR 6-21 Application*
- *Attachment 2: Public Testimony*

**Figure 1. Vicinity Map**



---

**Attachments:**

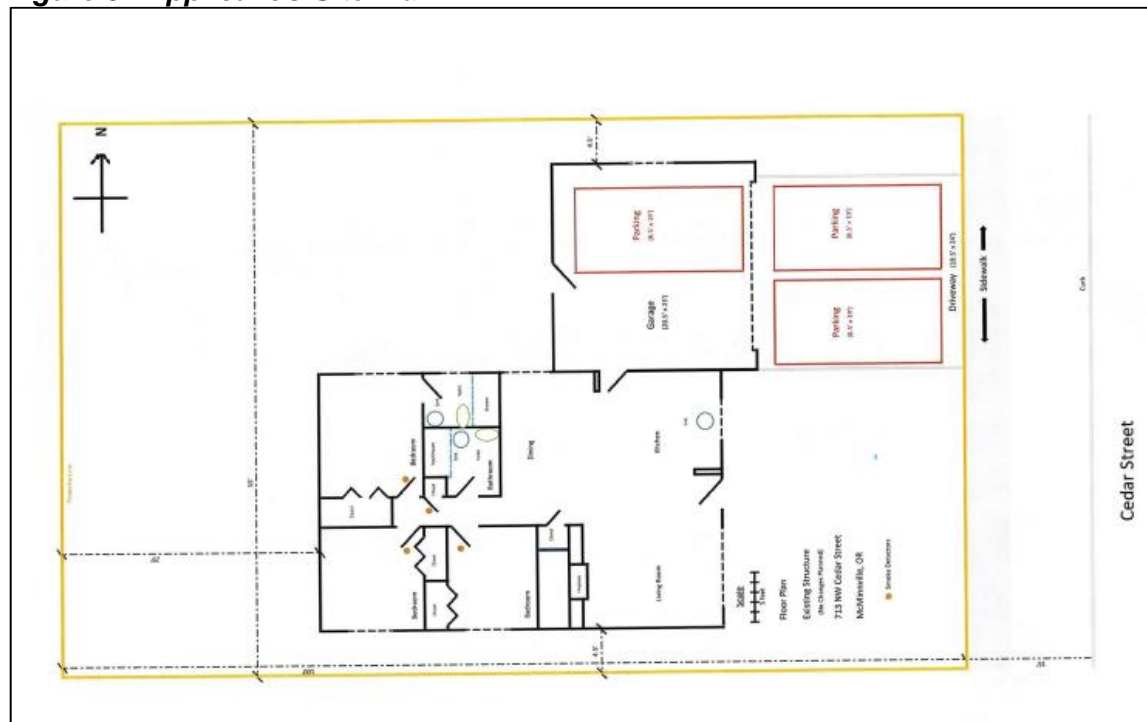
**Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

**Figure 2. Zoning Map**



**Figure 3. Applicant's Site Plan**

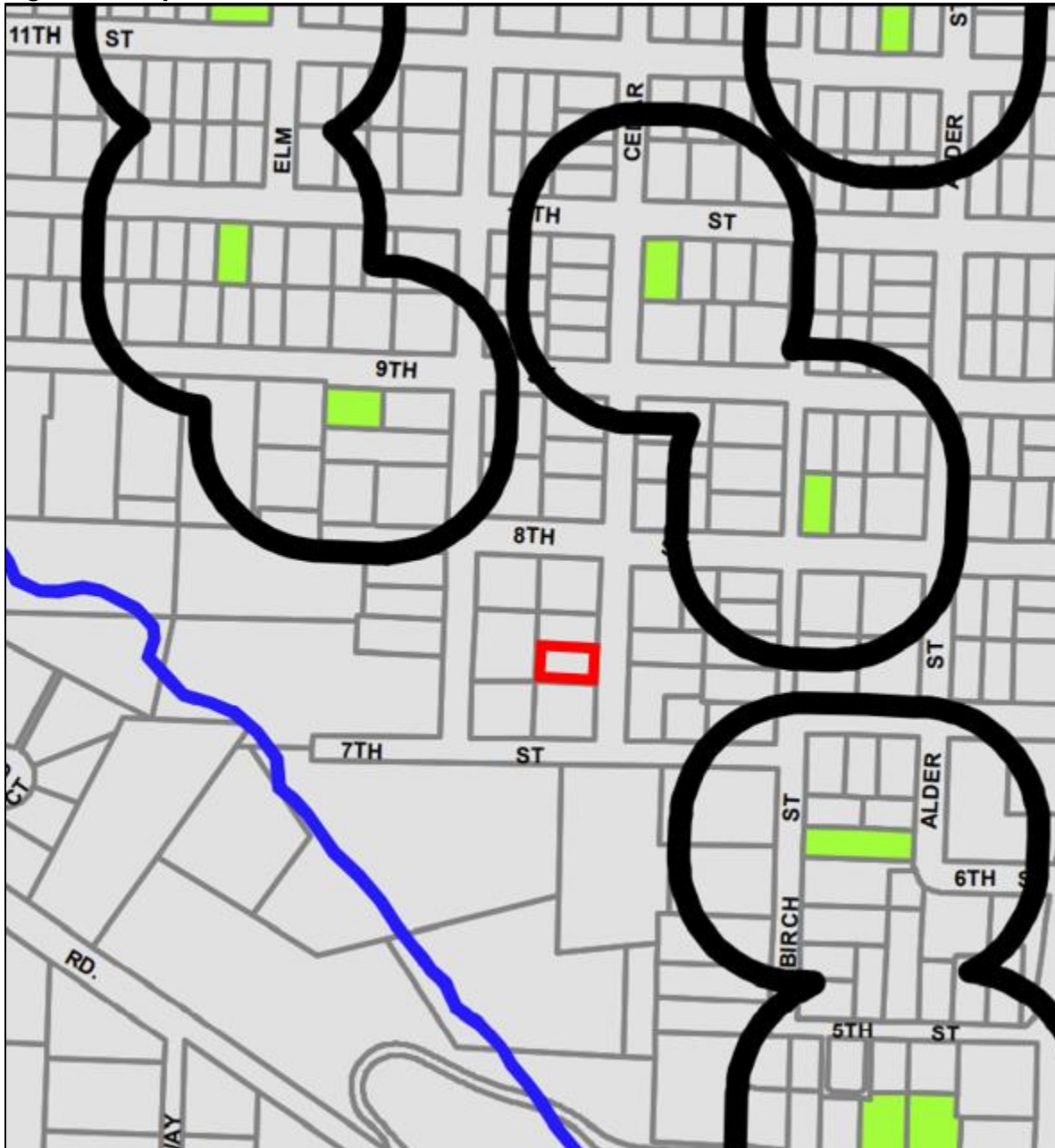


**Attachments:**

**Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

**Figure 4. Map of Short-Term Rentals with 200-Foot Buffer**



TS

---

**Attachments:**

**Attachment A. Decision Document with Attachments**

- Attachment 1: STR 6-21 Application
- Attachment 2: Public Testimony

# ATTACHMENT 'A' TO STAFF REPORT



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A SHORT-TERM RENTAL AT 713 NW CEDAR STREET**

**DOCKET:** STR 6-21

**REQUEST:** Application to operate a Short-Term Rental

**LOCATION:** Address: 713 NW Cedar Street  
Map & Tax Lot: R4420AA 10800

**ZONING:** R-2 (Single-Family Residential)

**APPLICANT:** Kari Mamizuka

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** November 2, 2021

**DECISION MAKING BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.

**DECISION DATE & LOCATION:** Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGlmaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745                      Passcode: 286067

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782                      Meeting ID: 856 3179 4745

**PROCEDURE:** When a public hearing is requested for an application for a short-term rental during the initial 14-day public comment period, the application is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. A hearing was requested, during the public comment period, so the application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria and standards for a Short-Term Rental are specified in Section 17.12.010(P) of the Zoning Ordinance.

**APPEAL:** As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Short-Term Rental application (STR 6-21), **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
////////////////////////////////////

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The subject property is located at 713 NW Cedar Street. The property is zoned R-2. A Short-Term Rental is a permitted use in the R-2 zone as specified in Section 17.15.010(P), subject to compliance with the referenced standards in Section 17.12.010(P), and subject to the procedures in specified in Section 17.72 of the Zoning Ordinance. **See Figure 1 for Vicinity Map & Aerial Photo, Figure 2 for Zoning Map, and Figure 3 for Applicant’s Site Plan. See Figure 4 for map of Short-Term Rentals with 200’ buffer shown.** The application submittal includes additional materials including a floorplan diagram, photos, information from the Assessor’s Office, and information from the neighborhood meeting. Those additional materials are included in **Attachment 1**.

The existing use in which the short-term rental is proposed is a single-family dwelling. As shown on the building diagram submitted by the applicant, no outward modifications to the residence are proposed at this time. The floor plan submitted with the application shows the existing structure with a note “No changes proposed.” However, the notes from the neighborhood meeting indicate future upgrades are planned for the site, including painting, landscaping, and potential changes to the façade of the house.

The application describes the proposed use as a “single-family home used for part-time residence and vacation rental.” Both of these are permitted uses, and the property can be used for each, as long as the permit for a short-term rental remains current, subject to the applicable standards. The home includes three bedrooms to be used as three guest rooms for the short-term rental, with a maximum of six guests. Three parking spaces are proposed, with two to be provided in the driveway, and one to be provided in the garage.

**Figure 1. Vicinity Map**




---

#### Attachments :

Attachment 1 – Application and Attachments

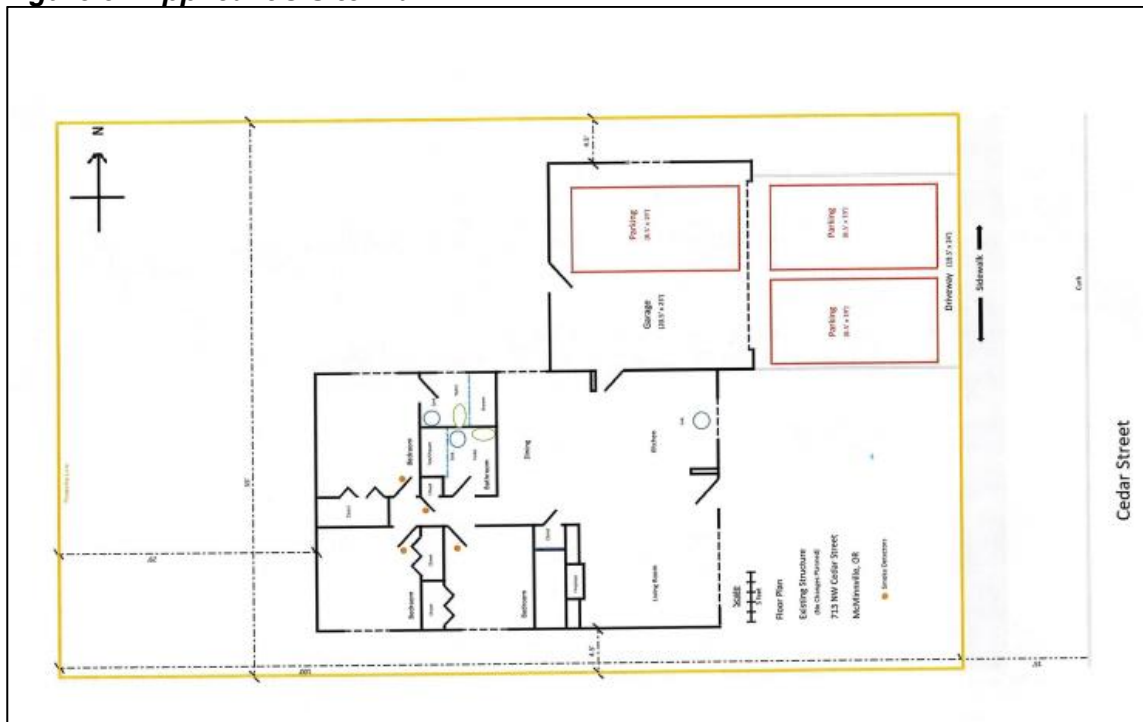
Attachment 2 – Written Public Testimony Submitted Through December 9, 2021



Figure 2. Zoning Map



Figure 3. Applicant's Site Plan

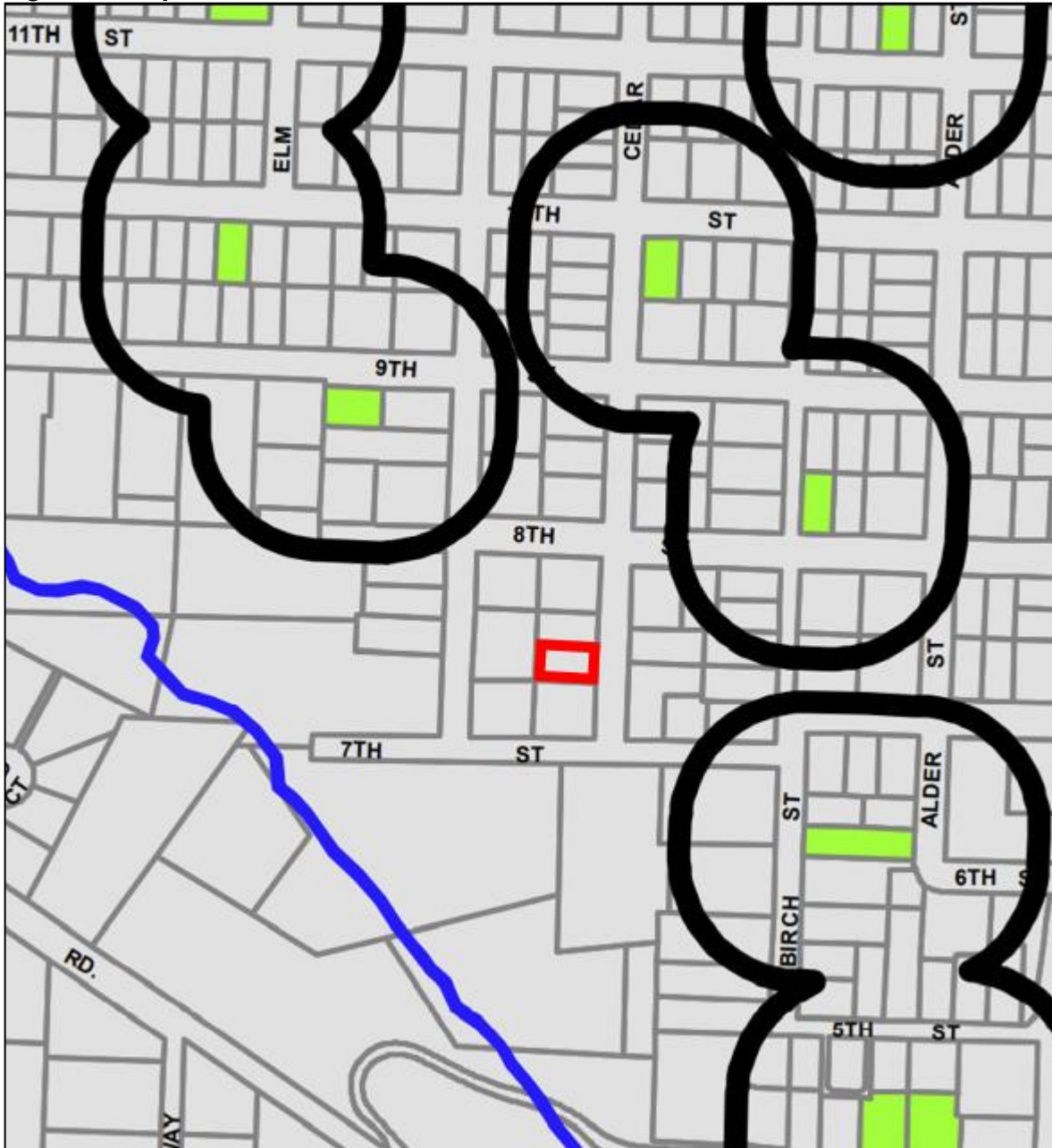


Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

**Figure 4. Map of Short-Term Rentals with 200-Foot Buffer**



**Summary of Applicable Standards and Issues**

Use and development of properties in the R-2 zone are subject to the applicable standards of the zone and general provisions of the Zoning Ordinance. No modifications to the site or existing single-family dwelling are proposed at this time, so the only applicable standards for the proposed short-term rental are those listed in Section 17.12.010(P) for use of the property for a Short-Term Rental.

The standards and associated findings are summarized below. The specific findings regarding the applicable standards are addressed in Section VII of this Decision Document. As a Type II land-use application, the criteria need to be clear and objective. The table below illustrates how the application either complies or does not comply with applicable criteria.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

**Note:** the applicable standards for a short-term rental were recently renumbered as a result of a recent amendment to the Zoning Ordinance, and those standards previously codified in Section 17.12.010(0) are now codified in Section 17.12.010(P).

### Summary of Findings Regarding Consistency with Applicable Standards

Standard	Summary of Findings
<b>17.15.010. Permitted Uses:</b>	
(P) Short-term rentals, subject to the provisions of Section 17.12.010(P).	<b>Satisfied.</b> The proposed short-term rental use is listed as a permitted use of the subject R-2 zoned property.
<b>17.12.010(P)</b>	
1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.	<b>Satisfied.</b> The map provided as <b>Figure 4</b> shows no other short-term rental within 200 feet.
2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.	<b>Satisfied with Conditions.</b> The application complies with this requirement at the time of application. The existing structure is a single-family dwelling.  As an ongoing condition of approval, the structure shall retain the characteristics of a residence.
3. That a minimum of one off-street parking space be provided for each guest room.	<b>Satisfied with Conditions.</b> The application complies with this requirement at the time of application. The short-term rental will have three guest rooms and three parking spaces.  As an ongoing condition of approval, the structure shall retain the minimum required parking spaces, to be available for guest use.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.	<b>Satisfied with Conditions.</b> No signage is proposed at this time.  As an ongoing condition of approval, any signage shall comply with this standard.
5. That the duration of each guest’s stay at the residence be limited to no more than 30 (thirty) consecutive days.	<b>Satisfied with Conditions.</b> As an ongoing condition of approval, the short-term rental use shall comply with this requirement.
6. That smoke detectors be provided as per the requirements for “lodging houses” in Ordinance No. 3997.	<b>Satisfied with Conditions.</b> The applicant’s building diagram shows the location of smoke detectors that comply with this requirement at the time of application.  As an ongoing condition of approval, the structure shall remain in compliance with this standard.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

<p>7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.</p>	<p><b>Satisfied with Conditions.</b> The property owner has provided the contact information of a person living within the area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short-term rental.</p> <p>As an ongoing condition of approval, this requirement shall continue to apply.</p>
<p>8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:</p> <p>a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or</p> <p>b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.</p>	<p><b>Satisfied with Conditions.</b> The permit is issued to the current property owner at the time of application.</p> <p>This code provision remains an ongoing requirement for the use and operation of the property for a Short-Term Rental to remain in compliance with the ordinance.</p>
<p>9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.</p>	<p><b>Satisfied with Conditions.</b> This code provision remains an ongoing requirement for the use and operation of the property for a Short-Term Rental to remain in compliance with the ordinance.</p>
<p>10. Complaints on conditions 1 through 9 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.</p>	<p><b>Satisfied with Conditions.</b></p> <p>This provision isn't applicable at this time. The use of the property as a short-term rental has not begun.</p> <p>This provision will continue to apply and be available as the mechanism for reviewing complaints, and will be listed as a condition of approval for this application.</p>

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

<b>CONCLUSION:</b>	<p>The proposed Short-Term Rental is a permitted use of the subject property. The submitted application demonstrates the proposal complies with the applicable standards.</p> <p>With the conditions of approval in Section II and ongoing compliance with these standards, the proposal complies with all applicable standards for a short-term rental.</p>
--------------------	--

### **Public Comments**

This type of application requires a property owner notice to adjacent property owners to provide the opportunity to submit comments on the land-use permit. In response to the mailed property owner notice, the city received several written comments from adjacent property owners. The specific comments received are listed below and in Section IV of this Decision Document, and are attached at **Attachment 2**.

- Letter received November 16, 2021 from William Sykes, Ted Cutler, and Dallas Pedersen, with attachments
  - 1 page list of issues
  - 1 page map
  - 2 pages of signature sheets
- Letter received November 8, 2021 from Betsy Aster

This type of land-use permit is usually an administrative decision, but the property owner notice allows adjacent property owners to request a public hearing with the Planning Commission as the decision-making body. Such a request was made for this land-use permit.

Subsequent mailed notice was provided for the requested Planning Commission Public Hearing. As of the December 9, 2021 date of this staff report, no additional written public comments were submitted following the date that notice was mailed.

Additional written public comments received after the date of this staff report will be entered into the public record and provided to the Planning Commission. Any oral testimony presented at the Planning Commission public hearing will also be part of the record and reflected in the meeting minutes.

As of the date of this staff report, none of the written public testimony submitted contends that a short-term rental is not a permitted use of the property per Section 17.15.010(P) or that the proposed short-term rental as described in the application fails to comply with any of the applicable standards listed in Section 17.12.010(P)(1)-(10).

The letter dated November 16, 2021 states, “Applicant is already in violation of Code 8.10.310(A) 3 as applicants trash bin has been in the public way for greater than 24 hours. The cavalier attitude at this stage raises even greater concerns after application is approved.”

Use of the property as a short-term rental has not begun. There are provisions in Section 17.12.010(P) 10) for review of complaints to ensure a short-term rental continues to comply with the applicable requirements for a short-term rental.

---

#### Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

## **Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Responses were received from the Building Department, McMinnville Water & Light, the Engineering Department, and Comcast. Those comments are provided in Section IV of this Decision Document.

## **II. CONDITIONS:**

The application for the Short-Term Rental (STR 6-21), is **approved subject to the following conditions:**

1. That three (3) off-street parking spaces (paved or of a hardscape surface) are required for the use of the Short Term Rental, per the three (3) guest rooms provided, as indicated on the application submitted October 29, 2021.
2. That 10-year Lithium battery-powered smoke alarms and CO2 alarms must be installed in accordance with Sections R314 and R315 of the Building Code. For this one-story building, smoke alarms shall be installed in each sleeping room and outside each separate sleeping area within 21 feet of any door to a sleeping room, measured along a path of travel. One CO2 alarm is required.
3. 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.
4. That, as this use is required to be occupied as a single-family residence, occupancy of the vacation home rental shall be limited at all times to no more than five unrelated persons, or one or more individuals related by blood, marriage, adoption, or legal guardianship, or other duly authorized custodial relationship.
5. That all other requirements of Section 17.12.010(P) of the Zoning Ordinance referencing vacation home rental use shall be complied with throughout the time this property is used for such purpose, which are outlined below.
  - A. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
  - B. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
  - C. That a minimum of one off-street parking space be provided for each guest room.
  - D. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
  - E. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.
  - F. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
  - G. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip

---

### Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

code who shall be available to respond immediately to any emergency or complaint related to the short term rental.

- H. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
- a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
- I. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
- J. Complaints on conditions “A” through “I” 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

### **III. ATTACHMENTS:**

1. STR 6-21 Application and Attachments (on file with the Planning Department)
2. Public Testimony:
  - a. Letter received November 16, 2021 from William Sykes, Ted Cutler, and Dallas Pedersen, with attachments
    - i. 1 page list of issues
    - ii. 1 page map
    - iii. 2 pages of signature sheets
  - b. Letter received November 8, 2021 from Betsy Aster

### **IV. COMMENTS:**

#### ***Agency Comments***

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

Engineering doesn't have any comments but does want to pass along the sidewalk ordinance and let the owner know they are responsible for any sidewalk issues. They are not required to replace any sidewalk due to the nature of this application. The sidewalk is typically complaint driven. We don't have any active complaints. If this will be a short term rental there will be a lot

---

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

of people in and out of the house. Just want the owner to be aware and use this as an educational/FYI tool since a lot of people aren't aware of the sidewalk responsibilities. I've attached the sidewalk ordinances if they're interested.

*(Note: The sidewalk ordinance is on file with the Planning Department, and is not attached to this Decision Document).*

- McMinnville Building Department

No building code issues.

- McMinnville Water & Light

There are no comments from MW&L regarding this.

- Comcast

We don't have any conflict with this project.

### **Public Comments**

1. Letter received November 16, 2021 from William Sykes, Ted Cutler, and Dallas Pedersen, with attachments
  - a. 1 page list of issues
  - b. 1 page map
  - c. 2 pages of signature sheets
2. Letter received November 8, 2021 from Betsy Aster

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant mailed notice of a neighborhood meeting dated September 30, 2021 and held a neighborhood meeting on October 23, 2021.
2. The applicant submitted the Short-Term Rental application (STR 6-21) on November 2, 2021.
3. The application was deemed complete on November 2, 2021.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On November 3, 2021, notice of the application and the 14-day public comment period was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.

---

#### Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021



6. On November 16, 2021, during the 14-day public comment period, a letter was submitted requesting a public hearing.
7. The hearing date was set for December 16, 2021. On November 24, 2021, notice of the application and the December 16, 2021 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
8. Notice of the application and the December 16, 2021 Planning Commission public hearing was published in the News Register on Tuesday, December 7, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. On December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the application.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:**
  - a. Address: 713 NW Cedar Street
  - b. Map & Tax Lot: R4420AA 10800
2. **Size:** Approximately 0.14 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single-Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None identified
8. **Other Features:**
  - a. **Slopes:** The site is generally flat.
  - b. **Easements:** No public easements identified
9. **Utilities:** The property is served with basic municipal services, including water, sewer, power, and franchise utilities.
10. **Transportation:** NW Cedar Street is a local residential street with curb and gutter, planter strip, and sidewalk along the frontage. NW Cedar Street is 26 feet wide curb-to-curb within a 50-foot right-of-way.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

The applicable standards for a Short-Term Rental are specified in Section 17.12.010(P) of the Zoning Ordinance. Development standards for the R-2 Zone are provided in Chapter 17.15 of the Zoning

Attachments:

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

Ordinance; however, the proposed short-term rental will be located within the existing single-family dwelling, and not new development is proposed at this time.

### **McMinnville Zoning Ordinance**

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the request:

Section 17.15.010 lists permitted uses in the R-2 Zone. Subsection (P) provides the following:

- P. Short term rental, subject to the provisions of Section 17.12.010(O). *(Now codified as 17.12.010(P)).*

**FINDING: SATISFIED WITH CONDITIONS.** The proposed use described in the application is “single-family home used for part-time residence and vacation rental.” These are both permitted uses, and the home can be used for either of these uses as long as the property continues to comply with the requirements for a short-term rental described below and remains current with the applicable requirements, including the requirement for annual renewal of the permit.

Section 17.12.010(P) provides the following:

- P. Short-term rental, subject to the provisions of Section 17.72.110 and the following standards.

*Section 17.72.110. Applications – Director’s Review with Notification.*

**FINDING: SATISFIED.** Section 17.72.110 provides the applicable procedural requirements. As addressed in Section V of this Decision Document, the application has been processed in accordance with the applicable procedures.

*Standards in 17.12.010(P):*

1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.

**FINDING: SATISFIED.** There is no other short-term rental within 200 feet of another short term rental. There is not another short-term rental on the subject property. See **Figure 4** for a map of short-term rentals.

2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.

**FINDING: SATISFIED WITH CONDITIONS.** The existing use in which the proposed short-term rental is proposed is a single-family dwelling. No outward modifications to the residence are proposed at this time. The floor plan submitted with the application shows the existing structure with a note “No changes proposed.”

However, the notes from the neighborhood meeting indicate future upgrades are planned for the site, including painting, landscaping, and potential changes to the façade of the house. As a condition of approval, any such future modifications to the

---

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

structure shall be in compliance with any standards applicable to residential use and development in effect at the time.

3. That a minimum of one off-street parking space be provided for each guest room.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed short-term rental would have three guest rooms. Three parking spaces are proposed. One parking space would be located within the garage, and two parking spaces would be located in the driveway. Required location of parking spaces for a short-term rental is the same requirement as applies to a single-family dwelling, and the proposed parking is consistent with this requirement. The applicant has provided evidence that the garage is available for parking. As an ongoing condition, the areas identified for the required parking shall remain available for use for parking.

4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.

**FINDING: SATISFIED WITH CONDITIONS.** The application doesn't indicate any proposed signage at this time. As an ongoing condition of approval, any future signage shall comply with this requirement.

5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.

**FINDING: SATISFIED WITH CONDITIONS.** This provision is an on-going requirement for the operation of the short-term rental and is included as a condition of approval.

6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.

**FINDING: SATISFIED WITH CONDITIONS.** Subsection (2)(d) of Ordinance No. 3997 specifies that, for a lodging house, that smoke detectors are required "in all corridors or areas giving access to rooms used for sleeping purposes, and in all sleeping rooms. Where sleeping rooms are on an upper level, an additional detector shall be placed at the center of the ceiling directly above the stairway."

The application identifies the location of smoke detectors consistent with this requirement, with a smoke detector in each guest room and the hallway, for a total of four. This is a one-story single-family dwelling, and there is no upper level.

The application demonstrates compliance with this standard. As an ongoing condition of approval, the structure shall remain in compliance with this standard.

7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.

**FINDING: SATISFIED WITH CONDITIONS.** The property owner does not live within the geographic area of the 97128 zip code; however, consistent with this requirement, the applicant has provided contact information of a person living within

---

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021

the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short-term rental. The contact information and residence location are provided in Section 5 of the application form submitted by the applicant. The location of the residence is within the City of McMinnville and the geographic area of the 97128 zip code.

As a condition of approval, this code provision is an on-going requirement for the operation of the short-term rental.

8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
  - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant is the current property owner at the time of application.

This code provision is an ongoing requirement for the operation of the short-term rental and is included as a condition of approval.

9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.

**FINDING: SATISFIED WITH CONDITIONS.** This code provision is an ongoing requirement for the operation of the short-term rental, included as a condition of approval.

10. Complaints on conditions 1 through 9 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

**FINDING: SATISFIED WITH CONDITIONS.** This provision isn't applicable at this time. The use of the property as a short-term rental has not begun.

this provision will continue to apply and be available as the mechanism for reviewing complaints, and will be listed as a condition of approval for this application.

TS

---

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Written Public Testimony Submitted Through December 9, 2021



**Planning Department**  
 231 NE Fifth Street ◦ McMinnville, OR 97128  
 (503) 434-7311 Office ◦ (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

509-21-000479-Plng

<b>Office Use Only:</b>	
File No.	STR 6-21
Date Received	10/29/21
Fee	\$ 764.50
Receipt No.	
Received by	EA

## Short Term Rental Application

### Applicant Information

Applicant is:  Property Owner  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Applicant Name Kari Mamizuka Phone 510-715-7725

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
 (If different than above)

Address 63 Plumeria Court

City, State, Zip Danville, CA 94506

Contact Email Kmamizuka@yahoo.com

### Property Owner Information

Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
 (If different than above)

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address 713 NW Cedar

Assessor Map No. R4 420-AA-10800 Total Site Area 6000 SF

Subdivision Saylor's addition Block M Lot 10800

Comprehensive Plan Designation Res Zoning Designation R-2

1. Please describe the residence and its proposed use. Single family home used for part time residence and vacation rental.

2. How many guest rooms will be provided? 3  
What is the maximum number of guests that can be accommodated? 6

3. How many off-street parking spaces are available? 3  
Are the parking spaces paved? Yes  No

4. Are there smoke detectors in the residence? Yes  No   
If so, where are they located? all three bedrooms and hallway

5. Does the property owner live within the city limits of McMinnville? Yes  No   
If no, please 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:  
Contact Name Madison Levig Phone 971-241-8102  
Address 1151 SW Tall Oaks Court Phone \_\_\_\_\_  
City, State, Zip McMinnville OR 97128  
Contact Email propertymanager@lifestylepropertiesoregon.com

6. Has the applicant registered as a Transient Lodging Provider in order to collect, and pay, the Transient Lodging Tax imposed by the City of McMinnville on the rent charged to an occupant who occupies a provider's lodging for 30 successive days or less? Yes  No

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

- A site plan (drawn to scale, a north arrow, legible, and of a reproducible size), clearly showing the location of the residence; and existing and proposed features within and adjacent to the subject site, such as: lot and street lines with dimensions; driveway(s); parking; distances from property lines to structures; improvements; and significant features. **Please note that all parking must be off-street and of a hardscaped surface. Clearly identify that the off-street parking requirements are met.**
- Digital photographs of the subject residence's exterior.
- Floor plan showing the size, function, and arrangement of interior rooms.
- Compliance of Neighborhood Meeting Requirements.
- Other information deemed necessary by the Planning Director to allow review of the applicant's proposal.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

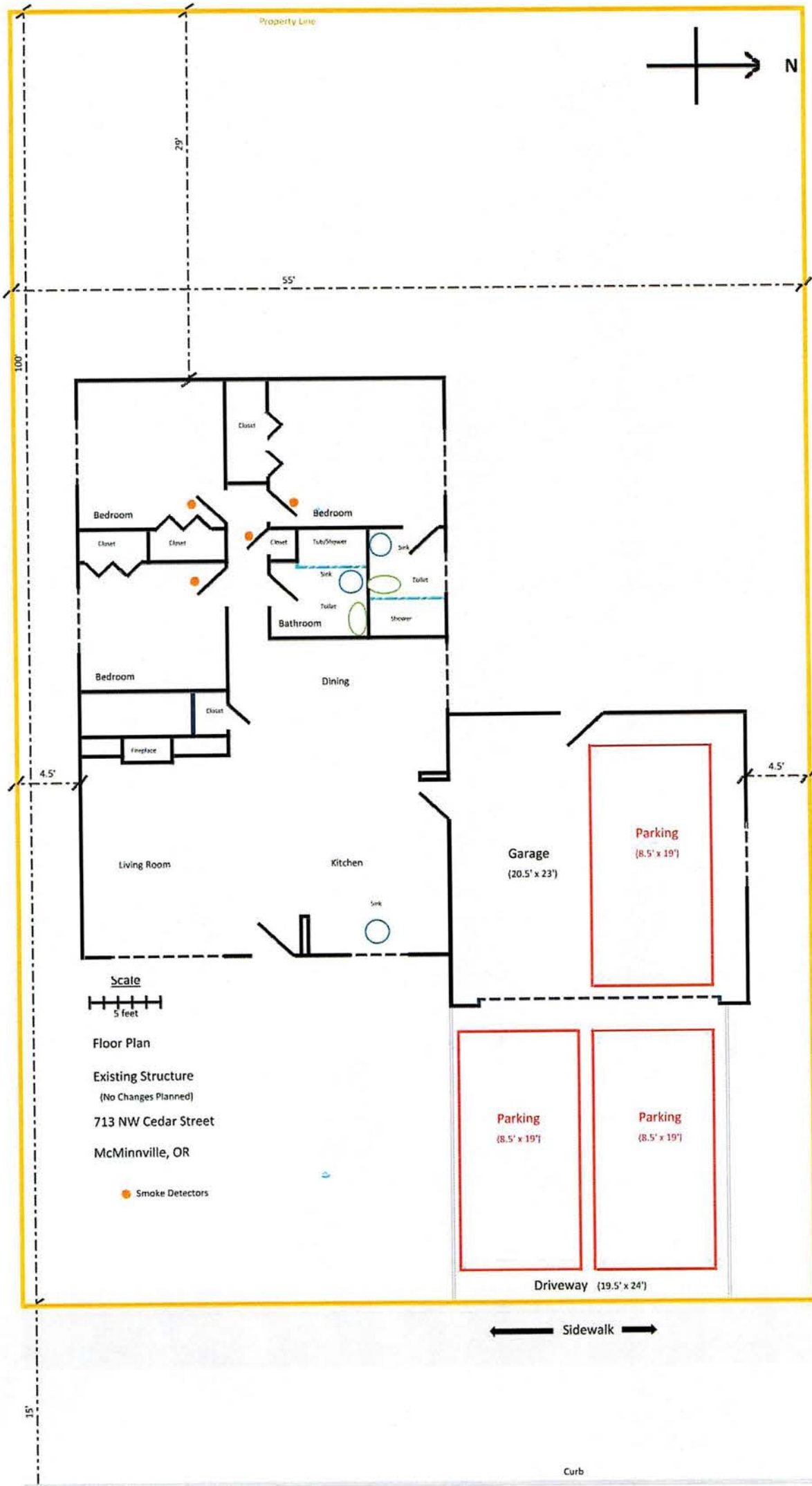
**I hereby certify that the statements contained herein are in all respects true and correct to the best of my knowledge and belief.**

Ravi Mamizuka  
Applicant's Signature

10-26-21  
Date

Ravi Mamizuka  
Property Owner's Signature

10-26-21  
Date



Cedar Street





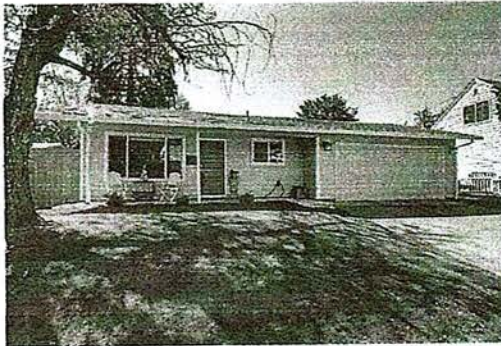


Stacy Martin

Willamette West Realtors

503-560-2144

stacymartin@willamettewe



Agent Full Residential  
**\$450,000** 3 bd | 2 / 0 ba | 1170 sqft  
**713 NW CEDAR ST McMinnville, OR 97128**  
**Unit #:** Condo Loc:  
**Status:** Active **DOM:** 6  
**List Date:** 9/16/2021 **Acres:** 0.14  
**Year** **MLS#:** 21373212  
**Built:** 1977 Updated/Remodeled  
**XST/Dir:** West on 7th, North on Cedar

9/22/2021 3:58PM

**ShowHrs:**  
**Occ:** Vacant  
**Show:** Lockbox, Text  
 Seller's Agent, Vacant  
**LB/Loc/Cmb:** Front Door  
**Offer/Nego:** Seller's Agent Only  
**AG:** Blanca Gonzalez  
**AG Ph:** [503-869-4701](tel:503-869-4701)  
**AG Cell/Pgr:**  
**CoAgent:**  
**CoPh:**

**Private:** Property is vacant, please call/text prior to showing.

**Public:** Charming ranch style home located in one of McMinnville's most desired NW neighborhoods. Property is fully remodeled, 6yr old roof, new windows, siding, water heater, and updated kitchen with quartz counters. Home features a nice fully fenced backyard with plenty of room to play, garden and entertain. Don't miss out on this gem! Open House Sunday, 19th from 11-3pm.

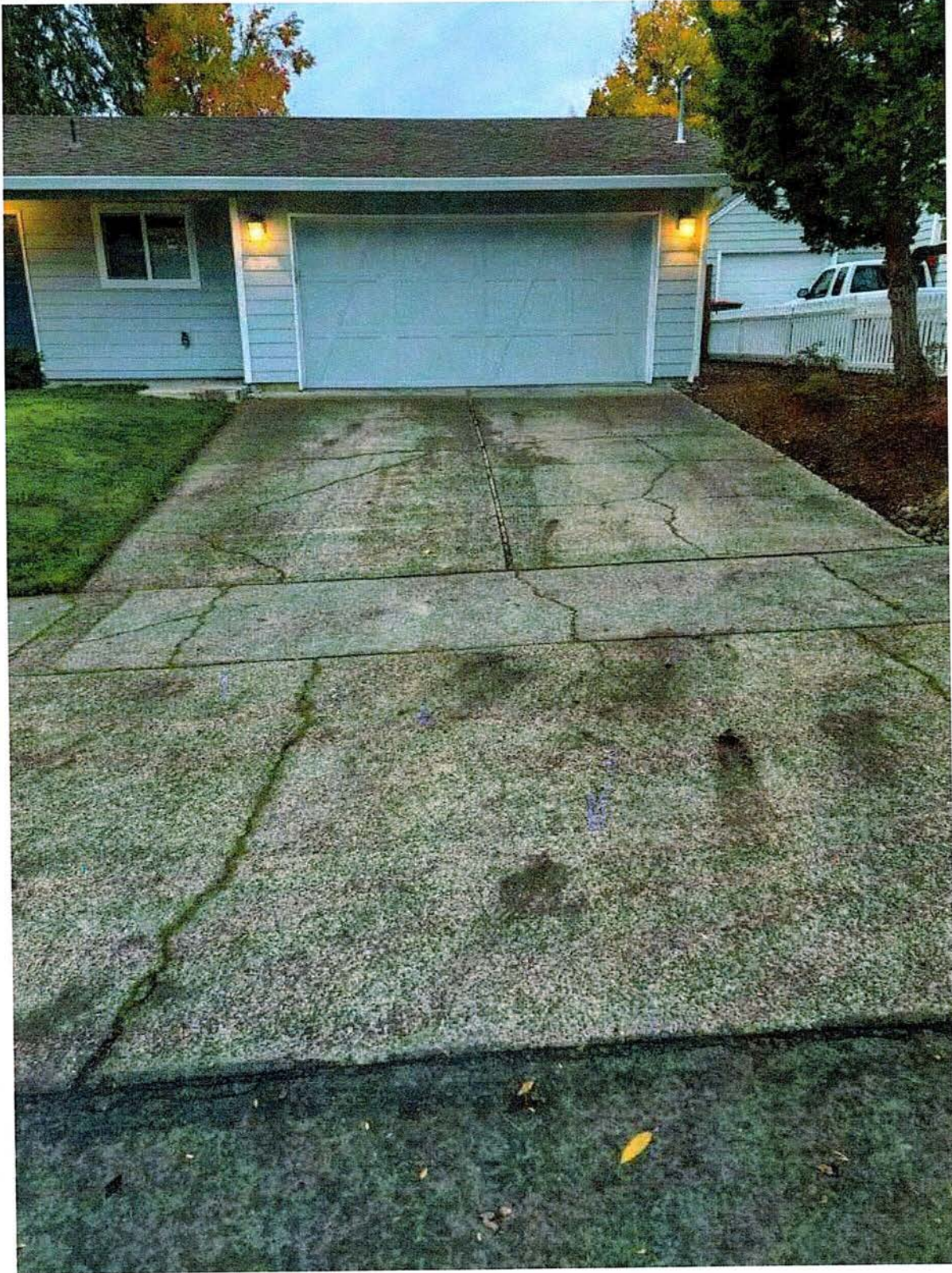
**Property Details:**

<b>Property Type:</b> Detached	<b>Legal:</b> TOWNSHIP 4S	<b>Lot Size:</b> 5,000 to 6,999
<b>County:</b> Yamhill	RANGE 4W SECTION 20 QTR	SqFt
<b>Nhood/Bldg:</b>	A QQTR A TAXLOT 10800	<b>Lot Dimensions:</b>
<b>Area:</b> 156	BLOCK M	<b>Lot Desc:</b> Level
<b>Zoning:</b>	<b>Tax ID:</b> 147852	<b>View:</b>
<b>Elementary:</b> Memorial	<b>Warranty:</b>	<b>Waterfront:</b>
<b>Middle:</b> Duniway	<b>Seller Disc:</b> Disclosure	<b>Body Water:</b>
<b>High:</b> McMinnville	<b>Other Disc:</b>	<b>CC&amp;R:</b>
<b>Internet:</b> Y	<b>List Type:</b> ER	<b>55+ w/Affidavit Y/N:</b> N
<b>Address:</b> Y	<b>Limited</b>	
<b>No Blog:</b>	<b>Representation:</b> N	
<b>No AVM:</b>	<b>Style:</b> Ranch	

**Open House:**  
**Upcoming Open House:**  
**Broker Tour:**  
**Upcoming Broker Tour:**

**Residence Information:**

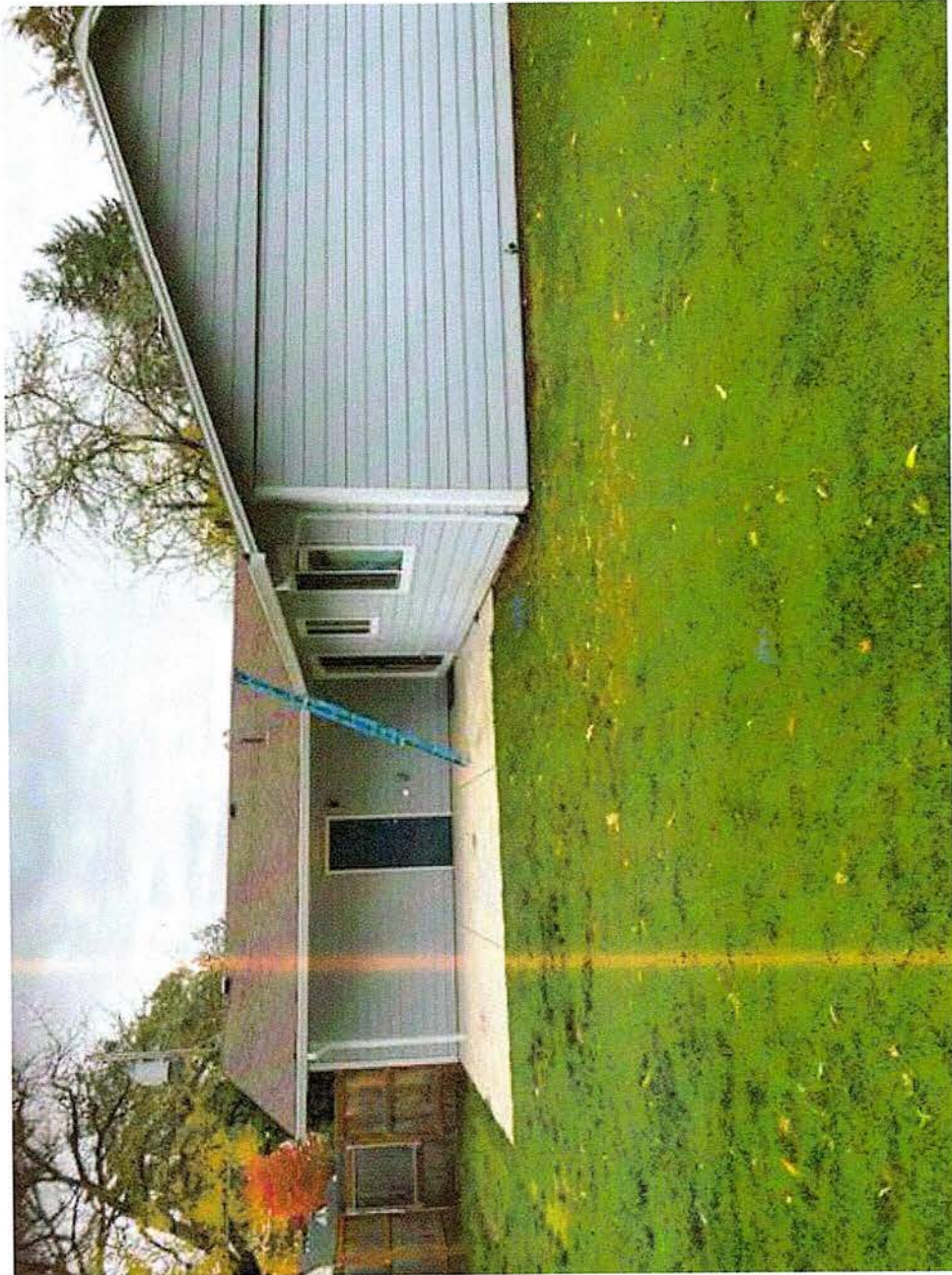
<b>Upper SQFT:</b> 0	<b>Fireplaces:</b> 1 / Wood Burning	<b>Roof:</b> Composition	<b>Foundation:</b>
<b>Main SQFT:</b> 1170		<b>Parking:</b>	<b>Basement:</b> Crawl Space
<b>Lower SQFT:</b> 0	<b>Green Cert:</b>	<b>Garage:</b> 2 / Attached	<b>Road Surface:</b> Paved
<b>Total SQFT:</b> 1170	<b>Energy Eff.:</b>	<b>RV Description:</b>	<b>Unreinforced Masonry Building:</b>
<b>Total Up/Main:</b> 1170	<b>Exterior:</b> Fiber Cement		
<b>Additional SQFT:</b>			
<b>Levels:</b> 1			
<b>SFSrc:</b> County			

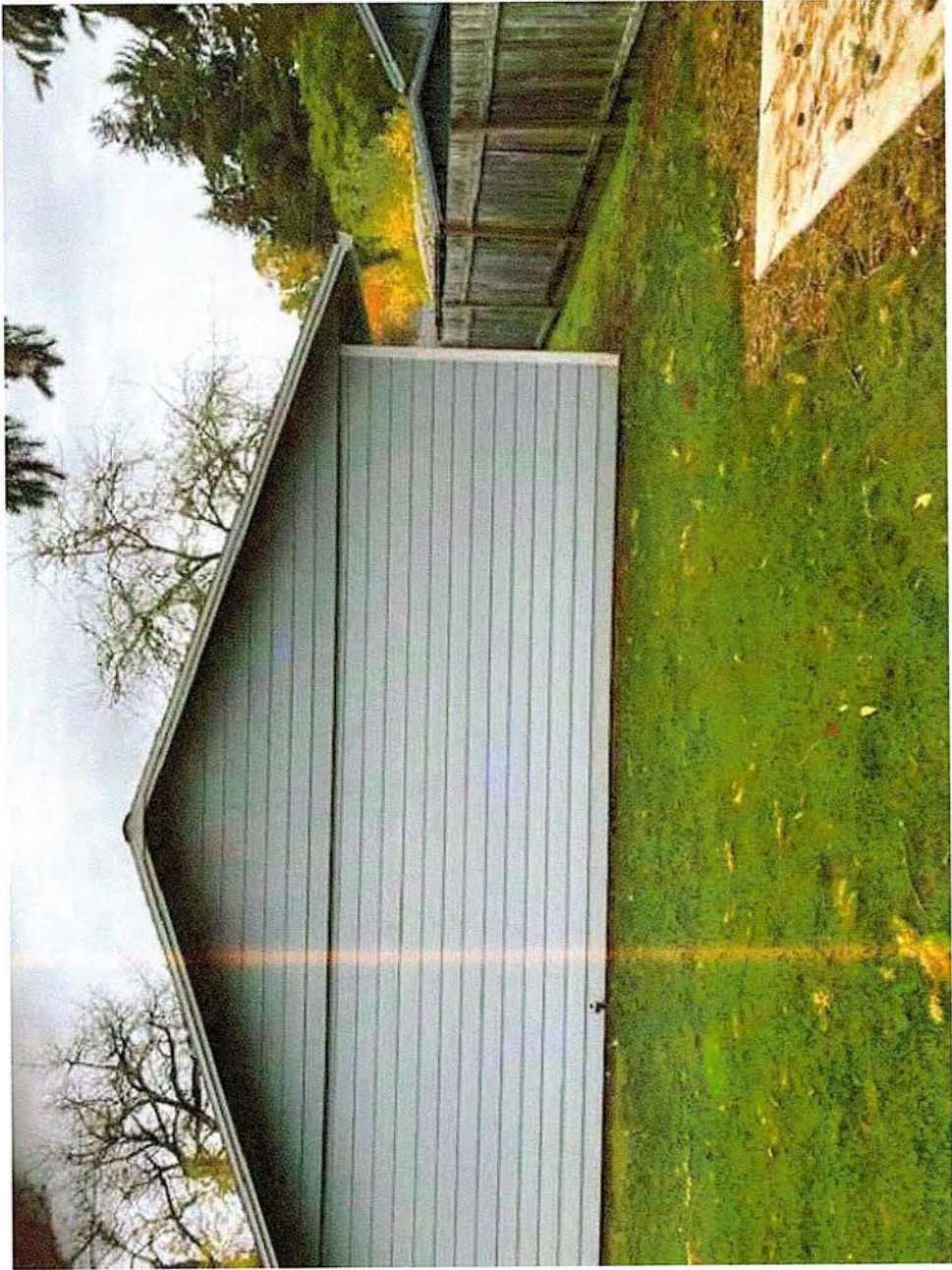


driveway is 19 feet wide by 24 feet long to the edge of the sidewalk  
Sent from my iPhone

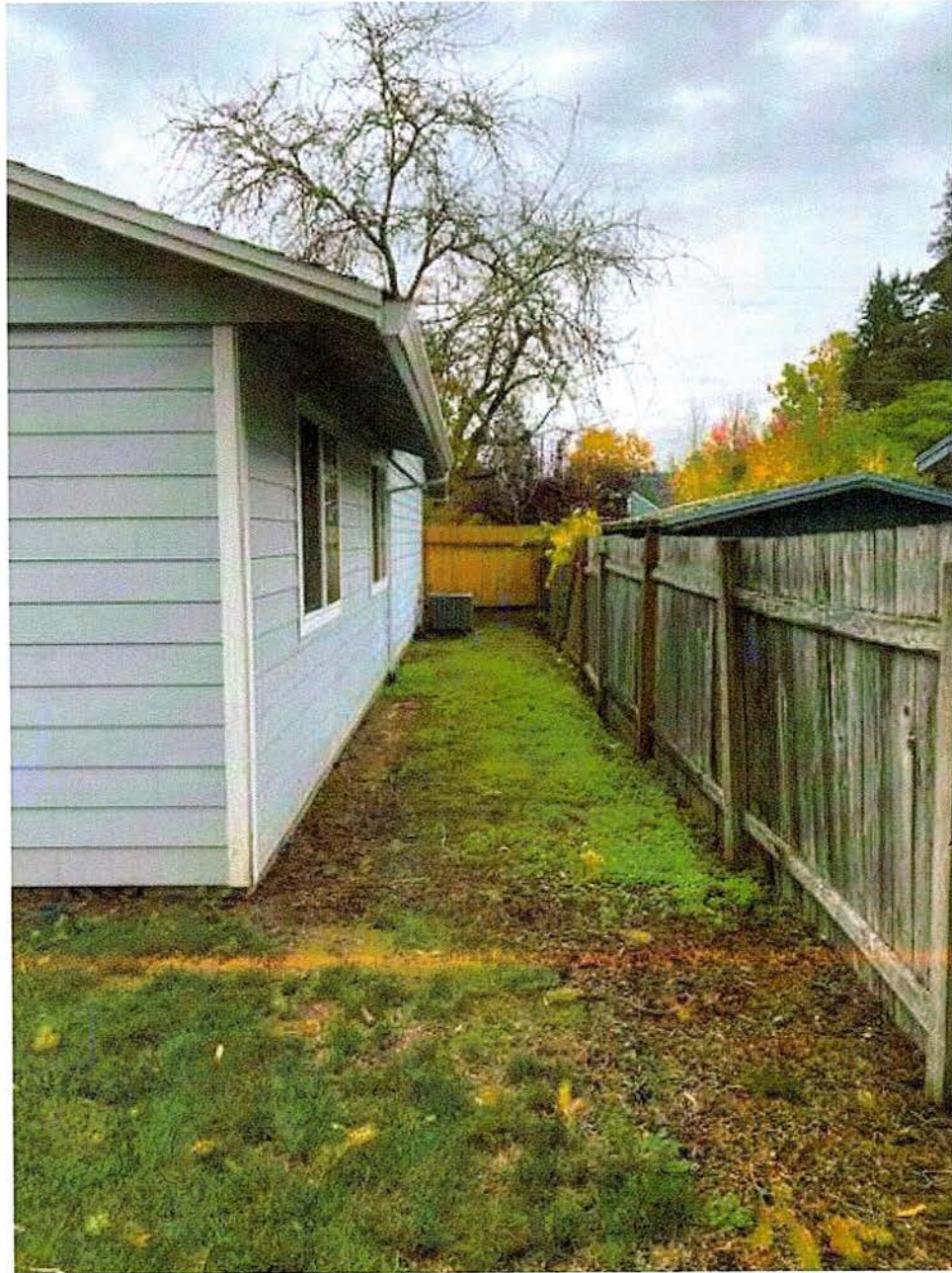














September 30, 2021

Hello Neighbor,

You are invited to an open house neighborhood meeting at 713 NW Cedar Street on October 23<sup>rd</sup> at 10 am. This meeting is my chance to introduce myself to the neighborhood and notify you of my intent to use the property as a part time residence/ vacation rental. Refreshments will be provided.

I very excited to own a property in my hometown. I currently live in California but was born and raised in McMinnville and frequently visit family and friends.

My name is Kari Mamizuka but as I child here in Mac, I was known as Kari Stubberfield. The Stubberfield family has deep roots in the community spanning over a century; my dad, Perry Stubberfield had a long career as a teacher and a coach at McMinnville High School and my brother, Kris is a home builder in town. I have the fondest memories growing up here. Attending the local schools, participating in sports and cheerleading and embracing the local community. This property will allow me to spend even more time in the area.

I look forward to answering any questions you might have on October 23<sup>rd</sup>.

Sincerely,

Kari (Stubberfield) Mamizuka



PLEASE SIGN IN

Open House for interested community members regarding the occasional use of the residence at 713 NW Cedar Street, McMinnville, as a short-term vacation rental.

Location: 713 NW Cedar Street

Date: 10/23/2021

Time: 10:00 a.m.

Attendees:

Name	Address
Kate & Mike Passo	336 NW 8 <sup>th</sup> ST
Britany Cloton	335 NW 8 <sup>th</sup>
Sarah + Jason Hefner	730 NW Yamhill St
RACHEL: DALLAS PEDERSEN	724 NW CEDAR ST.
Ted Cutler theopolis007@yahoo.com	709 NW Cedar St. Mac.
Will Sykes	WR.Sykes@gmail.com
	→ 350 NW <del>8<sup>th</sup></del>

### Summary of Comments

*Community Open House meeting for Short Term Rental, as required per Chapter 17.72.095 of the City of McMinnville Municipal Code, for residence at 723 NW Cedar Street*

Meeting date: 10/23/2021

Meeting time: 10:00 a.m.

Meeting location: At the subject residence at 723 NW Cedar Street

#### Attendees:

- 9 neighborhood residents, representing 6 properties (see attached attendance sheet)
- 1 representative of the proposed property management firm, Megan Carda of Lifestyle Properties
- Owner of property, Kari Mamizuka
- Assistant to owner/note-taker, Michael Devlin

Owner of property Kari Mamizuka ("KM") started meeting with a brief explanation her background (born and raised in McMinnville (maiden name is Stubberfield, daughter of Perry Stubberfield), graduate of McMinnville High School and Oregon State University, currently residing in California) and her plans for the property:

- Use residence for her personal use when she visits family and friends in McMinnville.
- Operate facility as a short-term rental unit during times she is not using it:
  - Upgrades planned for site (painting, landscaping, potential changes to façade of house)
  - Use of a professional property manager (introduction of Megan Carda ("PM"))

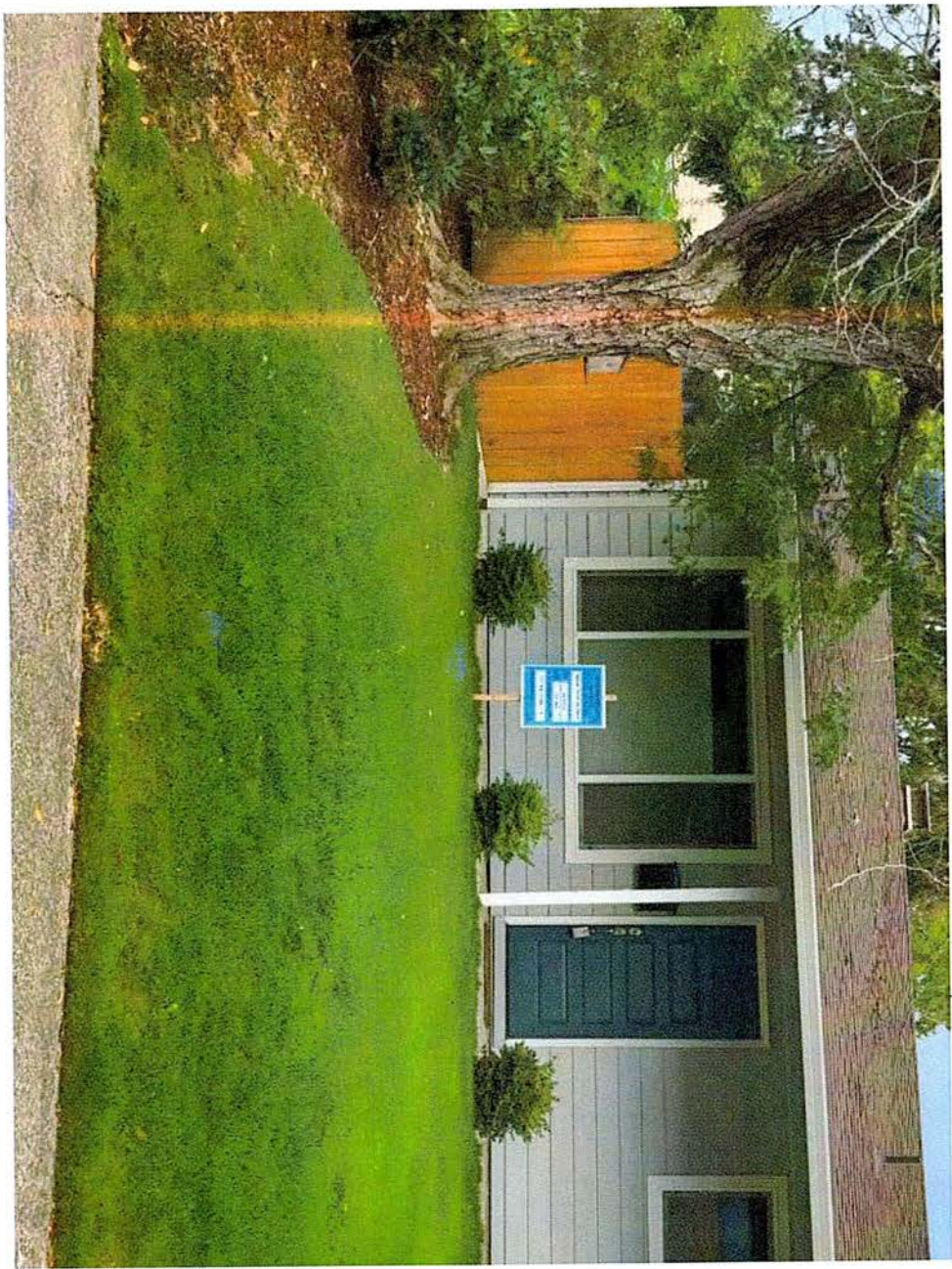
KM then asked if there were any questions or comments from the property owners ("PO"). These questions/comments and KM's responses are summarized below:

- PO: How often will owner be onsite?
  - KM: She has adult children in the Bay area, so her primary residence is there. However, she purchased this house to have a place to stay in town, to make it easier to visit more often. She said that she would be at the house fairly often.
  - PM: The PM then spoke about the typical occupancy rates for similar homes in the area, which is near 60%.

- PO: How will you respond to noisy renters, etc.
  - PM: We are local, we have boots on the ground, and we are available 24 hours a day to respond to issues.
  - PM told the property owners that she would share her contact information with all close neighbors.
  - PM also spoke of her vetting process to pre-screen potential renters to avoid problems.
  - PM also informed the group about how they do a walk-through and orientation with new renters, emphasizing the need for renters to be respectful of the neighbors.
- PO: Can we have the contact information for the property owner (KM)
  - KM: I will provide the requested information.
- PO: FYI, the general consensus of the neighbors is in opposition to the use of the house as a short-term rental, and that they would prefer to have a family in the house.
- PO: How does a rental property affect the housing values of a neighborhood?
  - PM: A well maintained facility will improve the value of neighboring homes.
- PO: I am asking you to drop the idea of using the house as a short term rental.
  - KM: I will consider your request, but I want to point out that having good renters in the house is better than having it left empty.
- PO: This is very disruptive, the whole process. It is disruptive just being at this meeting. We are not welcoming you into the neighborhood.
  - KM: I appreciate your situation; I hope that you can appreciate my situation.
- PO: A list of statements expressing concern from neighboring residents was read aloud at the meeting. The list was provided to KM at her request.
- PO: New-to-the-area residents spoke, emphasizing the values of being a resident-owner.
- PO: What happens if things go poorly with the renters?
  - KM: I have roots in this town, and I don't want this to be a big issue. If things go poorly, I will re-evaluate the decision.
- PO: The thought of a "Californian-bought house, bought with a full-price cash offer" is not good. Concerns expressed that local buyers were excluded.
  - KM: This was not a private sale, and all potential buyers had an opportunity to make an offer. I have been trying to buy a house in McMinnville for a long time, and my real estate agent suggested the offer that was made. Additionally, while I may currently live in California, I consider myself local.
- PO: What are the next steps in the application process?
  - KM: Briefly explained the next steps (compilation and submission of the application packet, which includes the summary of this Open House meeting).
- PO: Can we get copies of the meeting notes? (Concerns about KM submitting overly positive meeting notes).
  - KM: I will provide a copy of the meeting notes via mail.

The meeting concluded at approximately 10:50.

Submitted by Michael Devlin.





Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4420AAA10400	729 NW CEDAR ST	PIERCE WILLIAM J & SANDRA B		729 NW CEDAR ST	MCMINNIVILLE	OR	97128
2	R4420AAA10500	440 NW 8TH ST	DANCY JULIA REVOCABLE LIVING TRUST	DANCY JULIA TRUSTEE	440 NW 8TH ST	MCMINNIVILLE	OR	97128
3	R4420AAA10600	730 NW YAMHILL ST	HAFNER JASON C	HAFNER SARA Y	730 NW YAMHILL ST	MCMINNIVILLE	OR	97128
4	R4420AAA10700	725 NW CEDAR ST	COMBS ERIC M	COMBS JOYCE M	725 NW CEDAR ST	MCMINNIVILLE	OR	97128
5	R4420AAA10800	713 NW CEDAR ST	CONKLIN MATTHEW R		713 NW CEDAR ST	MCMINNIVILLE	OR	97128
6	R4420AAA10900	709 NW CEDAR ST	PATTON DENISE K TRUSTEE FOR	PATTON DENISE K LIVING TRUST	709 NW CEDAR ST	MCMINNIVILLE	OR	97128
7	R4420AAA11000	702 NW YAMHILL ST	SYKES WILLIAM R	IVERSEN MEGAN	702 NW YAMHILL ST	MCMINNIVILLE	OR	97128
8	R4420AAA11400	336 NW 8TH ST	PASSO CATHERINE H	PASSO MICHAEL S	336 NW 8TH ST	MCMINNIVILLE	OR	97128
9	R4420AAA11500	724 NW CEDAR ST	PEDERSEN MICHAEL D	LAMMERS RACHEL H	724 NW CEDAR ST	MCMINNIVILLE	OR	97128
10	R4420AAA11800	702 NW CEDAR ST	SYKES WILLIAM PLANNING DEPARTMENT	IVERSEN MEGAN CITY OF MCMINNIVILLE	350 NW 7TH ST 231 NE 5TH ST	MCMINNIVILLE	OR	97128

# NEIGHBORHOOD MEETING

FUTURE LAND USE APPLICATION:

Vacation Rental by Owner

DATE:

10/23/21

TIME:

10 AM

MEETING LOCATION:

713 NW Cedar st.

CONTACT NAME:

Kari mamizuka

CONTACT NUMBER:

510-715-7725

PER REQUEST OF SECTION 17.72.095 OF  
McMINNVILLE CITY CODE REQUIREMENTS



Public Hearing Request - Short Term Rental - 713 NW Cedar

**Property:**  
713 NW Cedar  
McMinnville OR 97128  
**Applicant:**  
Kari Mamizuka  
**Docket Number:**  
STR 6-21

This letter was written by William Sykes (350 NW 7th St, 214.213.1896), Ted Cutler (709 NW Cedar St), and Dallas Pedersen (724 NW Cedar St).

To whom it may concern. We are formally requesting a public hearing before the McMinnville Planning Commission. **The basis for our request is to discuss the disproportionate support the City is providing the Applicant versus the Neighborhood.** The city provides plenty of guidance for the STR applicant and nothing for the Neighborhood. Forcing the applicant to have a meeting without any City participation and or expected outcomes is just one example of how poor management of this process has manifested.

We also would like to note that our larger issues lie with the way the planning department has addressed the influx of the Short Term Rentals business in McMinnville. These are businesses moving into our neighborhoods.

The following issues are of concern:

- City favors the applicant over the Neighbors.
- The ordinances have changed throughout the years allowing these businesses to operate closer and closer together. It used to be 800 feet apart, then 600, and now 200. What is next 100ft?
- The city requires the applicant to put up a sign, and have a meeting, but does not participate in any way and is not and has not been present at these meetings.
- Applicant is already in violation of code 8.10.310 (A) 3 as applicants trash bin has been in the public way for greater than 24 hours.
  - This cavalier attitude at this stage raises even greater concerns after application is approved.

We understand that we will not be granted a hearing based on conversations we have had with Sarah already. We formally state that we feel this is unacceptable and shows further bias on the City's part - in favor of the STR Applicant.

These are businesses, moving to our Neighborhood. To your Neighborhoods.

Thank you for your consideration.

---

Here are some of the issues that we have regarding the proposed  
'Short Term Rental' in our Saylor's Addition Neighborhood

---

- Absentee owner living in a different state. Now, the house is not available for a local family.
- A 'revolving door of strangers' - daily disruptions - including: noise, late hours, parties, traffic congestion, trash, drugs, etc.
- Disrupts the rhythm of the neighborhood, makes it less safe.
- Destroys the 'Neighborhood Character.'
- An 'Unregulated Business' in a residential area.
- Community Development Data shows that an 'Absentee Owner Short Term Rental' is only 'one rung above' a ghost house. They are bad for the health of a neighborhood.
- We've already had multiple examples of 'speeding drivers' from neighborhood Short Term Rentals already.
- "We're watching your house but, you're not watching our house"
- Would you want to buy a house directly across from an 'Absentee Owner Short Term Rental?'

The green dots indicate: Homeowners who are opposed to an 'Absentee Owner - Vacation Rental by Owner' (VRBO) - Short Term Rental' in our Saylor's Addition neighborhood. These property owners have all signed documents indicating their opposition to the proposed VRBO - Short Term Rental at 713 NW Cedar St.



• Saylor's Addition Neighborhood VRBO Resistance Project •

This worksheet is regarding the proposed 'VACATION RENTAL BY OWNER' at 713 N.W. Cedar St. McMinnville, OR 97128

Date	Address	Printed Name	Signature	Notes:
10/15	358 NW 7	William Sykes		
10/15	350 NW 7th	Megan Weisen		
10-15	709 NW Cedar St.	Ted Carter		
10/15	709 NW Cedar St	Denise Patton		
10-15	730 NW Yamhill	Sarah Hafner		
10-15	450 NW 7th	DEAN KLAUS		
10-15	730 NW Yamhill St	Jason Hafner		
10-15	749 NW Yamhill St	Brendan Chase		
10/15	703 NW Yamhill St	LARRY SYKES		
10/15	702 NW YAMHILL	BECKA SYKES		
10/15	705 NW Birch St.	Julia Primozich		
10/16	729 NW Cedar St	Jeffrey Pierre		
10/16	725 NW CEDAR ST	ERIC COMBS		
10/16	322 NW 8th	STEVE SCHALOCK		
10/16/21	322 NW 8th	MONICA SCHALOCK		
10/17	450 NW 7th	Debra Klaus		
10/19	717 NW 7th	Juliane Hoff		

• Saylor's Addition Neighborhood VRBO Resistance Project •

This worksheet is regarding the proposed 'VACATION RENTAL BY OWNER' at 713 N.W. Cedar St. McMinnville, OR 97128

Date	Address	Printed Name	Signature	Notes:
10.19	440 NW 8th	JULIA DANCY	<i>Julia Dancy</i>	
20 OCT	724 NW CEDAR	DANKS, P EDERSEN	<i>top</i>	
20 Oct 2020	305 NW 8th	HOWARD ASTER	<i>Howard Aster</i>	
10/20	336 NW 8th	Cathy	<i>Cathy P. Pan</i>	
" "	" "	Catherine H. Russo	<i>CR</i>	
10/20	639 NW Birch	Michelle Russo	<i>Michelle Russo</i>	
10/20	523 NW Birch	Stephen E. Druze	<i>Stephen E. Druze</i>	
10/20	319 NW 7th	Jill Poyer	<i>Jill Poyer</i>	
10/20	335 NW 8th	Susanne Sayles	<i>Susanne Sayles</i>	
10/21	821 NW Cedar St.	Betsy Asten	<i>Betsy Asten</i>	
10/21	719 NW Birch	Henry Gross	<i>Henry Gross</i>	
10/21	724 NW CEDAR	Joy Sherwood	<i>Joy Sherwood</i>	
10/21	821 NW CEDAR	RACHEL LAMMERS	<i>Rachel Lammers</i>	
10/21	717 NW YAMHILL ST	EMMA BALLANTYNE	<i>Emma Ballantyne</i>	
10/21		DAVID HAYES	<i>David Hayes</i>	

**ATTACHMENT 2.2 TO DECISION DOCUMENT**

November 4, 2021



Hello Heather and the City Council,

I am writing to you in regard to an application in our neighborhood for a VRBO at 713 NW Cedar

A neighborhood meeting was held on October 23, and all of the neighbors within 200 feet were/and are vehemently opposed to the rezoning as were neighbors further than the 200 foot zone.

I have lived in our neighborhood for over 33 years, and it is an awesome place to live. Many of our neighbors have lived here for more than 35 years. We all get along and respect each other and keep an eye on each other's property. When a property comes on the market, we all look forward to welcoming a new neighbor.

I fail to see why a money-making tourist operation would receive priority over the house remaining zoned as a residential property. It is my understanding that McMinnville is currently suffering a residential housing shortage and that residential properties are at a premium.

Please keep this home zoned residential.

Sincerely,

A handwritten signature in red ink that reads "Betsy Aster". The signature is written in a cursive style.

Betsy Aster





PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
SHORT TERM RENTAL  
713 NW CEDAR STREET**

NOTICE IS HEREBY GIVEN that an application for a short-term rental at 713 NW Cedar Street has been submitted to the McMinnville Planning Department, and a public hearing has been requested. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public meeting of the Planning Commission where this request will be reviewed, and a public hearing will be held. Please contact Tom Schauer, Senior Planner, with any questions at (503) 474-5108 or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

---

**DOCKET NUMBER:** STR 6-21 (Short Term Rental)  
**REQUEST:** Approval to permit a short-term rental at 713 NW Cedar Street.  
**APPLICANT:** Kari Mamizuka  
**SITE LOCATION(S):** 713 NW Cedar Street (see attached map)  
**MAP & TAX LOT(S):** R4420AA10800  
**ZONE(S):** R-2 (Single-Family Residential)  
**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): MMC Chapter 17.15 (R2 Zone); MMC Chapter 17.12.010(P) (Short Term Rental Permits);  
**NOTICE DATE:** November 24, 2021  
**PUBLIC HEARING DATE:** December 16, 2021 at 6:30 P.M.  
**HEARING LOCATION:** Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>  
Meeting ID: 856 3179 4745                      Passcode: 286067  
  
(See below for instructions on how to join Zoom meeting)

---

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [Tom.Schauer@mcminnvilleoregon.gov](mailto:Tom.Schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). The materials can also be made available at the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) 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 the Commission to respond to the issue precludes an action for damages in circuit court.

**Invitation to Zoom Meeting:** The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call-in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745

Passcode: 286067

The public may also join the Zoom meeting by phone by following the instructions below:

+1 253 215 8782

Meeting ID: 856 3179 4745

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

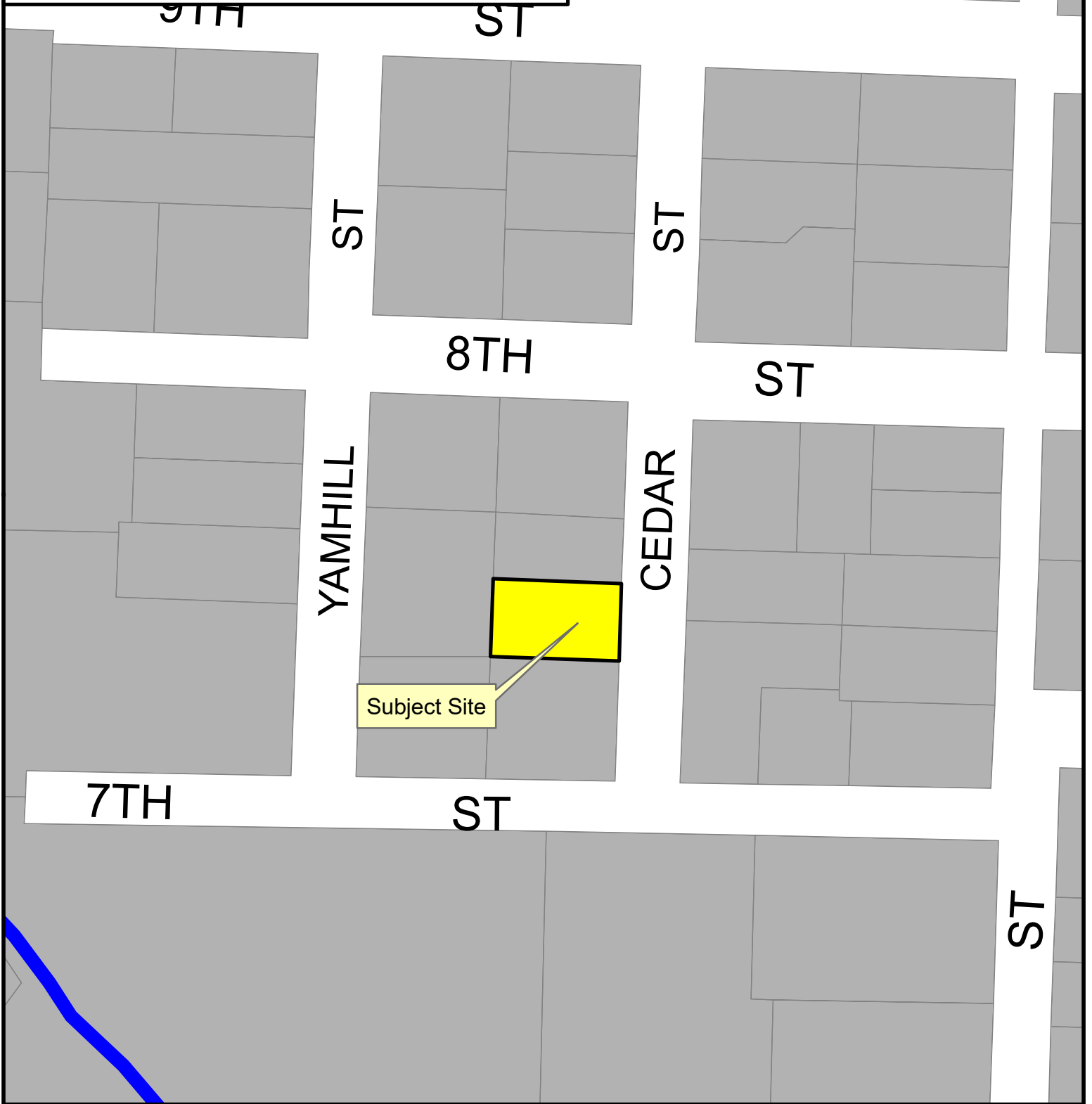
Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

## **REVIEW CRITERIA:**

### **MMC Chapter 17.12.010(P) (Short Term Rental Permits):**

- P. Short term rental, subject to the provisions of Section 17.72.110 and the following standards:
1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
  2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
  3. That a minimum of one off-street parking space be provided for each guest room.
  4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
  5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.
  6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
  7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.
  8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
    - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
    - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
  9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
  10. Complaints on conditions 1 through 9 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use

# Vicinity Map



**STR 6-21 Public Hearing**

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4420AD05500	549 NW BIRCH ST	TOPPING JOHN	WINFIELD SIDONIE	549 NW BIRCH ST	MCMINNVILLE	OR	97128
2	R4420AD05600	639 NW BIRCH ST	DRUSE STEPHEN E		639 NW BIRCH ST	MCMINNVILLE	OR	97128
3	R4420AD05700	350 NW 7TH ST	SYKES WILLIAM R	IVERSEN MEGAN D	350 NW 7TH ST	MCMINNVILLE	OR	97128
4	R4420AD05900	450 NW 7TH ST	KLAUS DEAN C	KLAUS DEBORAH A	450 W 7TH ST	MCMINNVILLE	OR	97128
5	R4420AA09500	824 NW CEDAR ST	ASTER HOWARD & MARGARET E B		335 NW 8TH ST	MCMINNVILLE	OR	97128
6	R4420AA09501	335 NW 8TH ST	ASTER HOWARD & MARGARET E B		335 NW 8TH ST	MCMINNVILLE	OR	97128
7	R4420AA09700	807 NW BIRCH ST	CARPENTER JAS &	CARPENTER HALLIE	807 NW BIRCH ST	MCMINNVILLE	OR	97128
8	R4420AA10000	840 NW YAMHILL ST	WHITE JONATHAN	WHITE CYNTHIA	11905 NW FIR CREST RD	CARLTON	OR	97111
9	R4420AA10100	433 NW 8TH ST	HIGBEE PETER A		1110 SW 2ND ST	MCMINNVILLE	OR	97128
10	R4420AA10200	821 NW CEDAR ST	GROSS HENRY T		821 NW CEDAR ST	MCMINNVILLE	OR	97128
11	R4420AA10300	805 NW CEDAR ST	RYAN STEVEN K	RYAN BARBARA A	805 NW CEDAR ST	MCMINNVILLE	OR	97128
12	R4420AA10400	729 NW CEDAR ST	PIERCE WILLIAM J & SANDRA B		729 NW CEDAR ST	MCMINNVILLE	OR	97128
13	R4420AA10500	440 NW 8TH ST	DANCY JULIA REVOCABLE LIVING TRUST	DANCY JULIA TRUSTEE	440 NW 8TH ST	MCMINNVILLE	OR	97128
14	R4420AA10600	730 NW YAMHILL ST	HAFNER JASON C	HAFNER SARAH Y	730 NW YAMHILL ST	MCMINNVILLE	OR	97128
15	R4420AA10700	725 NW CEDAR ST	COMBS ERIC M	COMBS JOYCE M	725 NW CEDAR ST	MCMINNVILLE	OR	97128
17	R4420AA10900	709 NW CEDAR ST	PATTON DENISE K TRUSTEE FOR	PATTON DENISE K LIVING TRUST	709 NW CEDAR ST	MCMINNVILLE	OR	97128
18	R4420AA11000	702 NW YAMHILL ST	SYKES WILLIAM R	IVERSEN MEGAN	702 NW YAMHILL ST	MCMINNVILLE	OR	97128
19	R4420AA11100	735 NW BIRCH ST	AOKI SHIHO		735 NW BIRCH ST	MCMINNVILLE	OR	97128
20	R4420AA11200	733 NW BIRCH ST	LIGNIER KELLEN F LAWTON		733 NW BIRCH ST	MCMINNVILLE	OR	97128
21	R4420AA11300	322 NW 8TH ST	SCHALOCK STEVEN P CO-TRUSTEE	SCHALOCK MONICA M CO-TRUSTEE	322 NW 8TH ST	MCMINNVILLE	OR	97128
22	R4420AA11400	336 NW 8TH ST	PASSO CATHERINE H	PASSO MICHAEL S	336 NW 8TH ST	MCMINNVILLE	OR	97128
23	R4420AA11500	724 NW CEDAR ST	PEDERSEN MICHAEL D	LAMMERS RACHEL H	724 NW CEDAR ST	MCMINNVILLE	OR	97128
24	R4420AA11600	725 NW BIRCH ST	NGUYEN KIMYA		1911 SE 20TH AVE	PORTLAND	OR	97214
25	R4420AA11700	719 NW BIRCH ST	SHERWOOD TERRY R	SHERWOOD JOY L	719 NW BIRCH ST	MCMINNVILLE	OR	97128
26	R4420AA11800	702 NW CEDAR ST	SYKES WILLIAM	IVERSEN MEGAN	350 NW 7TH ST	MCMINNVILLE	OR	97128
27	R4420AA11900	319 NW 7TH ST	MANROE CORINE J TRUSTEE	MANROE CORINE J REVOCABLE TRUST	9247 POPLAR ST	ATASCADERO	CA	93422
28	R4420AA12000	705 NW BIRCH ST	PRIMOZICH DAVID C	PRIMOZICH JULIA T	705 NW BIRCH ST	MCMINNVILLE	OR	97128
29	R4420AB06000	815 NW YAMHILL ST	MARTIN-DEDERICH TRUST	MARTIN COURTNEY TRUSTEE	815 NW YAMHILL ST	MCMINNVILLE	OR	97128
30	R4420AB06700	601 NW 8TH ST	BOWMAN MARC	BOWMAN ERIN	601 NW 8TH ST	MCMINNVILLE	OR	97128
31	R4420AB06800	717 NW YAMHILL ST	HAYES DAVID J	HAYES JULIANA	717 NW YAMHILL ST	MCMINNVILLE	OR	97128
32	R4420AB06900	749 NW YAMHILL ST	CHASE BRENDAN A	CHASE VERINICA S	749 NW YAMHILL ST	MCMINNVILLE	OR	97128
33	R4420AB07000	735 NW YAMHILL ST	JOHNSON KIT R	JOHNSON NANCY M	735 NW YAMHILL ST	MCMINNVILLE	OR	97128
34	R4420AB07100	731 NW YAMHILL ST	BUTLER THOMAS T 1/2	BUTLER BART S 1/2	731 NW YAMHILL ST	MCMINNVILLE	OR	97128
Owner	R4420AA10800	713 NW CEDAR ST	MAMIZUKA KARI		63 PLUMERIA CT	DANVILLE	CA	94506

Date Sent 11/24/21  
 Sent By SA  
 69 of 184



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**NOTICE OF PENDING ADMINISTRATIVE DECISION  
SHORT TERM RENTAL PERMIT  
713 NE CEDAR STREET**

NOTICE IS HEREBY GIVEN that an application for a Short Term Rental permit has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comment regarding this application prior to a decision by the Planning Director. Please contact Sarah Sullivan at (503) 434-7311 or [sarah.sullivan@mcminnvilleoregon.gov](mailto:sarah.sullivan@mcminnvilleoregon.gov) with any questions.

---

**DOCKET NUMBER:** STR 6-21 (Short Term Rental)  
**REQUEST:** Approval to allow for the operation of a short term rental establishment within an existing residence. The subject site is located at 713 NW Cedar Street and is more specifically described as Tax Lot 10800, Section 20AA, T.4 S., R. 4 W., W.M.  
**APPLICANT:** Kari Mamizuka  
**SITE LOCATION(S):** 713 NW Cedar Street  
(see attached map)  
**MAP & TAX LOT(S):** R4420AA10800  
**ZONE(S):** R-2 (Single-Family Residential)  
**MMC REQUIREMENTS:** Sections 17.12.010(O), 17.72.095, and 17.72.110  
(see reverse side for specific review criteria)  
**NOTICE DATE:** November 3, 2021

---

Persons are invited to register any statement in person, by attorney, or by mail to the McMinnville Planning Department to assist the Planning Director in making a decision on this application. Should you wish to submit comments or testimony on this application, please call the Planning Department office at (503) 434-7311, or forward them by mail to 231 NE Fifth Street, McMinnville, OR 97128, or by email to [sarah.sullivan@mcminnvilleoregon.gov](mailto:sarah.sullivan@mcminnvilleoregon.gov).

Alternatively, you may request that the application be considered at a public hearing before the McMinnville Planning Commission. A request for hearing must state the basis for the request. (Please see Section 17.12.010(O)(10) outlined on the back of this notice.

The Planning Director's decision may be appealed to the Planning Commission within fifteen (15) days after the decision has been rendered and noticed. However, failure to raise an issue in person or by letter precludes the ability to appeal the decision to the Planning Commission.

**COMMENTS OR REQUESTS FOR HEARING MUST BE RECEIVED NO LATER THAN  
5:00 pm, November 17, 2021**

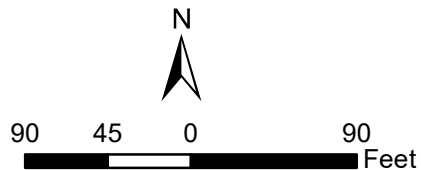
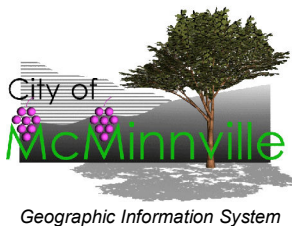
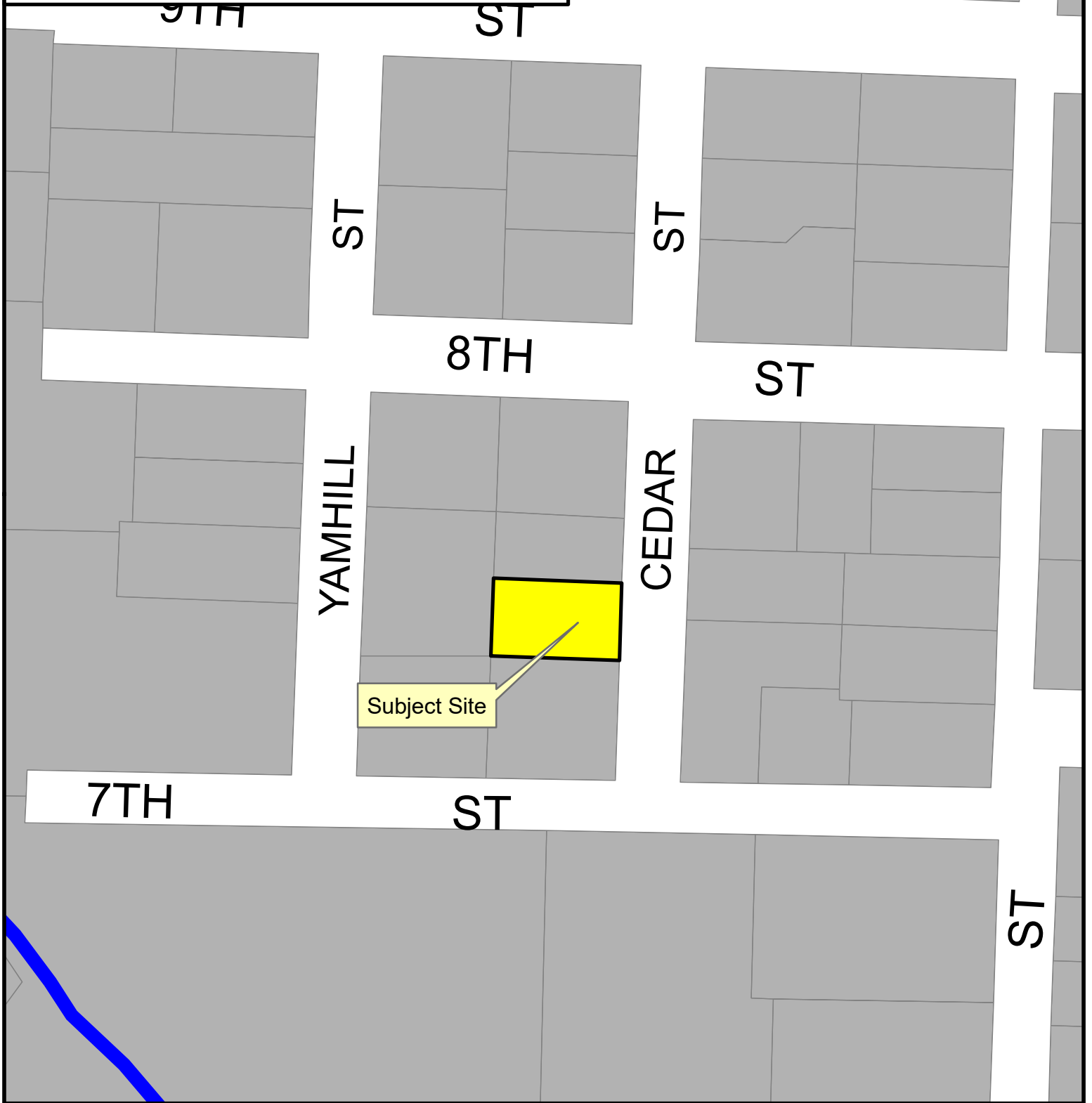
The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

### **REVIEW CRITERIA:**

17.12.010(O) Short term rental, subject to the provisions of Section 17.72.110 and the following standards:

1. Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.
2. Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
3. That a minimum of one off-street parking space be provided for each guest room.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days.
6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
7. That the property owner shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who shall be available to respond immediately to any emergency or complaint related to the short term rental.
8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
  - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 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 short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

# Vicinity Map



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



STR 6-21

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4420AA10400	729 NW CEDAR ST	PIERCE WILLIAM J & SANDRA B		729 NW CEDAR ST	MCMINNVILLE	OR	97128
2	R4420AA10500	440 NW 8TH ST	DANCY JULIA REVOCABLE LIVING TRUST	DANCY JULIA TRUSTEE	440 NW 8TH ST	MCMINNVILLE	OR	97128
3	R4420AA10600	730 NW YAMHILL ST	HAFNER JASON C	HAFNER SARAH Y	730 NW YAMHILL ST	MCMINNVILLE	OR	97128
4	R4420AA10700	725 NW CEDAR ST	COMBS ERIC M	COMBS JOYCE M	725 NW CEDAR ST	MCMINNVILLE	OR	97128
6	R4420AA10900	709 NW CEDAR ST	PATTON DENISE K TRUSTEE FOR	PATTON DENISE K LIVING TRUST	709 NW CEDAR ST	MCMINNVILLE	OR	97128
7	R4420AA11000	702 NW YAMHILL ST	SYKES WILLIAM R	IVERSEN MEGAN	702 NW YAMHILL ST	MCMINNVILLE	OR	97128
8	R4420AA11400	336 NW 8TH ST	PASSO CATHERINE H	PASSO MICHAEL S	336 NW 8TH ST	MCMINNVILLE	OR	97128
9	R4420AA11500	724 NW CEDAR ST	PEDERSEN MICHAEL D	LAMMERS RACHEL H	724 NW CEDAR ST	MCMINNVILLE	OR	97128
10	R4420AA11800	702 NW CEDAR ST	SYKES WILLIAM	IVERSEN MEGAN	350 NW 7TH ST	MCMINNVILLE	OR	97128
Owner	R4420AA10800	713 NW CEDAR ST	MAMIZUKA KARI		63 PLUMERIA CT	DANVILLE	CA	94506

Date Sent 11/3/2024  
 Sent By 81  
 73 of 184



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **EXHIBIT 4 - STAFF REPORT**

**DATE:** December 16, 2021  
**TO:** Planning Commission Members  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** PUBLIC HEARING: ZC 1-21 (Zoning Change)

### **STRATEGIC PRIORITY & GOAL:**



#### **GROWTH & DEVELOPMENT CHARACTER**

Guide growth & development strategically, responsively & responsibly to enhance our unique character.



#### **ECONOMIC PROSPERITY**

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.

**OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community**

---

### **Report in Brief:**

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider a Zoning Change (ZC 1-21), to rezone the subject property from O-R (Office Residential) to C-3 (General Commercial). This application is expanding the existing C-3 zone one property to the north.

Planning Commission is to take all public testimony and make a recommendation to the City Council.

### **Background:**

The subject property and property to the north are zoned O-R. Properties to the south and west are zoned C-3, and property to the east is zoned R-4. The underlying comprehensive map designation is commercial. Predominant surrounding uses are a mix of commercial and residential. The subject property is developed with a single-family residence and accessory structures, as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on SE Baker Street.

The request would rezone the property from O-R to C-3 to allow for a wide range of commercial uses. The property is developed with an existing historic building that has recently gone through extensive renovations. The owner is requesting to use the property for lodging which would be allowed in the C-3 zone.

---

*Attachments:*  
*ZC 1-21 Decision Document*

**Discussion**

**Summary of Criteria for ZC 1-21**

In accordance with Section 17.74.020, the Planning Director, required materials to demonstrate compliance with the following three criteria:

1. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.
2. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
3. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

In addition, the existing development, if it is to remain, should meet the standards of the new zone. Below is a table summarizing the application’s compliance with the criteria of the C3, General Commercial Zone.

The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

Section 17.33.010	Permitted Uses	Lodging and Short Term Rentals are both permitted uses in the C-3 zone.
Section 17.33.010(B)	Yard Requirements: Rear yard shall not be less than twenty feet when adjacent to a residential zone.	Per the site plan illustrated as Exhibit 4, the rear yard setback which is adjacent to a residential zone is thirty-four feet.
Section 17.33.040	Building Height, buildings shall not exceed a building height of eighty feet.	The building does not exceed a height of eighty feet.
Section 17.33.050,	Use limitations, screening outside storage.	There is no outside storage on the site.
Section 17.60.060.C.13	One off-street parking space is required for each guest room.	The site has paved parking for six off-street parking spaces.

**Analysis of Land-Use Request**

The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3. This proposal to expand the C-3 zoning to the north will allow this property a more robust allowance of commercial uses under the C-3 zone that are appropriate on the Highway 99W corridor. The property is already designated commercial under the Comprehensive plan. The change to C-3 will just allow this property the additional flexibility of commercial uses thus encouraging the continued growth and diversification opportunities in McMinnville.

**Public Comments**

Notice of the proposed applications was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

**Agency Comments**

Notice of the proposed applications was sent to affected agencies and departments. Agency comments were received from the McMinnville Building, McMinnville Water and Light, and Oregon Department of Transportation. No other comments were received.

---

Attachments:  
ZC 1-21 Decision Document

**Fiscal Impact:**

Not Applicable

**Planning Commission Options for ZC 1-21 (Zone Change):**

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

**Staff Recommendation:**

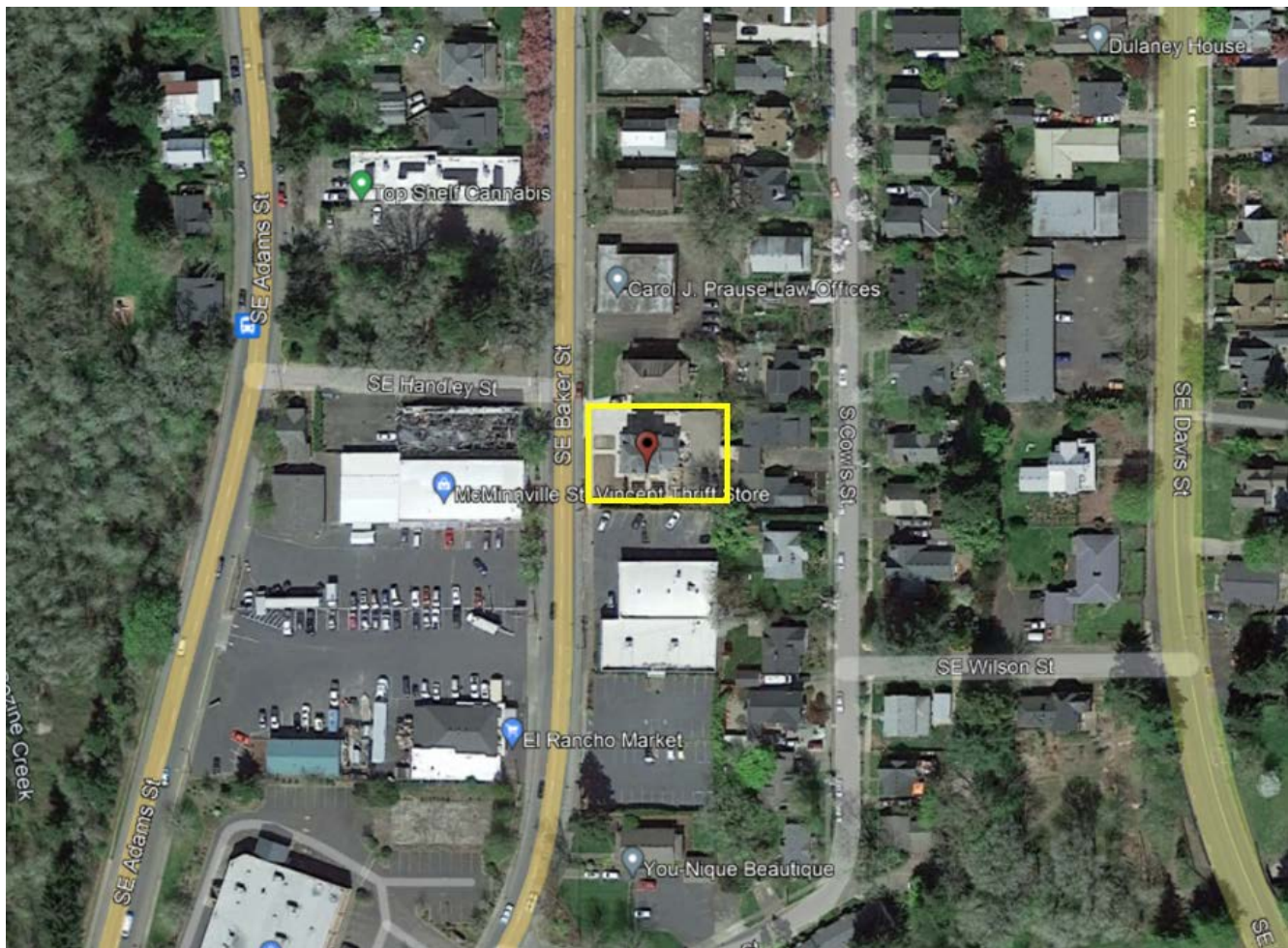
Staff has reviewed the proposal for consistency with the applicable standards and criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Documents, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL**, subject to the conditions specified in the attached Decision Document.

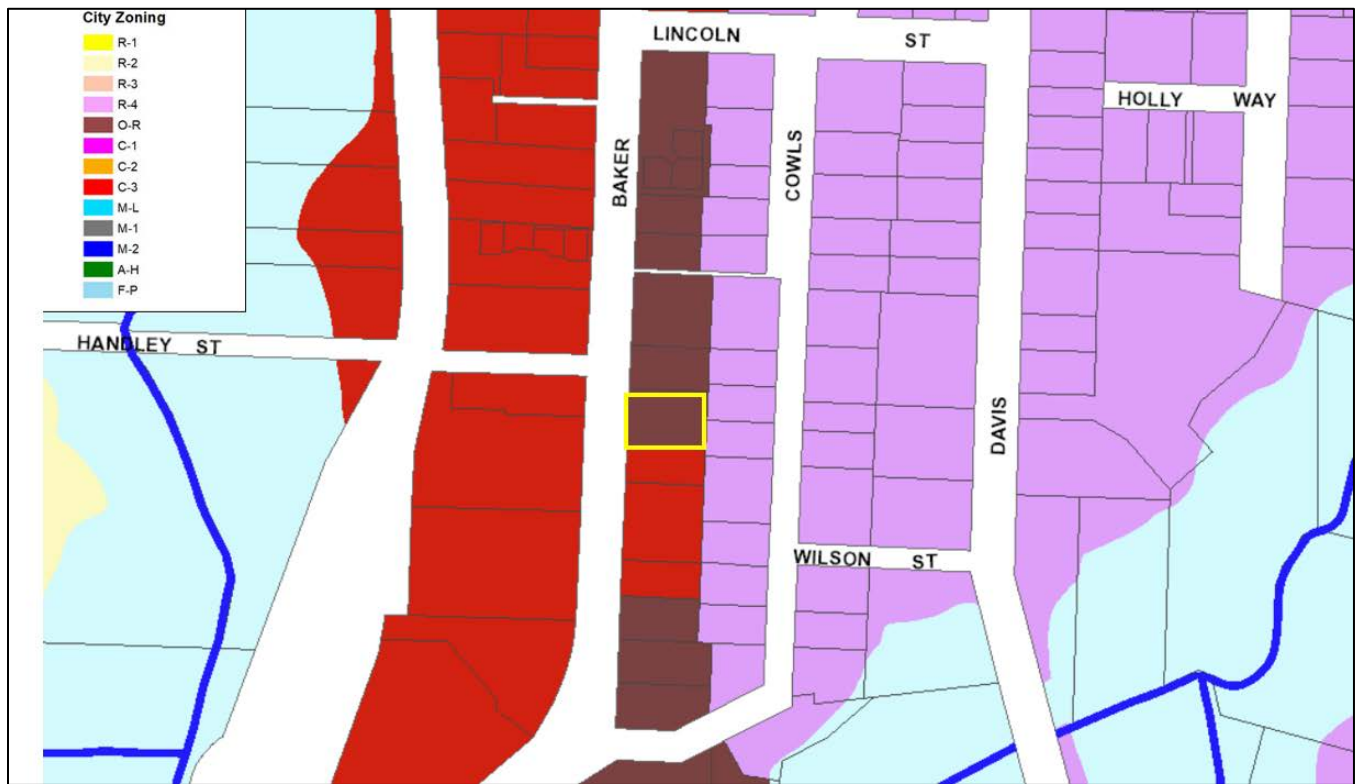
**Suggested Motion for ZC 1-21:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 1-21.**

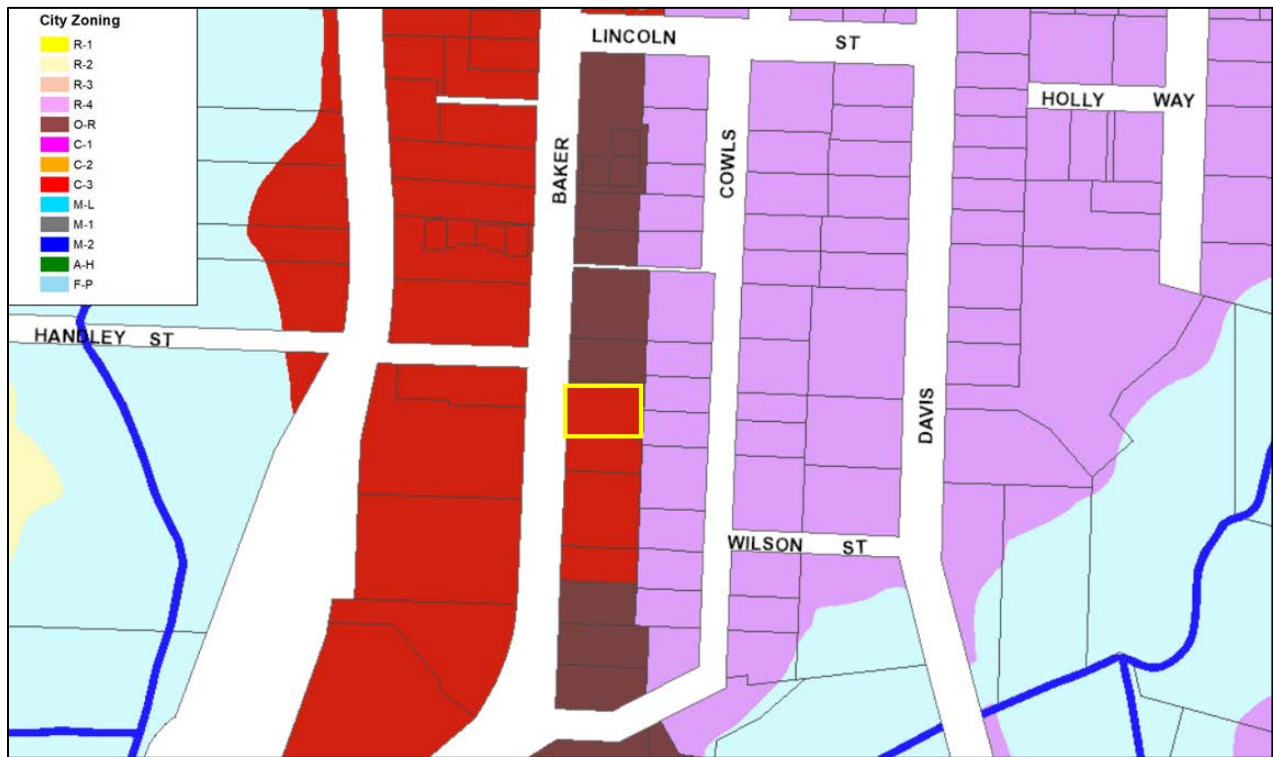
**Exhibit 1: Vicinity Map & Aerial Photo**



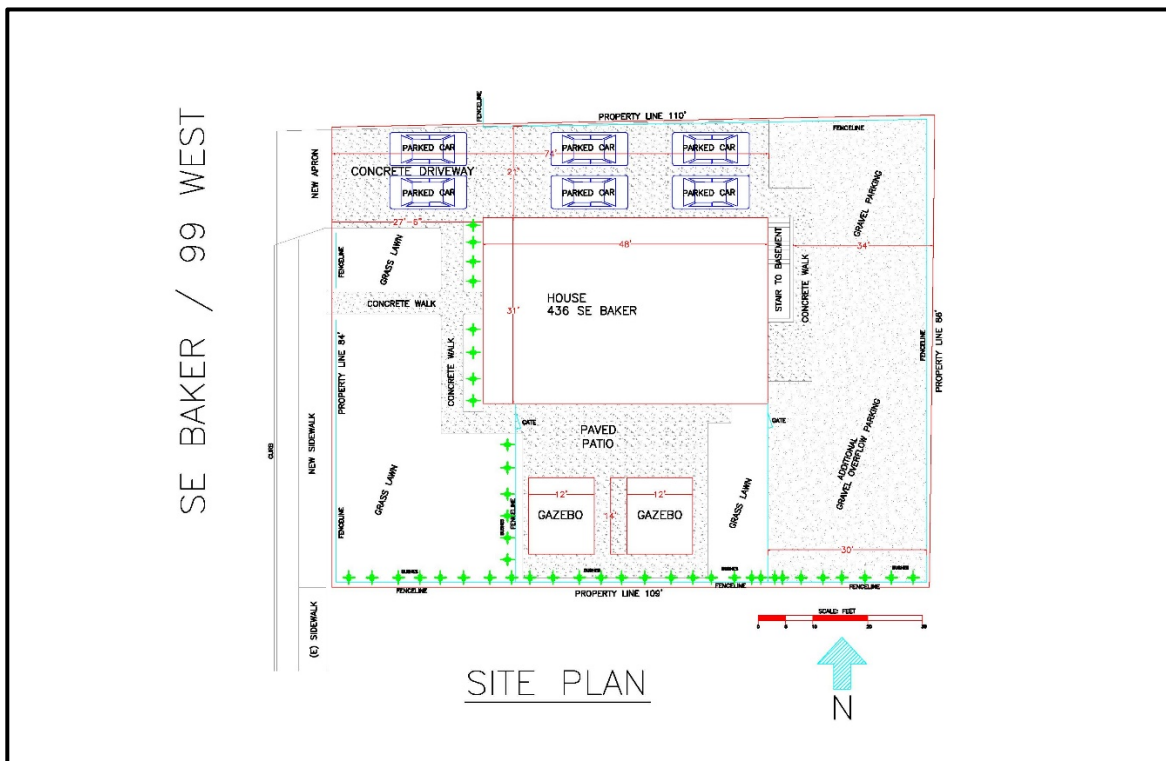
### Exhibit 2: Current Zoning



### Exhibit 3: Proposed Zoning



### Exhibit 4: Site Plan





**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM O-R (OFFICE RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL) FOR A 0.2 ACRE PARCEL ON 436 SE BAKER STREET**

**DOCKET:** ZC 1-21 (Zone Change)

**REQUEST:** Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

**LOCATION:** 436 SE Baker Street (R4421CB09800)

**ZONING:** O-R (Office Residential)

**APPLICANT:** Teresa Drevdahl

**STAFF:** Heather Richards, Planning Director

**DATE DEEMED COMPLETE:** November 22, 2021

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**HEARING DATE & LOCATION:** December 16, 2021

Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGlmaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745                      Passcode: 286067

**PROCEDURE:** An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:** The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable



goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council’s decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City’s final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The deadline for the 120 day processing timeline is March 21, 2022.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Comments were received from the McMinnville Engineering Department. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Zone Change (ZC 1-21) to the McMinnville City Council, **subject to conditions of approval provided in this document.**

////////////////////////////////////  
**RECOMMENDATION: APPROVAL WITH CONDITIONS**  
////////////////////////////////////

City Council: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director

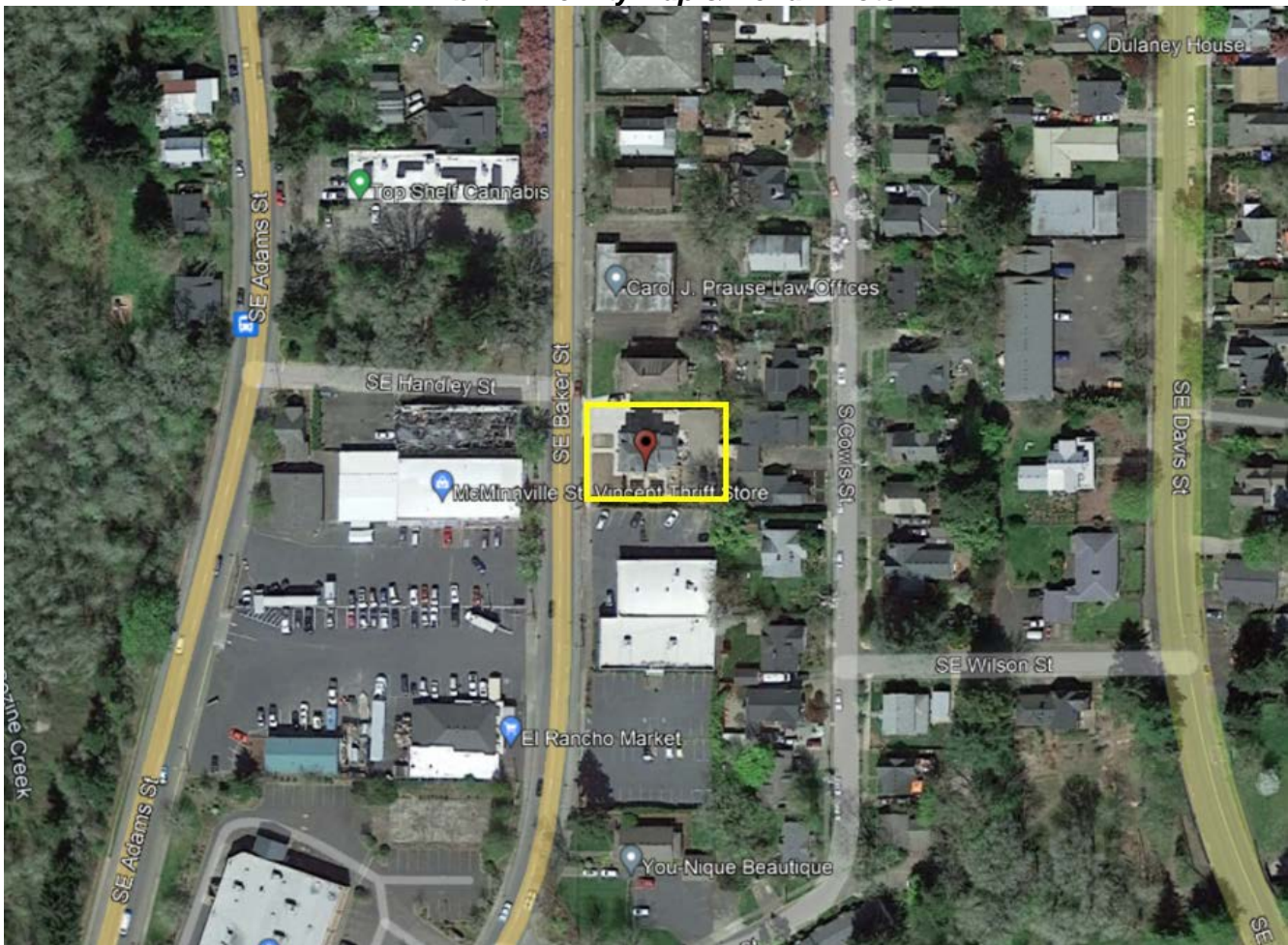
**I. APPLICATION SUMMARY:**

The proposal is an application for a Zone Change (ZC 1-21) to rezone the subject property from O-R (Office Residential) to C-3 (General Commercial).

***Subject Property & Request***

The subject property is a 0.2 acre parcel located at 436 SE Baker Street, on the east side of SE Baker Street and north of Cows Street. **See Exhibit 1: Vicinity Map & Aerial Photo.**

***Exhibit 1: Vicinity Map & Aerial Photo***



The subject property and property to the north are zoned O-R. Properties to the south and west are zoned C-3, and property to the east is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are a mix of commercial and residential. The subject property is developed with a single-family residence and accessory structures, as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on SE Baker Street.

***Attachments:***

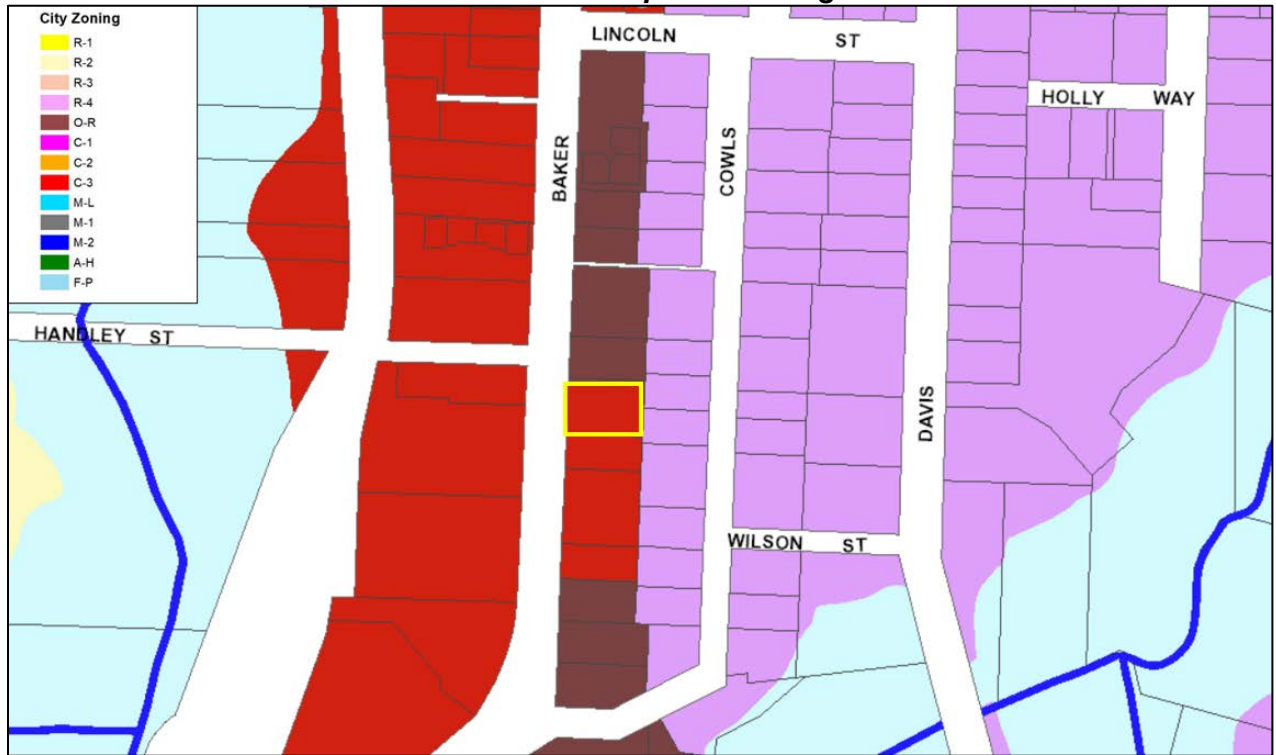
Attachment 1 - Application and Attachments

**Exhibit 2: Current Zoning**



The request would rezone the property from O-R to C-3 to allow for a wide range of commercial uses. **See Exhibit 3: Proposed Zoning.** The property is developed with an existing historic building that has recently gone through extensive renovations. The owner is requesting to use the property for lodging which would be allowed in the C-3 zone. **Exhibit 4: Site Plan** is provided for reference.

**Exhibit 3: Proposed Zoning**



**Exhibit 4: Site Plan**



## **Summary of Criteria & Issues**

The application (ZC 1-21) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

## **II. CONDITIONS:**

1. The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

## **III. ATTACHMENTS:**

1. ZC 1-21 Application and Attachments

## **IV. COMMENTS:**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department  
No objections, comments, or conditions from the Engineering department.

---

### *Attachments:*

Attachment 1 - Application and Attachments

- McMinnville Water & Light  
The water account code will require a change to “General Services”. General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.
- McMinnville Building Department  
May not have more than five guest rooms to retain its residential occupancy. If more than five guest rooms it will be viewed as a commercial occupancy.
- Oregon Department of Transportation  
Checked on driveway approach and no additional permits or information was requested.

### **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Wednesday, November 24, 2021. As of the date of the Planning Commission public hearing on December 16, 2021, no public testimony had been received by the Planning Department.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The owner, Teresa Drevdahl, held a neighborhood meeting on October 26, 2021.
2. The applicant submitted the Zone Change application (ZC 1-21) on October 28, 2021.
3. The application was deemed incomplete on November 15, 2021.
4. The applicant submitted revised application materials on November 16, 2021.
5. Based on the revised application submittal, the application was deemed complete on November 22, 2021. Based on that date, the 120 day land-use decision time limit expires on March 21, 2022.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance on November 22, 2021: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from agencies are addressed in the Decision Document.
7. Notice of the application and December 16, 2021, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 24, 2021.
8. Notice of the application and December 16, 2021, Planning Commission public hearing was published in the News Register on Tuesday, December 7, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

---

#### *Attachments:*

Attachment 1 - Application and Attachments

10. On December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

**VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 436 SE Baker Street (R4421CB09800)
2. **Size:** 0.2 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** Current: O-R, Requested: C-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** None
  - b. **Other:** None Identified
8. **Other Features:** Generally level site.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on Baker Street.
10. **Transportation:** Baker Street is identified as a Major Arterial in the 2010 McMinnville Transportation System Plan (TSP). The TSP identifies a right-of-way width of 76 feet for major arterials.

**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

**McMinnville Zoning Ordinance**

The following Sections of the McMinnville Municipal Code, Title 17. Zoning Ordinance provide criteria applicable to the request:

**17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria.**

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

---

*Attachments:*

Attachment 1 - Application and Attachments

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

**APPLICANT RESPONSE:** Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan. The comprehensive plan designation for the Property is already commercial, so changing the zoning of the Property to the C-3 commercial zone is consistent with the comprehensive plan designation. More specifically, Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan as detailed in the application - Exhibit 1.

**FINDING: SATISFIED.** See responses to applicable Comprehensive Plan policies below.

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

**APPLICANT RESPONSE:** Applicant's request is orderly and timely considering the pattern of development in the area in which it is located and the surrounding land uses. The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

The applicant recently invested significant funds and resources in remodeling and rehabilitating the property, which was in very poor repair and condition. Neighbors recounted to the applicant the problems the property caused for the neighborhood as a nuisance that attracted problematic behavior before applicant purchased and improved it. Applicant's improvements have made the property a viable part of the area again, removing the nuisance that once plagued the area, and permitting the renovated structure and property to be used consistently with the comprehensive plan.

**FINDING: SATISFIED.** The City concurs with the applicant. The proposed development is located on a highway corridor with an underlying commercial comprehensive plan designation and mostly C3 zoned frontage.

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

**APPLICANT RESPONSE:** The property is already adequately serviced by public utilities, including sewer, electricity, and water.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #1.** The property is located in an area with available services to serve the property for commercially zoned development, including the proposed lodging use.

**CONDITION OF APPROVAL #1.** The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

---

*Attachments:*

Attachment 1 - Application and Attachments



**FINDING: Not Applicable.** Criterion B is satisfied.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

**FINDING: SATISFIED.** As addressed below, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

17.33, C-3, General Commercial Zone, the proposed use needs to be compliant with the standards of the rezone request.

Section 17.33.010	Permitted Uses	Lodging and Short Term Rentals are both permitted uses in the C-3 zone.
Section 17.33.010(B)	Yard Requirements: Rear yard shall not be less than twenty feet when adjacent to a residential zone.	Per the site plan illustrated as Exhibit 4, the rear yard setback which is adjacent to a residential zone is thirty-four feet.
Section 17.33.040	Building Height, buildings shall not exceed a building height of eighty feet.	The building does not exceed a height of eighty feet.
Section 17.33.050,	Use limitations, screening outside storage.	There is no outside storage on the site.

**FINDING: SATISFIED.** The existing development on the site meets the criteria of the proposed C3 zone.

17.60.060 – Off Street Parking Spaces Required. One off-street parking space is required for each guest room.

**FINDING: SATISFIED.** Currently the site has paved parking for six off-street parking spaces.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

*Attachments:*

Attachment 1 - Application and Attachments

GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMinnville’s HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

17.04 *Increase interpretation efforts of the city’s historic resources.*

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

Policy 17.07 *Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.*

**APPLICANT’S RESPONSE:** The property is developed with a historic building that the Applicant intends to use as a short-term rental. The proposed zoning will allow the existing historic building to be utilized to promote the foregoing goals and policies. Applicant’s intended use will support heritage tourism by providing accommodations for visitors to McMinnville. The property’s relative proximity to downtown and intended use as a short-term rental facilitates the policy of increasing the interpretation efforts of the city’s historic resources and increasing heritage tourism.

**FINDING: SATISFIED.** The City concurs with the applicant’s findings, and adds that the proposed rezone will allow for the historic structure to be used for a variety of commercial uses in the future, such as professional office, medical office, restaurant, lodging, or other compatible, small-scale commercial uses. By rezoning this site to the general commercial, it will allow the historic house to be used in a variety of ways consistent with the C-3, thus increasing the preservation potential in the future.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville’s ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville AS THE COMMERCIAL CENTER OF Yamhill County IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)*

Policy 21.03 *The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

Policy 22.00 *The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

---

*Attachments:*

Attachment 1 - Application and Attachments

*Policy 23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

*Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

**APPLICANT’S RESPONSE:** The property is currently designated for commercial use by the comprehensive plan for McMinnville. A change of zoning to the commercial C-3 zoning will maximize the efficiency of land use and utilize an existing commercially designated land. Changing the zoning to a commercial zoning of C-3 will also protect the property from encroachment of uses incompatible with the commercial designation on the comprehensive plan. Because properties to the south and the west are already zoned C-3, changing the zoning of the property to C-3 will foster cluster development of commercial uses.

**FINDING: SATISFIED.** The City concurs with the applicant’s findings and adds that this proposal to expand the C-3 zoning to the north will allow this property a more robust allowance of commercial uses under the C-3 zone that are appropriate on the Highway 99W corridor. As stated, this property is already designated commercial under the Comprehensive plan. The change to C-3 will just allow this property the additional flexibility of commercial uses thus encouraging the continued growth and diversification opportunities in McMinnville.

**GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.**

*Downtown Development Policies:*

*Policy 36.00 The City of McMinnville shall encourage a land use pattern that:*

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern. (Ord.4796, October 14, 2003)*

**APPLICANT’S RESPONSE:** The Applicant’s request promotes the downtown as a cultural, service, and retail center because the property’s relatively close location to downtown and the applicants intended use.

**FINDING: SATISFIED.** The City concurs with the applicant’s findings and adds that this proposal to expand the C-3 zoning to the north will allow additional commercial around the City core. The site’s proximity to downtown continues to promote walkability and convenient circulation pattern. No additional infrastructure is proposed or required with the rezone.

---

*Attachments:*

Attachment 1 - Application and Attachments

**GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

*Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No new development is proposed at this time, therefore use of the existing driveway onto SE Baker, a major arterial will remain.

*Streets*

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

1. *Major, minor arterials.*
  - *Access should be controlled, especially on heavy traffic-generating developments.*
  - *Designs should minimize impacts on existing neighborhoods.*
  - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - *On-street parking should be limited wherever necessary.*
  - *Landscaping should be required along public rights-of-way.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network.

Baker Street is classified as a major arterial in the City’s Transportation System Plan (TSP).

Currently, there is on-street parking adjacent to the subject property, although on-street parking is not proposed at this time it would be available to the commercial use proposed on this lot.

*Parking*

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

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

**APPLICANT’S RESPONSE:** The property has significant off-street parking, which is more than adequate to service the intended use.

---

*Attachments:*

Attachment 1 - Application and Attachments

**FINDING: SATISFIED.** Staff concurs with the applicant's finding. The site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Lodging requires one space per guest room. Off-street parking will be required based on the type of use proposed and allowed on the subject site.

**GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.



**Planning Department**  
 231 NE Fifth Street ◦ McMinnville, OR 97128  
 (503) 434-7311 Office ◦ (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

50921-000478.png

**Office Use Only:**  
 File No. 2C1.21  
 Date Received 10/28/2021  
 Fee 4248.00  
 Receipt No. \_\_\_\_\_  
 Received by [Signature]

## Comprehensive Plan Map Amendment/ Zone Change Application

**Applicant Information**

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name TERESA DREUDAHL Phone 503-490-1175

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*

Address 13650 NW PUDDY GULCH RD.

City, State, Zip YAMHILL, OR, 97148

Contact Email dale.and.teresa@earthlink.net

**Property Owner Information**

Property Owner Name Same AS ABOVE Phone \_\_\_\_\_  
*(If different than above)*

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

**Site Location and Description**

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

Property Address 436 SE BAKER ST.

Assessor Map No. R4 4216B 09800 Total Site Area .200 ACRES

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Commercial Zoning Designation O-R

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. WE ARE ASKING TO HAVE THE PROPERTY 436 SE BAKER ST. ZONING CHANGED FROM OFFICE/RESIDENTIAL TO COMERCIAL-3 (C-3). WE ARE ASKING FOR THIS CHANGE TO COMPLY WITH REGULATIONS ON RUNNING A SHORT TERM RENTAL PROPERTY, BED AND BREAKFAST, OR AIR BNB.
2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). UNDER THE CURRENT ZONING OF THE PROPERTY WE ARE NOT PERMITTED TO RUN A SHORT TERM RENTAL, AND SO A ZONING CHANGE ~~WOULD~~ TO C-3 WOULD ALLOW US TO DO SO.
3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. N/A

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

N/A

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

MANY OF OUR SURROUNDING NEIGHBORS SITUATED ALONG 99W/BAKER ST. ARE ZONED C-3, AND GIVEN THE HISTORICAL DESIGNATION OF THE HOME, WE FEEL A C-3 ZONE CHANGE WILL BETTER INSURE THAT THE HOME IS MAINTAINED INTO FUTURE GENERATIONS, WHICH IS ONE OF THE CENTRAL GOALS OF McMINNVILLE'S PROTECTION OF HISTORIC LANDMARKS.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

THERE WILL BE NO MAJOR CHANGES TO THE NEIGHBORHOOD AS THE HOMES RENOVATIONS ARE COMPLETE.

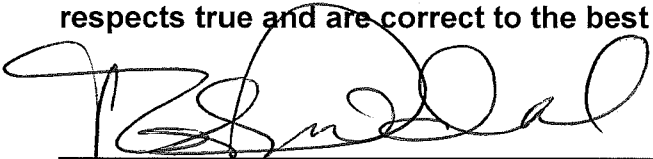


7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. HOME WAS FULLY RENOVATED IN 2020. ALL APPLICABLE PERMITS WERE OBTAINED FROM THE CITY OF McMINNVILLE PLANNING DEPT. AND ALL REQUIRED INSPECTIONS WERE PASSED. SITE IS CURRENTLY COMPLETED AND READY TO SERVE AS A SHORT TERM RENTAL
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? ~~THE~~ WE EXPECT THE HOME TO BE IN USE PRIMARILY ON WEEKENDS IN THE SUMMER, AND WHILE THE HOME IS IN USE WE EXPECT NO MORE TRIP GENERATION THAN A STANDARD SINGLE FAMILY HOME - 1-3 CARS. WE ALSO HAVE PLENTY OF PARKING ~~ON~~ PROPERTY TO NOT DISTURB 99W/ BAKER ST.

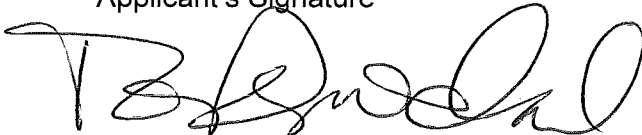
In addition to this completed application, the applicant must provide the following.

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

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

10-28-21  
Date

  
Property Owner's Signature

10-28-21  
Date

**Zone Change Application  
Docket ZC 1-21  
436 SE Baker Street  
Tax Lot 4421CB09800**

Applicant Teresa Drevdahl, owner of tax lot 4421CB09800 located at 436 SE Baker Street (the “Property”), makes application to change the zone of the Property from O-R (Office/Residential) to C-3. This document and the attached Exhibit 1 supplement the application previously submitted by Applicant.

The comprehensive plan designation for the Property is commercial. The current Office/Residential zoning of the Property is not ideal because of the Property’s location directly on Highway 99W, relatively close to downtown. The C-3 zone is more appropriate for the Property because it is more consistent with the comprehensive plan and the surrounding area. The Property is located in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

The Property is developed with a historic building, for which Applicant has made recent and extensive repairs and remodels. Before Applicant purchased the Property, it was in gross disrepair and a nuisance to the surrounding area. The Property is now in great condition and no longer the nuisance it once was. Applicant intends to use the Property for a short-term rental. The current good condition of the Property will easily permit this use. The Property is currently adequately serviced by utilities, including sewer, water, and electricity.

The Property’s location on Highway 99W, a major transportation corridor, can easily accommodate Applicant’s intended use as a short term rental, which Applicant anticipates will have minimal trip generations of passenger vehicle traffic. As shown on the site plan included with this application, the Property has more than adequate off-street parking to accommodate the intended use.

Applicant’s request is consistent with the existing comprehensive plan for the Property and with the goals and policies of the McMinnville Comprehensive Plan, as further detailed below.

Applicant now addresses the relevant criteria for a zone change, following the numbering on the planning department’s application form:

**1. What, in detail, are you asking for? State the reasons for the request and the intended use(s) of the Property.** Applicant seeks to change the zoning of the property from O-R to C-3. Applicant seeks this change to make the zoning more consistent with the comprehensive plan designation and surrounding area, and to allow the Applicant to use the Property as a short-term rental. The current O-R zone for the Property is not ideal considering the Property is located on Highway 99W, a consideration that makes the C-3 zoning more appropriate.

**2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol.2).** Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan. The comprehensive plan designation for the Property is already commercial, so changing the zoning of the Property to the C-3 commercial zone is consistent with the comprehensive plan designation. More specifically, Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan as detailed on the attached Exhibit 1.

**3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.** Applicant's request is not subject to the provisions of a planned development overlay.

**4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.** Applicant is not requesting a Planned Development.

**5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.** Applicant's request is orderly and timely considering the pattern of development in the area in which it is located and the surrounding land uses. The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

**6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.** Applicant recently invested significant funds and resources in remodeling and rehabilitating the Property, which was in very poor repair and condition. Neighbors recounted to Applicant the problems the Property caused for the neighborhood as a nuisance that attracted problematic behavior before Applicant purchased and improved it. Applicant's improvements have made the Property a viable part of the area again, removing the nuisance that once plagued the area, and permitting the renovated structure and Property to be used consistently with the comprehensive plan.

**7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.** The Property is already adequately serviced by public utilities, including sewer, electricity, and water.

**8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?** Applicant anticipates minimal trip generations for the intended use; approximately 10-15 passenger vehicle trips per week. The intended use has significantly less impact on the surrounding area and the utilized transportation corridor than other uses that are permitted outright in the current zone, like public parking lots, clinics, offices, etc, which would generate significantly more traffic than Applicant's intended use.

**EXHIBIT 1****Applicable Goals and Policies**

Applicant's request to change the zoning from O-R to C-3 is consistent with the following goals and polices of the McMinnville Comprehensive Plan (Vol. 2), as detailed below. The applicable goals and policies are listed below in **bold** font; Applicant's explanations are detailed in regular font. Applicant's request is consistent with or does not implicate other specific goals and policies that are not referenced below.

**GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE;**

**GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM**

**GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES**

**GOAL III 6: INCREASE HERITAGE TOURISM**

**Policy 17.04 Increase interpretation efforts of the city's historic resources.**

**Policy 17.07 Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.**

As previously detailed, the Property is developed with a historic building that Applicant intends to use as a short term rental. The proposed zoning will allow the existing historic building to be utilized to promote the foregoing goals and policies. Applicant's intended use will support heritage tourism by providing accommodations for visitors to McMinnville. The Property's relative proximity to downtown and intended use as a short term rental facilitates the policy of increasing the interpretation efforts of the city's historic resources and increasing heritage tourism.

**GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**

**GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.**

**Policy 21.01** The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

**Policy 21.03** The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)

**GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.**

**Policy 22.00** The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

**Policy 23.00** Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.

**Policy 24.00** The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)

The Property is currently designated for commercial use by the comprehensive plan for McMinnville. A change of zoning to the commercial C-3 zoning will maximize the efficiency of land use and utilize an existing commercially designated land. Changing the zoning to a commercial zoning of C-3 will also protect the Property from encroachment of uses incompatible with the commercial designation on the comprehensive plan. Because properties to the south and the West are already zoned C-3, changing the zoning of the Property to C-3 will foster cluster development of commercial uses.

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

**Policy 127.00** The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

The Property has significant off-street parking, which is more than adequate to service the intended use.

**GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.**

Applicant's request promotes the downtown as a cultural, service, and retail center because the Property's relatively close location to downtown and Applicant's intended use.

**Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:**

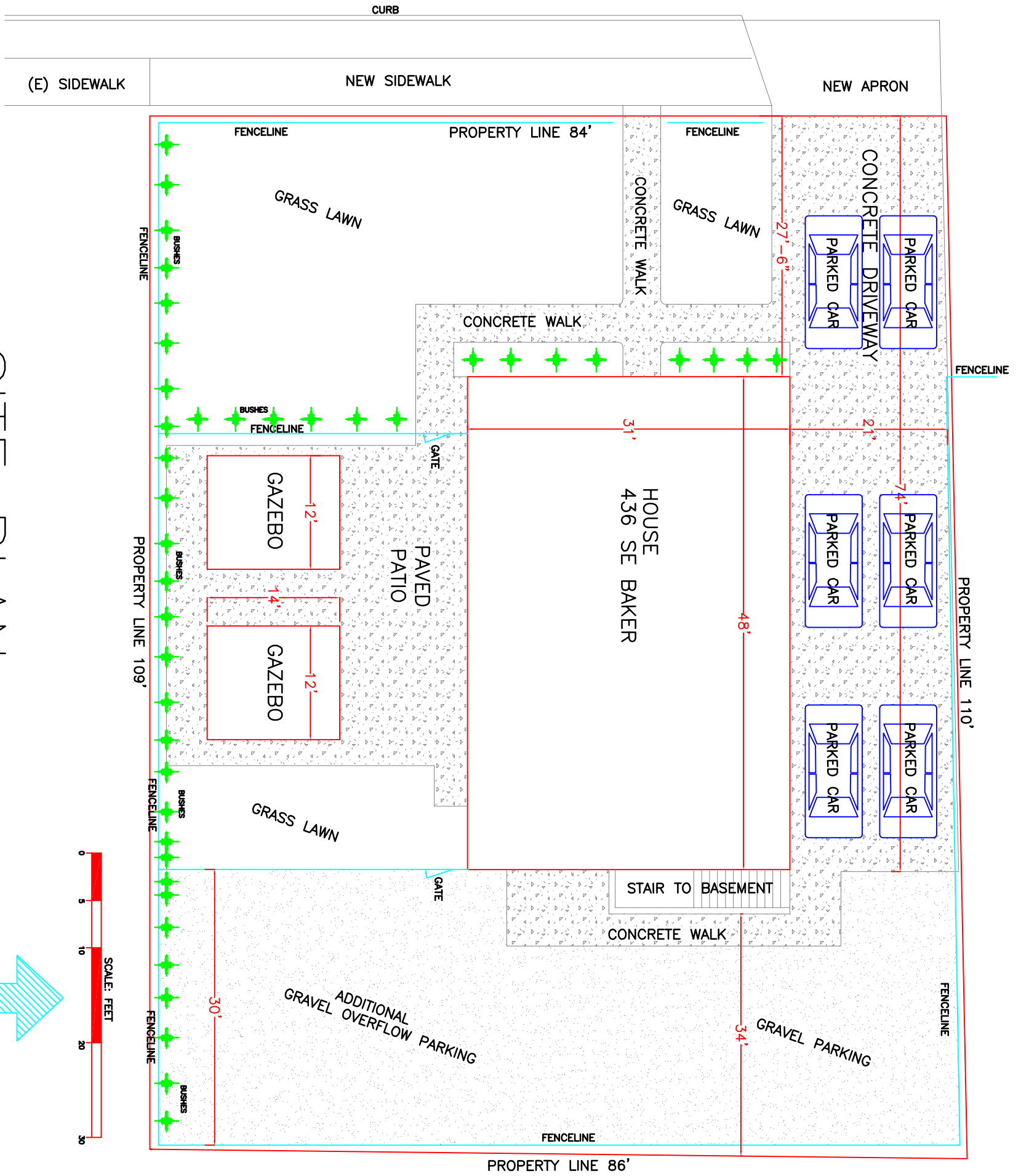
- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.**
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.**
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.**
- 4. Federal, state, and local water and waste water quality standards can be adhered to.**
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.**

The Property is already adequately and lawfully served by utilities, including sewer, water, and electricity.

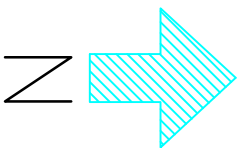
**GOAL X1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

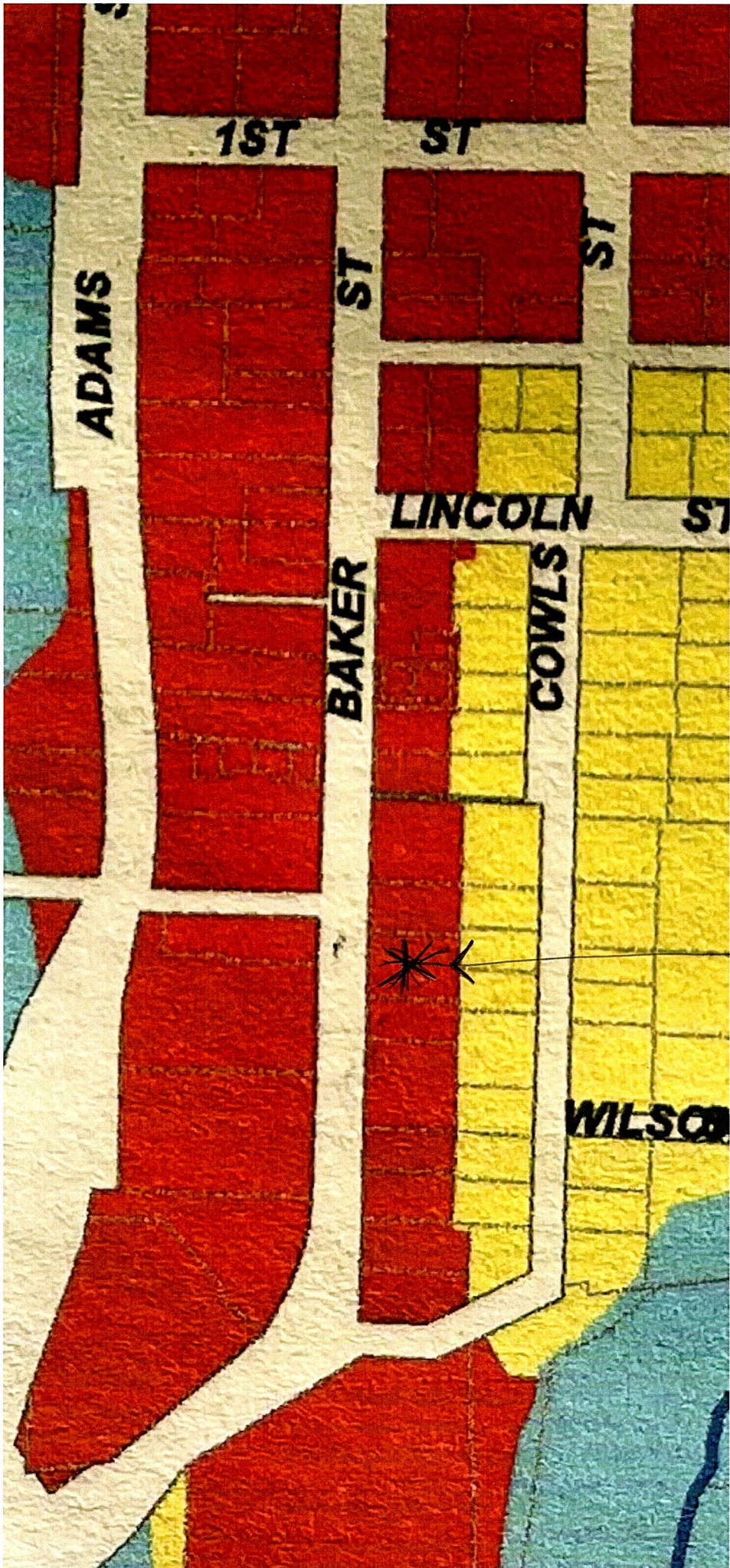
Applicant is submitting this application subject to all applicable involvement by citizens, including but not limited to conducting a neighborhood meeting before submitting this application.

# SE BAKER / 99 WEST



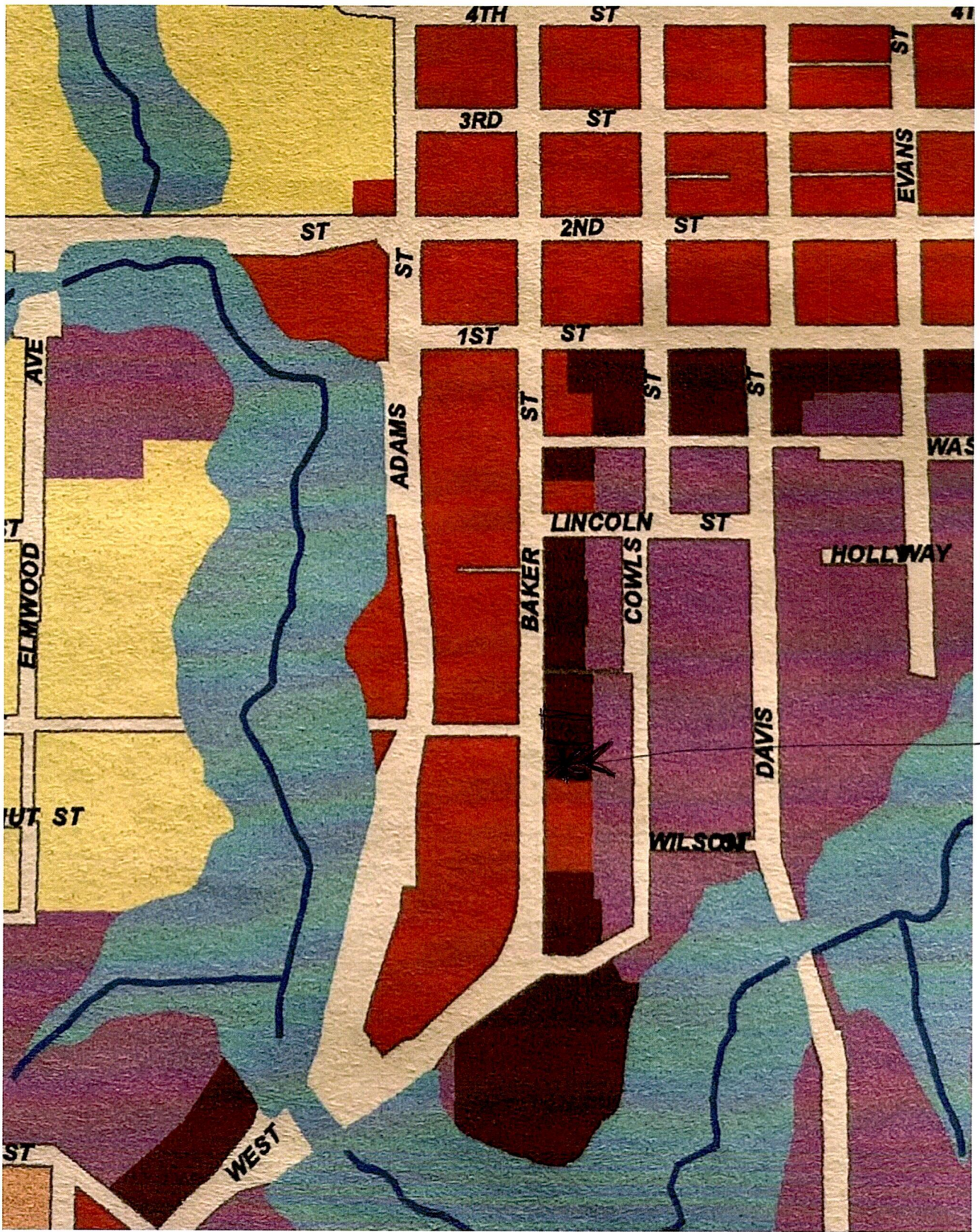
## SITE PLAN





436 SE  
Baker





4360  
SE Baker

# Property Before Renavation

Historic Resource No. A513



Photo August 2001



Original 1983 Survey Photo

Property after renovation  
(showing public meeting signs)



# LEGAL DESCRIPTION OF SUBJECT SITE

GRANTOR:  
Carl Loudon

GRANTEE:  
Teresa Drevdahl

SEND TAX STATEMENTS TO:  
Teresa Drevdahl  
PO Box 665  
Yamhill, OR 97148

AFTER RECORDING RETURN TO:  
Teresa Drevdahl  
PO Box 665  
Yamhill, OR 97148

Escrow No: 471814030121-TTMIDWIL36

Yamhill County Official Records	<b>201403399</b>
DMR-DDMR	03/27/2014 03:00:34 PM
Str=4 MILLSA	
2Pgs \$10.00 \$11.00 \$5.00 \$20.00	<b>\$46.00</b>
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

## STATUTORY WARRANTY DEED

Carl Loudon, Grantor, conveys and warrants to Teresa Drevdahl, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

Situated in the City of McMinnville, Yamhill County, Oregon and described as commencing at a post on the West boundary line of a tract of land heretofore conveyed by Louisa E. Reed and Robert Reed to G.W. Bennett and wife on January 21, 1863, the deed whereof is recorded at pages 146 and 147 of Volume "G" of the Records of Deeds for Yamhill County, Oregon which said post is 163 feet South of the Northwest corner of said tract; thence East 116-½ feet, more or less to the West boundary line of Sunnyside Addition to McMinnville, Oregon, thence South along said West boundary line 130 feet; thence West 116-½ feet more or less, to West boundary line of said tract; thence North along said West boundary line 130 feet to the plat of beginning.

SAVING AND EXCEPTING therefrom the tract conveyed by Linfield College, a corporation to Blaesing Granite Company, a corporation, by Deed dated August 18, 1939 and recorded August 28, 1939, in Book 115, Page 559, Deed Records for Yamhill County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$131,000.00. (See ORS 93.030)

Subject to and excepting:  
CCRs, reservations, set back lines, power of special districts and easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3/27/14

  
Carl Loudon

471814030121-TTMIDWIL36  
Deed (Warranty-Statutory)

471814030121

1100R TITLE COMPANY

Zoning Map



**TICOR TITLE™**

Parcel ID: 164583

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

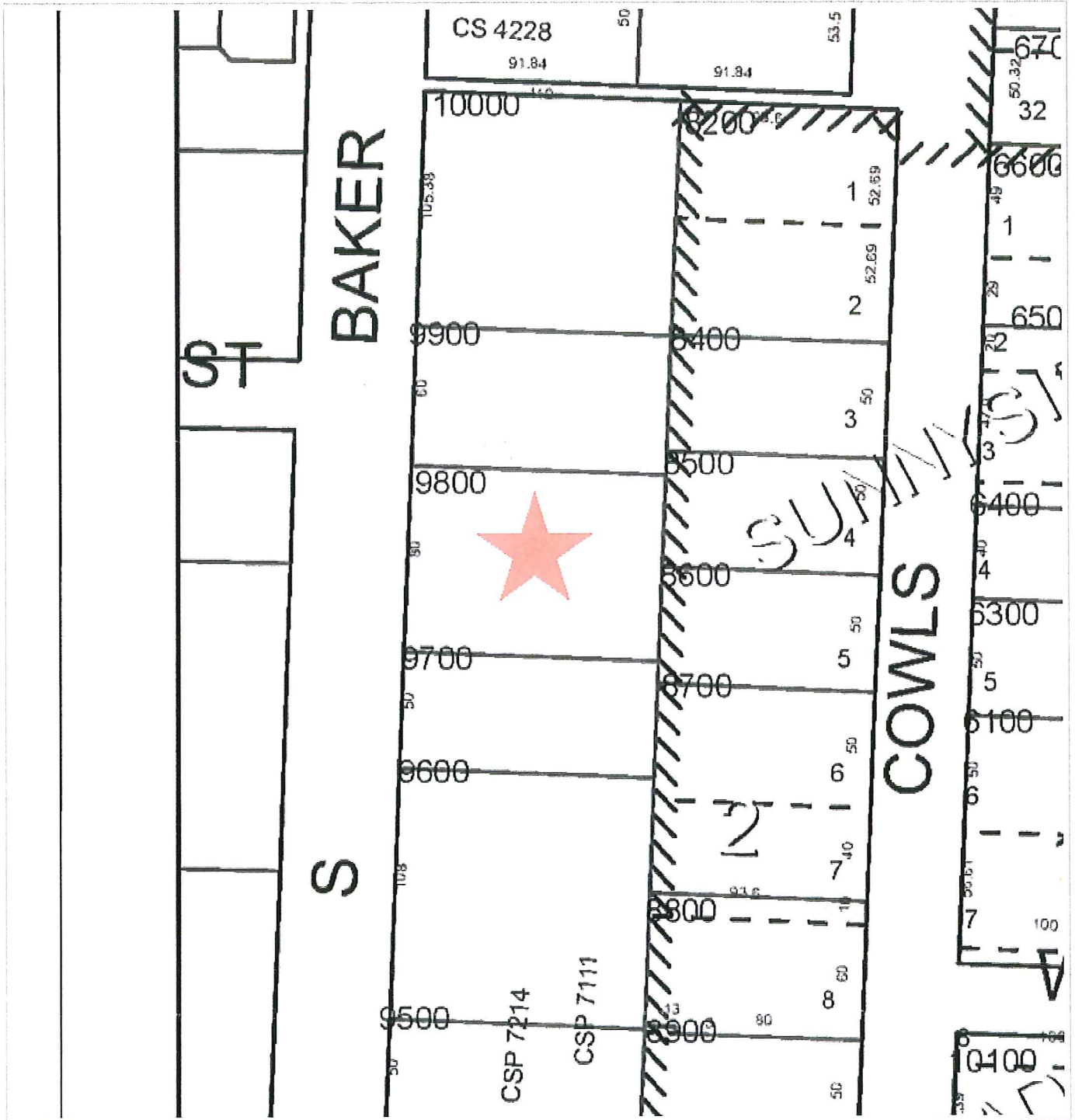


**TICOR TITLE™**

Parcel ID: 164583

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.





**TICOR TITLE™**

Parcel ID: 164583

Site Address: 436 SE Baker St

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

**Neighborhood Meeting For:  
436 SE Baker Street  
Mcminnville, Oregon 97128  
Parcel Number: 164583**

**Date of Meeting: October 26, 2021**

**Time of Meeting: 7:00 pm**

**Location of Meeting: 436 SE Baker Street**

**Mcminnville, OR 97128**

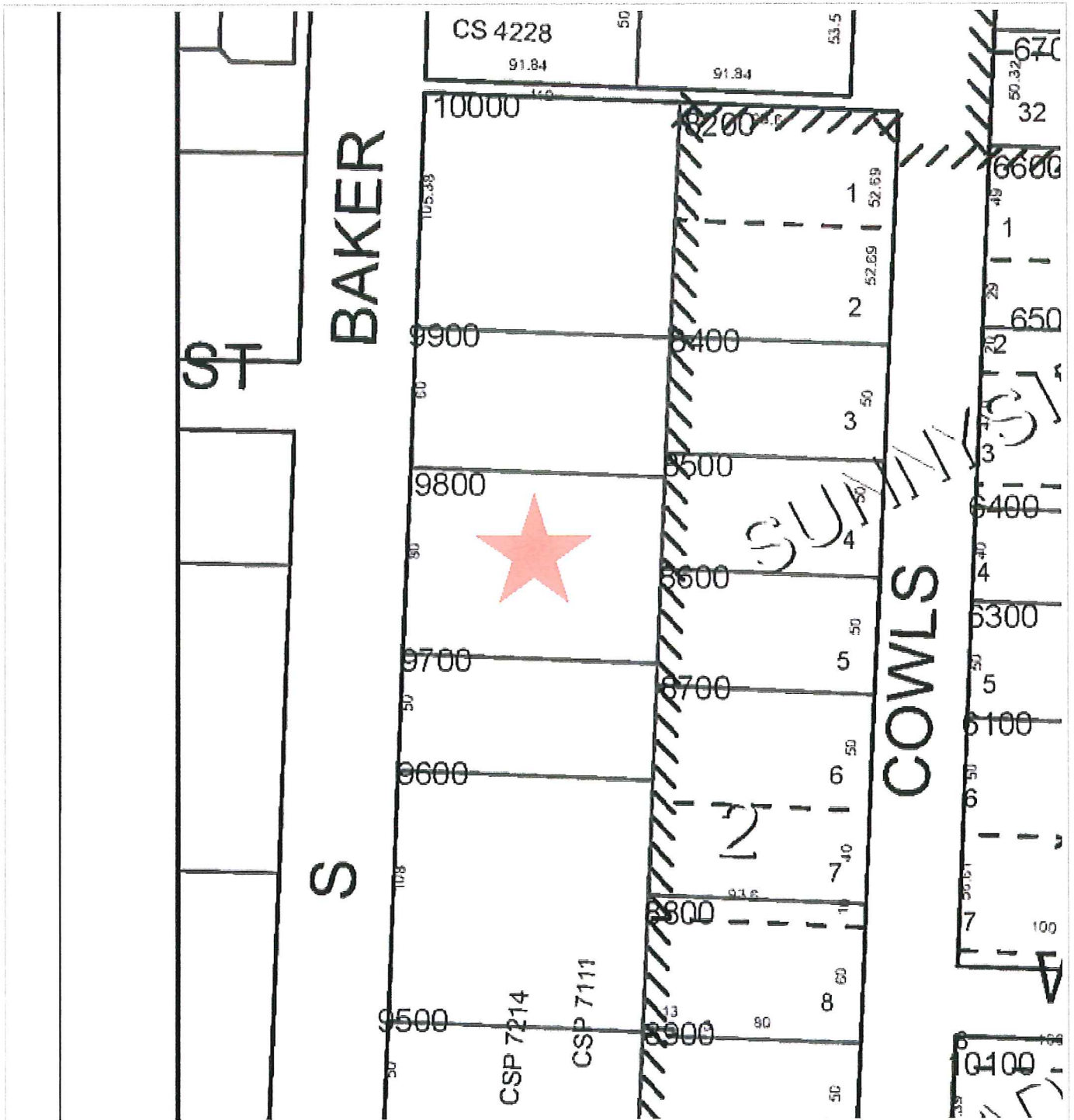
This meeting will provide an opportunity to neighbors of the surrounding area to see and hear what will be proposed to the McMinnville Planning Commission in the near future. Please attend this meeting to ask questions, provide input, and voice any concerns that may arise.

**Proposal:** Zoning change from Office/residential (O-R) to Commercial-3 (C-3). We believe that the best use for the property of 436 SE Baker Street is as a short term rental which would be granted under the zoning designation of C-3. The property sits directly adjacent to properties zoned C-3 and therefore we feel that this change would not be out of place when compared to the rest of the neighborhood.

We invite anyone interested in discussing our future proposal to attend.

Included in the following is a copy of the tax map, aerial map, as well as a zoning map of this property and the surrounding area.





**TICOR TITLE™**

Parcel ID: 164583

Site Address: 436 SE Baker St

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Zoning Map



**TICOR TITLE™**

Parcel ID: 164583

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map



**Parcel ID: 164583**

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



**Neighborhood meeting sign posted  
10/04/2021-10/26/2021**

Neighborhood Meeting For:  
436 SE Baker Street  
Mcminnville, Oregon 97128  
Parcel Number: 164583  
Open to the Public

**Date of Meeting: October 26, 2021**

**Time of Meeting: 7:00 pm**

**Location of Meeting: 436 SE Baker Street  
Mcminnville, OR 97128**



**Neighborhood meeting signs posted  
10/4/2021-10/26/2021**

Property after renovation  
(showing public meeting signs)



# NEIGHBORHOOD MEETING MAILING LIST

Map No.	Tax Lot	Site Address	Owner
1	R4420DA01800	335 SE BAKER ST	MCMURTRY MATTHEW
2	R4420DA01900	345 SE BAKER ST	SCHASTEEN ENA
3	R4420DA02100	411 SE BAKER ST	OAKLEAF PROPERTIES LLC
4	R4420DA08300	429 SE BAKER ST	BAKERVILLE LLC
5	R4420DA08400	106 SE HANDLEY ST	ST JAMES CONFERENCE OF THE
6	R4420DA08500	500 SE ADAMS ST	WOBEL CONNECTIONS LLC
7	R4420DA90000		BLAKE JANETTE I 1/4 &
8	R4420DA90000		BLAKE JANETTE I 1/4 &
9	R4420DA90001	349 SE BAKER ST	LAUTENBACH JOHN C & MONIKA TRUSTEES FOR
10	R4420DA90002	351 SE BAKER ST	TRAN JOSEPH
11	R4420DA90003	353 SE BAKER ST	TIMBERLINE GROUP LLC
12	R4420DA90004	355 SE BAKER ST	BLAKE JANETTE I & CHRISTOPHER A TRUSTEES
13	R4420DD00500	527 SE BAKER ST	PARK WEST PROPERTIES INC
14	R4421CB05700	409 SE DAVIS ST	DOMENICHINI KATHERINE M 1/2 &
15	R4421CB05800	501 SE DAVIS ST	CAPO CLINTON LLC
16	R4421CB05900	505 SE DAVIS ST	BISCHOFF DONNA M TRUST
17	R4421CB06000	545 SE DAVIS ST	OAK CREEK RENTALS LLC
18	R4421CB06100	424 SE COWLS ST	SPALDING DAVID G
19	R4421CB06300	414 SE COWLS ST	SIMPSON THOMAS E
20	R4421CB06400	412 SE COWLS ST	GUINNEE COREY G
21	R4421CB06500	408 SE COWLS ST	MCLEAN ANNE
22	R4421CB06600	404 SE COWLS ST	BRIERLEY SUZY &
23	R4421CB06700	348 SE COWLS ST	FORD DAN K &
24	R4421CB06800	344 SE COWLS ST	COX FAMILY TRUST
25	R4421CB06900	342 SE COWLS ST	HEIDER GARY C TRUSTEE &
26	R4421CB07700	333 SE COWLS ST	WELCH NATALIE M
27	R4421CB07800	343 SE COWLS ST	BERRY CHRISTINA D
28	R4421CB07900	340 SE BAKER ST	BURCHAM BRIAN L & CAROLE J
29	R4421CB08000	350 SE BAKER ST	YUTZY ELLA
30	R4421CB08100	355 SE COWLS ST	DRUSE STEPHEN E & ANNA B
31	R4421CB08200	367 SE COWLS ST	KOLLASCH KATHLEEN A &
32	R4421CB08400	389 SE COWLS ST	WADE TIMOTHY W
33	R4421CB08500	395 SE COWLS ST	PURKEY JENNIFER L (WROS)
34	R4421CB08600	405 SE COWLS ST	SIMPSON EDITH
35	R4421CB08700	421 SE COWLS ST	WHYTE WISWALL TRUST
36	R4421CB08800	435 SE COWLS ST	GRANT RANDY R & SUSAN M
37	R4421CB08900	535 SE COWLS ST	WINE COUNTRY PROPERTIES LLC
38	R4421CB09000	545 SE COWLS ST	DEPPE MATTHEW G
39	R4421CB09100	547 SE COWLS ST	KUMP KEVIN
40	R4421CB09300	520 SE BAKER ST	RKJ PROPERTIES LLC
41	R4421CB09400	510 SE BAKER ST	RKJ PROPERTIES LLC
42	R4421CB09500		RKJ PROPERTIES LLC
43	R4421CB09600	448 SE BAKER ST	RKJ PROPERTIES LLC
44	R4421CB09700	438 SE BAKER ST	RKJ PROPERTIES LLC
45	R4421CB09800	436 SE BAKER ST	DREVDAHL TERESA
46	R4421CB09900	424 SE BAKER ST	WALSH ELIZABETH L
47	R4421CB10000	408 SE BAKER ST	P & P PROPERTIES INC
48	R4421CB10100	508 SE COWLS ST	WHITE SHAUN K
49	R4421CB10200	516 SE COWLS ST	BEAM KAARINA J

50	R4421CB10400	360 SE WILSON ST	THE BERRY HOUSE LLC
51	R4421CB90000		WARNER W LAWRENCE &
52	R4421CB90002	320 SE BAKER ST	WALNUT HILL INVESTMENTS LLC
53	R4421CB90003	330 SE BAKER ST	WALNUT HILL INVESTMENTS LLC
			MCMINNVILLE PLANNING DEPT



Attn:	Mailing Address	City
	335 SE BAKER ST	MCMINNVILLE
	345 SE BAKER ST	MCMINNVILLE
	19173 SW PEAVINE RD	MCMINNVILLE
	2002 PACIFIC AVE	FOREST GROVE
ST VINCENT DEPAUL	435 S BAKER ST	MCMINNVILLE
	19173 SW PEAVINE RD	MCMINNVILLE
JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE
JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE
LAUTENBACH LIVING TRUST	1796 NW TROON CT	MCMINNVILLE
	12521 SE WOODWARD ST	PORTLAND
	1796 NW TROON CT	MCMINNVILLE
BLAKE JANETTE I REVOCABLE LIVING TRUST	13080 SW FOX RIDGE RD	MCMINNVILLE
	12670 SW 68TH SUITE 300	TIGARD
GLEN WILLIAM L TRUSTEE FOR	1012 NW OAKWOOD CIRCLE	MCMINNVILLE
	PO BOX 820190	PORTLAND
BISCHOFF DONNA M TRUSTEE	505 SE DAVIS ST APT 2	MCMINNVILLE
	3204 NE GRANDHAVEN DR	MCMINNVILLE
SPALDING TERESA A	428 NE 3RD ST	MCMINNVILLE
	PO BOX 1205	MCMINNVILLE
MCCLELLAN SYLLA G	4935 NE FLANDERS ST	PORTLAND
MCLEAN MARTIN	637 SW KECK DR UNIT 216	MCMINNVILLE
WIGHTMAN SALLY	404 SE COWLS ST	MCMINNVILLE
SCARBORO SUZANNE E	348 SE COWLS ST	MCMINNVILLE
COX VIRGINIA J TRUSTEE	18630 S HIGHWAY 99W	AMITY
REDDEN DIANA S TRUSTEE FOR	342 SE COWLS ST	MCMINNVILLE
BRADLEY CLARA L	333 SE COWLS ST	MCMINNVILLE
	343 SE COWLS ST	MCMINNVILLE
	637 SW KECK DR SUITE 214	MCMINNVILLE
	7740 SE BOOTH BEND RD	MCMINNVILLE
	639 NW BIRCH ST	MCMINNVILLE
MORGAN SHARON R	367 SE COWLS ST	MCMINNVILLE
LUNDGREN CAROLE M	389 SE COWLS ST	MCMINNVILLE
ALLM JAMES M (WROS)	145 WHITE COTTAGE RD	HELENA
	8980 NE OAK SPRINGS FARM	CARLTON
WISWALL IRVING W JR TRUSTEE	421 SE COWLS ST	MCMINNVILLE
	435 SE COWLS ST	MCMINNVILLE
	PO BOX 1707	MCMINNVILLE
DEPPE BRIELLE N	649 NE 11TH ST	MCMINNVILLE
	660 THE VILLAGE APT 107	REDONDO BEACH
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	PO BOX 665	YAMHILL
	14400 NW BERRY CREEK RD	MCMINNVILLE
	PO BOX 827	MCMINNVILLE
	508 SE COWLS ST	MCMINNVILLE
	516 SE COWLS ST	MCMINNVILLE

	PO BOX 782	MCMINNVILLE
BARKER GEORGE T ET AL	14400 NW PHEASANT HILL RD	MCMINNVILLE
	320 SE BAKER ST	MCMINNVILLE
	320 SE BAKER ST	MCMINNVILLE
CITY OF MCMINNVILLE	231 NE 5TH ST	MCMINNVILLE

OCTOBER 26,  
2021  
7:00PM

NEIGHBORHOOD MEETING  
NOTES - 436 SE BAKER ST.  
McMINNVILLE, OR  
97128

ATTENDEES

RANDY GRANT 435 SE COWLS ST.

IRVING WISWALL 421 SE COWLS ST.

RICK JOHN HAGAN HAMILTON  
TO COWLS ST.  
448 SE BAKER ST.

JOE STRUNK 609 N BAKER ST.  
Mac

COMMENTS MADE

- ASKED ABOUT ZONING COMPLIANCE OF THE PROPERTY
- ASKED ABOUT OCCUPANCY OF BUILDING AS WELL AS HOW MANY PEOPLE WE ALLOW TO STAY OVER NIGHT
- NOISE COMPLAINT MADE

- CONCERN OVER QUIET HOURS AND ASKED IF WE MAKE GUESTS AWARE OF QUIET HOURS

- DISTANCE TO NEAREST AIR BUS QUESTION IN RELATION TO CURRENT ZONING

- QUESTION ABOUT SMOKING RULE FOR EXTERIOR OF THE HOUSE

- PERSON DID NOT WANT TOBACCO AND/OR MARIJUANA SMOKE BLOWING INTO THEIR PROPERTY

- COMMENT MADE THAT IF SOMEONE OWNED THE HOUSE AND USED IT AS A SINGLE FAMILY HOME THERE WOULD BE NOTHING HE COULD DO IF OWNER SMOKED

- ASKED IF OWNER COULD MAKE SIGNS ENFORCING NON-SMOKING POLICELY ON HOME EXTERIOR

- COMMENT MADE ABOUT HOW THE RENOVATION IMPROVED THE LOOK OF NEIGHBORHOOD

- COMMENT MADE ABOUT PRIOR STATE OF THE HOUSE, HOW RUN DOWN, AND UNKEMPT IT WAS AND COMPLEMENTED CURRENT STATE

- COMMENT MADE THAT PAST OCCUPANTS OF THE HOME WERE "SCARED" AND HOW HE SPECULATED IT WAS A DRUG HOUSE. PRIOR TO 2014.

- THANKED US FOR RENOVATING THE HOME

- OWNER ~~EXPLAIN~~ EXPLAINED THAT HOME IS SURROUNDED BY COMERCIAL PROPERTIES.

- OWNER EXPLAINED THA PROPERTY IS ZONED AS COMMERCIAL BY THE COUNTY, AND NEIGHBORHOOD IS LISTED AS MC MINNVILLE HIGHWAY.



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
ZONE MAP AMENDMENT  
436 SW BAKER STREET**

NOTICE IS HEREBY GIVEN that an application for a McMinnville Zone Map Amendment has been submitted to the McMinnville Planning Department, and a public hearing has been scheduled. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the Planning Commission meeting where this request will be reviewed, and a public hearing will be held. Please contact Heather Richards, Planning Director, with any questions at (503) 474-5107 or [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov).

---

**DOCKET NUMBER:** ZC 1-21 (Zone Change)

**REQUEST:** Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

**APPLICANT:** Teresa Drevdahl

**SITE LOCATION(S):** 436 SE Baker Street (see attached map)

**MAP & TAX LOT(S):** R4421CB09800

**ZONE(S):** O-R (Office Residential)

**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): MMC Chapter 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria); Comprehensive Plan Goals and Policies. (see reverse side for review criteria)

**NOTICE DATE:** November 24, 2021

**PUBLIC HEARING DATE:** December 16, 2021, at 6:30 P.M.

**HEARING LOCATION:** Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745                      Passcode: 286067

(See below for instructions on how to join Zoom meeting)

---

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available on the Planning Department’s portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). The materials can also be made available at the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) 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 the Commission to respond to the issue precludes an action for damages in circuit court.

**Invitation to Zoom Meeting:** The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call-in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745

Passcode: 286067

The public may also join the Zoom meeting by phone by following the instructions below:

+1 253 215 8782

Meeting ID: 856 3179 4745

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

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.

**REVIEW CRITERIA:**

**MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria:**

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

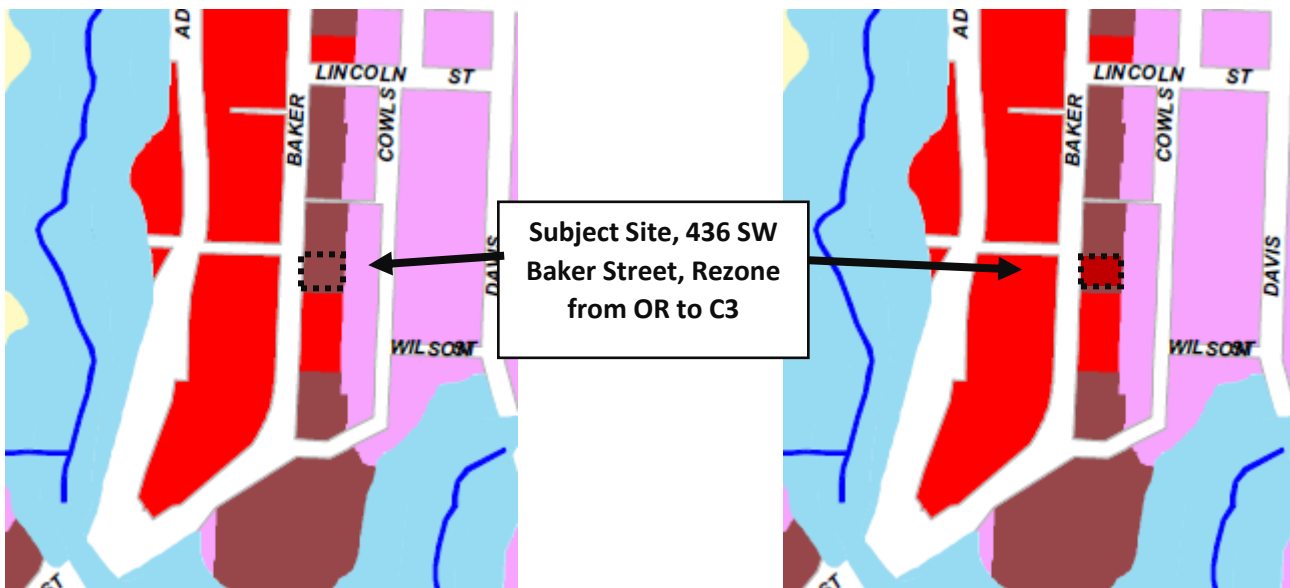
When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

**Comprehensive Plan Goals and Policies:**

All applicable goals and policies apply to this request.

**Proposed Zone Map Amendment:**





# Vicinity Map

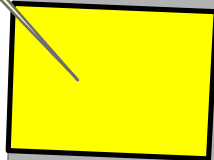
COLN

ST

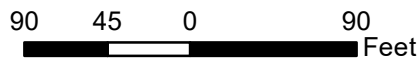
BAKER

COWLS

Subject Site



WILSON ST



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

# Vicinity Map

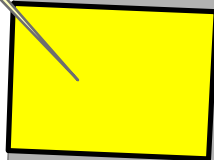
COLN

ST

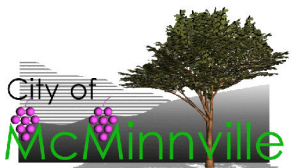
BAKER

COWLS

Subject Site



WILSON ST

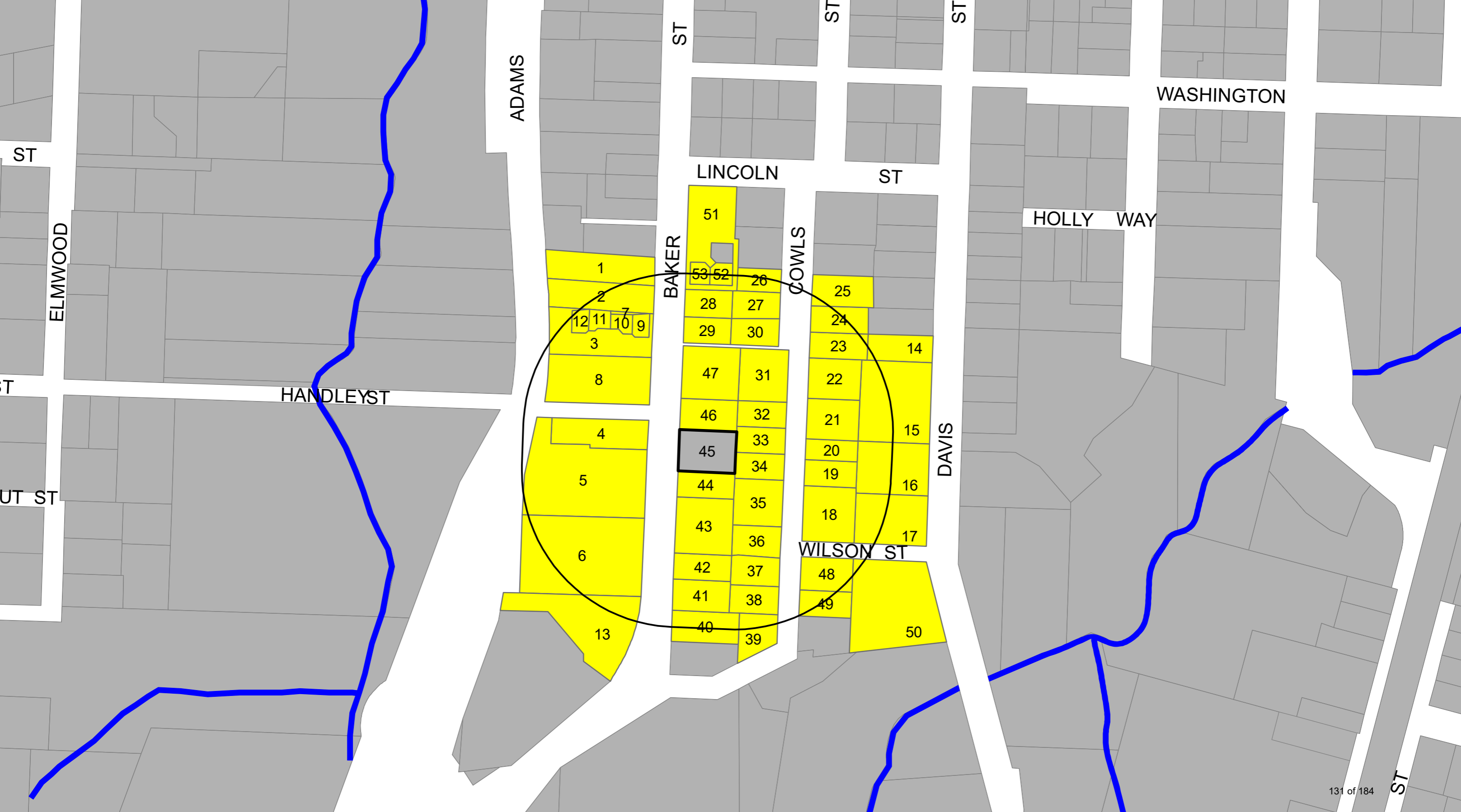


Geographic Information System



90 45 0 90 Feet

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



Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4420DA01800	335 SE BAKER ST	MCMURTRY MATTHEW		335 SE BAKER ST	MCMINNVILLE	OR	97128
2	R4420DA01900	345 SE BAKER ST	SCHASTEEN ENA		345 SE BAKER ST	MCMINNVILLE	OR	97128
3	R4420DA02100	411 SE BAKER ST	OAKLEAF PROPERTIES LLC		19173 SW PEAVINE RD	MCMINNVILLE	OR	97128
4	R4420DA08300	429 SE BAKER ST	BAKERVILLE LLC		2002 PACIFIC AVE	FOREST GROVE	OR	97116
5	R4420DA08400	106 SE HANDLEY ST	ST JAMES CONFERENCE OF THE	ST VINCENT DEPAUL	435 S BAKER ST	MCMINNVILLE	OR	97128
6	R4420DA08500	500 SE ADAMS ST	WOBEL CONNECTIONS LLC		19173 SW PEAVINE RD	MCMINNVILLE	OR	97128
7	R4420DA90000		BLAKE JANETTE I 1/4 &	JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE	OR	97128
8	R4420DA90000		BLAKE JANETTE I 1/4 &	JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE	OR	97128
	R4420DA90001	349 SE BAKER ST	LAUTENBACH JOHN C & MONIKA TRUSTEES FOR	LAUTENBACH LIVING TRUST	1796 NW TROON CT	MCMINNVILLE	OR	97128
10	R4420DA90002	351 SE BAKER ST	TRAN JOSEPH		12521 SE WOODWARD ST	PORTLAND	OR	97236
11	R4420DA90003	353 SE BAKER ST	TIMBERLINE GROUP LLC		1796 NW TROON CT	MCMINNVILLE	OR	97128
12	R4420DA90004	355 SE BAKER ST	BLAKE JANETTE I & CHRISTOPHER A TRUSTEES	BLAKE JANETTE I REVOCABLE LIVING TRUST	13080 SW FOX RIDGE RD	MCMINNVILLE	OR	97128
13	R4420DD00500	527 SE BAKER ST	PARK WEST PROPERTIES INC		12670 SW 68TH SUITE 300	TIGARD	OR	97223
14	R4421CB05700	409 SE DAVIS ST	DOMENICHINI KATHERINE M 1/2 &	GLEN WILLIAM L TRUSTEE FOR	1012 NW OAKWOOD CIRCLE	MCMINNVILLE	OR	97128
15	R4421CB05800	501 SE DAVIS ST	CAPO CLINTON LLC		PO BOX 820190	PORTLAND	OR	97282
16	R4421CB05900	505 SE DAVIS ST	BISCHOFF DONNA M TRUST	BISCHOFF DONNA M TRUSTEE	505 SE DAVIS ST APT 2	MCMINNVILLE	OR	97128
17	R4421CB06000	545 SE DAVIS ST	OAK CREEK RENTALS LLC		3204 NE GRANDHAVEN DR	MCMINNVILLE	OR	97128
18	R4421CB06100	424 SE COWLS ST	SPALDING DAVID G	SPALDING TERESA A	428 NE 3RD ST	MCMINNVILLE	OR	97128
19	R4421CB06300	414 SE COWLS ST	SIMPSON THOMAS E		PO BOX 1205	MCMINNVILLE	OR	97128
20	R4421CB06400	412 SE COWLS ST	GUINNEE COREY G	MCCLELLAN SYLLA G	4935 NE FLANDERS ST	PORTLAND	OR	97213
21	R4421CB06500	408 SE COWLS ST	MCLEAN ANNE	MCLEAN MARTIN	637 SW KECK DR UNIT 216	MCMINNVILLE	OR	97128
	R4421CB06600	404 SE COWLS ST	BRIERLEY SUZY &	WIGHTMAN SALLY	404 SE COWLS ST	MCMINNVILLE	OR	97128
23	R4421CB06700	348 SE COWLS ST	FORD DAN K &	SCARBORO SUZANNE E	348 SE COWLS ST	MCMINNVILLE	OR	97128
24	R4421CB06800	344 SE COWLS ST	COX FAMILY TRUST	COX VIRGINIA J TRUSTEE	18630 S HIGHWAY 99W	AMITY	OR	97101
25	R4421CB06900	342 SE COWLS ST	HEIDER GARY C TRUSTEE &	REDDEN DIANA S TRUSTEE FOR	342 SE COWLS ST	MCMINNVILLE	OR	97128
26	R4421CB07700	333 SE COWLS ST	WELCH NATALIE M	BRADLEY CLARA L	333 SE COWLS ST	MCMINNVILLE	OR	97128
27	R4421CB07800	343 SE COWLS ST	BERRY CHRISTINA D		343 SE COWLS ST	MCMINNVILLE	OR	97128
28	R4421CB07900	340 SE BAKER ST	BURCHAM BRIAN L & CAROLE J		637 SW KECK DR SUITE 214	MCMINNVILLE	OR	97128
29	R4421CB08000	350 SE BAKER ST	YUTZY ELLA		7740 SE BOOTH BEND RD	MCMINNVILLE	OR	97128
30	R4421CB08100	355 SE COWLS ST	DRUSE STEPHEN E & ANNA B		639 NW BIRCH ST	MCMINNVILLE	OR	97128
31	R4421CB08200	367 SE COWLS ST	KOLLASCH KATHLEEN A &	MORGAN SHARON R	367 SE COWLS ST	MCMINNVILLE	OR	97128

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
32	R4421CB08400	389 SE COWLS ST	WADE TIMOTHY W	LUNDGREN CAROLE M	389 SE COWLS ST	MCMINNVILLE	OR	97128
33	R4421CB08500	395 SE COWLS ST	PURKEY JENNIFER L (WROS)	ALLM JAMES M (WROS)	145 WHITE COTTAGE RD	HELENA	AL	35080
34	R4421CB08600	405 SE COWLS ST	SIMPSON EDITH		8980 NE OAK SPRINGS FARM	CARLTON	OR	97111
35	R4421CB08700	421 SE COWLS ST	WHYTE WISWALL TRUST	WISWALL IRVING W JR TRUSTEE	421 SE COWLS ST	MCMINNVILLE	OR	97128
36	R4421CB08800	435 SE COWLS ST	GRANT RANDY R & SUSAN M		435 SE COWLS ST	MCMINNVILLE	OR	97128
37	R4421CB08900	535 SE COWLS ST	WINE COUNTRY PROPERTIES LLC		PO BOX 1707	MCMINNVILLE	OR	97128
38	R4421CB09000	545 SE COWLS ST	DEPPE MATTHEW G	DEPPE BRIELLE N	649 NE 11TH ST	MCMINNVILLE	OR	97128
39	R4421CB09100	547 SE COWLS ST	KUMP KEVIN		660 THE VILLAGE APT 107	REDONDO BEACH	CA	90277
	R4421CB09300	520 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
41	R4421CB09400	510 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
42	R4421CB09500		RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
43	R4421CB09600	448 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
44	R4421CB09700	438 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
46	R4421CB09900	424 SE BAKER ST	WALSH ELIZABETH L		14400 NW BERRY CREEK RD	MCMINNVILLE	OR	97128
47	R4421CB10000	408 SE BAKER ST	P & P PROPERTIES INC		PO BOX 827	MCMINNVILLE	OR	97128
48	R4421CB10100	508 SE COWLS ST	WHITE SHAUN K		508 SE COWLS ST	MCMINNVILLE	OR	97128
49	R4421CB10200	516 SE COWLS ST	BEAM KAARINA J		516 SE COWLS ST	MCMINNVILLE	OR	97128
50	R4421CB10400	360 SE WILSON ST	THE BERRY HOUSE LLC		PO BOX 782	MCMINNVILLE	OR	97128
51	R4421CB90000		WARNER W LAWRENCE &	BARKER GEORGE T ET AL	14400 NW PHEASANT HILL RD	MCMINNVILLE	OR	97128
52	R4421CB90002	320 SE BAKER ST	WALNUT HILL INVESTMENTS LLC		320 SE BAKER ST	MCMINNVILLE	OR	97128
53	R4421CB90003	330 SE BAKER ST	WALNUT HILL INVESTMENTS LLC		320 SE BAKER ST	MCMINNVILLE	OR	97128
Corner	R4421CB09800	436 SE BAKER ST	DREVDAHL TERESA		PO BOX 665	YAMHILL	OR	97148
			JOSEPH STRUNK, ATTORNEY AT LAW	STRUNK LAW	PO BOX 1631	MCMINNVILLE	OR	97128



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **EXHIBIT 5 - STAFF REPORT**

**DATE:** December 16, 2021  
**TO:** Planning Commission  
**FROM:** Adam Tate, Associate Planner  
**SUBJECT:** Public Hearing - VR 3-21 for a Variance on Fence Height for 1936 NE Lafayette Avenue

### **STRATEGIC PRIORITY & GOAL:**



### **GROWTH & DEVELOPMENT CHARACTER**

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

---

### **Report in Brief:**

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a variance on fence height for a 4.6-acre lot at 1936 NE Lafayette Avenue (Tax Lot R4415 01900). The applicant is requesting a variance from the seven-foot height limitation to ten feet for security fencing.

The Planning Commission will make a final decision on the application. A final decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180 of the Zoning Ordinance. The Planning Commission hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on October 20, 2021.

### **Background:**

The subject property is a 4.6-acre lot at 1936 NE Lafayette Avenue between NE Orchard Avenue on the South and 20<sup>th</sup> Street to the North which serves as the school bus yard/storage and maintenance area for McMinnville School District run by First Student.

The subject property and surrounding properties are zoned M-2 General Industrial. Industrial uses dominate the area, though the site is adjacent to one commercial property zoned C-3. The site is along the railroad which borders the Eastern edge of the lot.

The variance would authorize an exemption Section 17.54.090, *Fences*, Title 17, *Zoning Ordinance*, of the McMinnville Municipal Code which limits fence heights to seven feet per the following:

“A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.”

The applicant has provided documentation of why this property merits such an exemption in order to properly secure the school bus yard. The property is currently surrounded by a 5-foot-tall chain link fence topped by some barbed wire which brings the total height to between 6 and 7-feet. The applicant alleges that this is inadequate security for such a large lot with such high value assets, especially where it borders the railroad tracks which provides easy access for trespassers with criminal intent of theft and/or vandalism.

“The unnecessary hardship avoided by granting this variance is the threat of dangerous criminal activity. The size and nature of a fleet of school busses makes it impossible to store them indoors. Protecting the safety and security of dozens of employees and ensuring several thousands of dollars’ worth of highly desirable business assets are not at risk of theft or vandalism.”

The applicant proposes a second, security fence to be inset one foot from the existing perimeter fence. This new fence will be, “a 10-foot tall, suspended wire security alarm system behind the existing perimeter fence. With a 12-volt DC battery-operated, pulsed low voltage system, independent of the main power grid.”

The applicant asks for a variance to exceed the 7-foot height limit because, “the current perimeter fence is between 6-7 ft tall. If the Amarak system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent, but deter crime and trespass.

The applicant has also demonstrated the proposal wouldn’t create a visual obstruction for the zone; “The security system is nearly invisible by design and will not negatively impact the desired aesthetics of the area. The system is safety tested and certified and can in no way medically harm a person or animal that touches it.”

The proposal is not in conflict with goals and policies of the Comprehensive Plan.

### **Public Comments**

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

### **Agency Comments**

Notice of the proposed application was sent to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. All had no comments or concerns except for the Building Department and the City Attorney which made the following statements.

Building Dept: No building permit necessary but they will need to work directly with Yamhill County on any necessary electrical permitting. <https://www.co.yamhill.or.us/content/electrical-permits>

City Attorney: Q: Is the system/fence fully contained within the person’s property? A: Yes  
Reply: Okay great. I have no further questions or issues with the application.

---

### **Attachments:**

Attachment A: VR 1-19 Decision Document

**Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **APPROVE** of the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

**Staff Recommendation:**

Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence or findings to the contrary presented during the hearing, staff finds that, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application.

**Suggested Motions:**

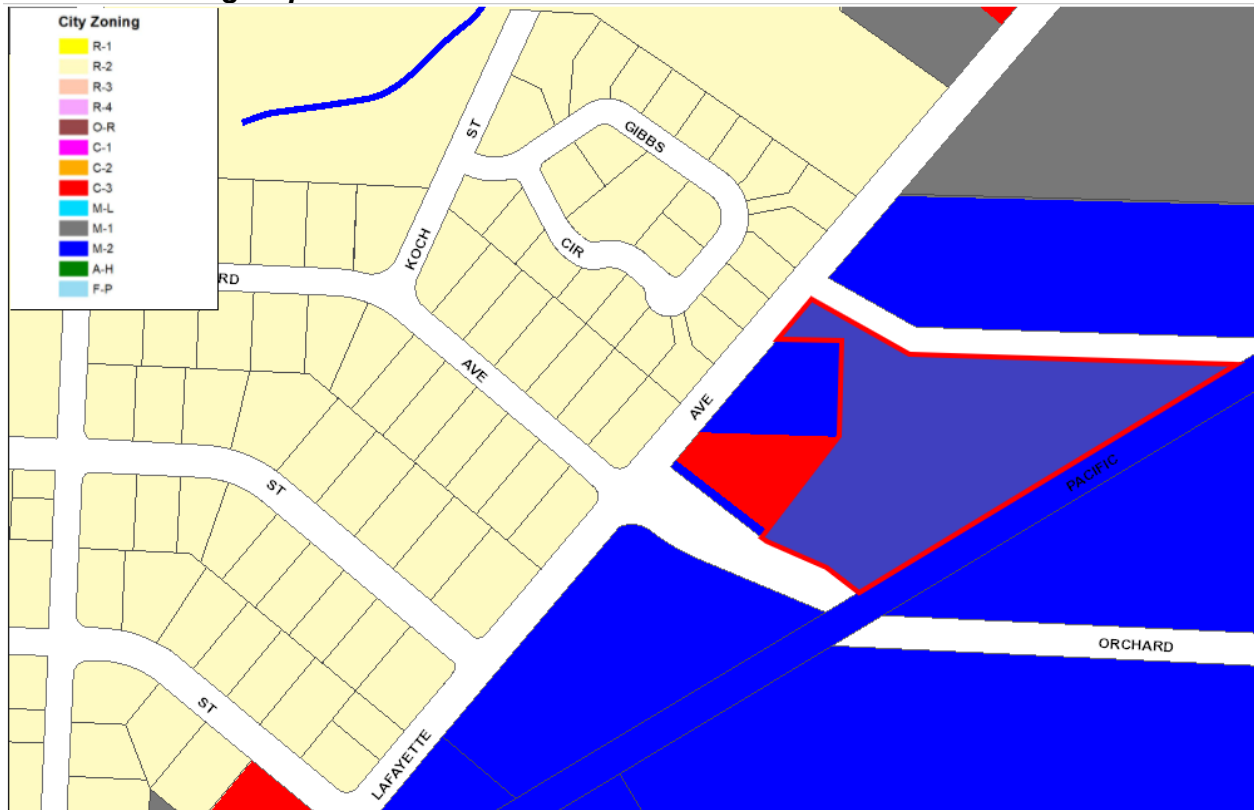
**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE VARIANCE APPLICATION VR 3-21.**



**Exhibit 1. Vicinity Map & Aerial Photo**



**Exhibit 2. Zoning Map**





**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A VARIANCE TO ALLOW A 10-FOOT TALL PERIMETER “SUSPENDED WIRE SECUTIRY ALARM SYSTEM” ELECTRIC FENCE AT 1936 NE LAFAYETTE AVENUE**

- DOCKET:** VR 3-21 (Variance)
- REQUEST:** Application for a variance to allow a fence taller than 6-feet in order to properly secure the property.
- LOCATION:** 1936 NE Lafayette Avenue. Tax Lot R4415 01900
- ZONING:** M-2 (General Industrial Zone)
- APPLICANT:** Nicole Wojtkiewicz and Danielle Hufford, on behalf of property owners Lee Larson Properties LLC, c/o Dave Kiersey/Kiersey & McMillan.
- STAFF:** Adam Tate, Associate Planner / Tom Schauer, Senior Planner
- DATE DEEMED COMPLETE:** October 20, 2021
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission’s decision is appealed to the City Council.
- HEARING DATE & LOCATION:** December 16, 2021 at 6:30 PM. Zoom Online Meeting  
<https://mcminnvilleoregon.zoom.us/j/92712511996?pwd=Z2ZXUXFsVHV1WkpzYjZlYjJrd20xUT09>  
ID 856 3179 4745 Passcode 286067
- PROCEDURE:** An application for a variance is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a variance for a fence over 6 feet tall are provided as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.74.100. Variance – Planning Commission Authority; MMC Section 17.74.100. Conditions for Granting Variance; MMC Section 17.54 (Fences); Chapter 17.42 (M-2 General Industrial Zone); Title 8, Chapter 8.10 (Public Nuisances): Section

8.10.210 (Electric Fences). In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

**APPEAL:**                **The Planning Commission’s decision is final unless appealed to the City Council.** Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

If the Planning Commission’s decision is appealed to City Council, the City Council’s final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

**COMMENTS:**                This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas.

**DECISION**

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied and **APPROVES** the variance (VR 3-21).

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director

## **I. APPLICATION SUMMARY & BACKGROUND:**

### ***Subject Property & Request***

The subject property is a 4.6-acre lot located at 1936 NE Lafayette Avenue between NE Orchard Avenue and 20<sup>th</sup> Street and the railroad to the East. It is more specifically described as Tax Lot R4415 01900. The property is zoned M-2 (General Industrial Zone) and serves as a parking/storage/maintenance area for school buses for McMinnville School District. The property shares an access easement for a sanitary mainline with a C-3 lot to the West. The area is surrounded by an existing chain link fence that is 5-feet tall topped by some barbed wire. The applicant claims this existing fence is not a sufficient deterrent to trespassers who easily gain access to the property along the border with the railroad track. Applicant proposes a new fence, inset one foot from the existing fence. The new fence will be, “a 10-foot tall, suspended wire security alarm system behind the existing perimeter fence. With a 12-volt DC battery-operated, pulsed low voltage system, independent of the main power grid.”

Section 17.54.090, *Fences*, Title 17, *Zoning Ordinance*, of the McMinnville Municipal Code limits fence heights to seven feet per the following:

“A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.”

Additionally, Section 8.10.210, *Electric Fences*, Title 8, *Health and Safety*, states.

“A person in charge of premises must not permit, allow or cause to exist an electric fence: 1. Along any sidewalk or public way abutting the premises; or 2. Along the boundary of any real property abutting the premises.”

The applicant’s request is for a variance to Section 17.54.090 of the McMinnville Municipal Code allowing an electrical fence ten-feet tall inset one foot from the perimeter of the lot in order to safeguard the property from trespass and vandalism. This will relieve a stated undue hardship on the property owner.

Title 8, Chapter 8.10.210, *Electric Fences* has been determined to not be relevant to this variance request as the proposed electric fence will not be installed along a sidewalk, public right of way or actual property boundary as it will be inset one foot from the existing chain-link fence on the property line.

The applicant proposes that the variance is appropriate under the applicable criteria because the variance is necessary for the preservation of a property right of the owners of the property to ensure the safety of McMinnville School Districts school busses and related equipment from theft and vandalism, which the new fence will prevent, whereas the current fence is not enough of a deterrent.

---

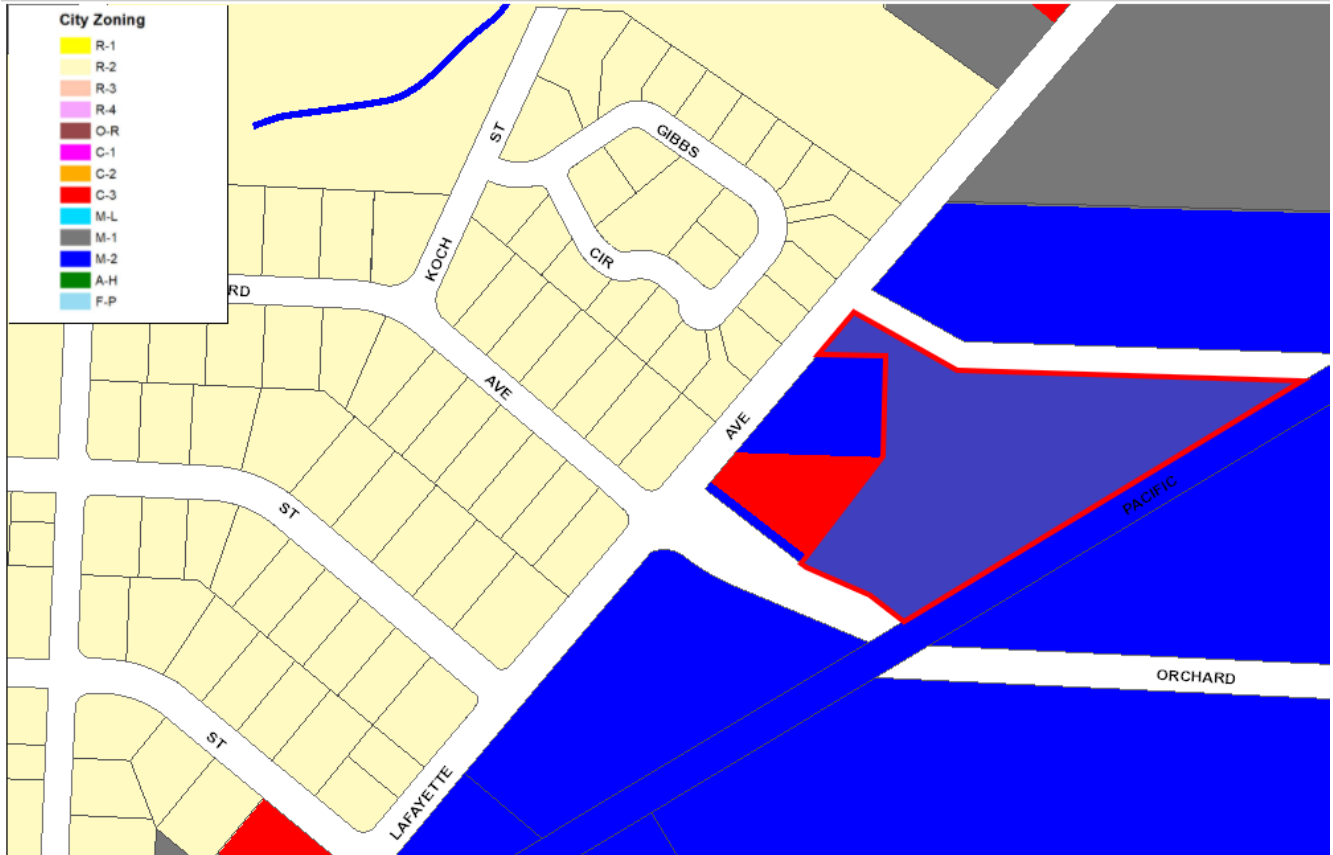
#### *Attachments:*

Attachment 1 – Application and Attachments

**Exhibit 1. Vicinity Map & Aerial Photo**



**Exhibit 2. Zoning Map**



**Attachments:**

Attachment 1 – Application and Attachments

## **Summary of Criteria**

The applicable criteria for a variance for a fence over six feet tall are as follows:

- **Comprehensive Plan:** The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
  - MMC Section 17.54.90. Fences
  - MMC Section 17.74.100. Variance – Planning Commission Authority;
  - MMC Section 17.74.110. Conditions for Granting Variance;

## **Interpreting the Variance Criteria**

Some communities have variance criteria that serve strictly as a “relief valve” in the event a land use regulation would preclude all reasonable use of a property when the regulation is applied to a property that has unique characteristics that don’t generally apply to other properties subject to the same regulations. As a result, application of a standard to a specific property could result in a regulatory taking absent a variance process to allow reasonable use of the property. With such variance criteria, the bar to address the criteria is very high.

Other communities have less restrictive variance criteria which are intended to provide for equity; those criteria are intended to provide for reasonable use and development of a property for intended uses, where there is a unique circumstance associated with the property. Such criteria typically provide for a comparison of the subject property to other similarly situated properties to allow for an adjustment to a general standard which isn’t tailored to each unique situation that might arise on a property, where strict application of a standard might be unreasonable in a specific context. Often, this relates to unique size, shape, or topography of a property. In short, a limited variance to such a standard would allow for development with certain reasonable expectations about the use and development that are customary for the enjoyment of the property for intended uses.

The variance criteria in the McMinnville Zoning Ordinance include a comparison to other properties “in the same zone or vicinity.” Therefore, the intent of the variance provisions of the McMinnville Zoning Ordinance are more consistent with the latter philosophy.

In either case, the unique situation associated with a property that creates the need for a variance shouldn’t be a self-created hardship and shouldn’t confer an additional special right to the property that isn’t available to other properties (or wouldn’t be available to another property with similar unique circumstances through a comparable variance application). Further, a variance shouldn’t typically substitute for a legislative change that may be needed. For example, if a standard is always varied upon request no matter the context, then it would be more appropriate to change the standard, so a variance isn’t required. Otherwise, the standard wouldn’t appear to serve a valid public purpose or appropriately implement policy if it is routinely varied.

---

### *Attachments:*

Attachment 1 – Application and Attachments

**II. CONDITIONS:**

Not Applicable.

**III. ATTACHMENTS:**

A. VR 3-21 Application and Attachments

**IV. COMMENTS:****Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, and Northwest Natural Gas. The following comments have been received:

- City Attorney

Q: Is the system/fence fully contained within the person's property? A: Yes

Reply: Okay great. I have no further questions or issues with the application.

- Comcast

After review, I don't see any conflicts with this project. All of our plant is on NE Lafayette Ave.

- McMinnville Building Division

No building permit necessary but they will need to work directly with Yamhill County on any necessary electrical permitting. <https://www.co.yamhill.or.us/content/electrical-permits>

- McMinnville Engineering Department

No comments.

- McMinnville Water & Light

Water: No comments/issues

Light: No comments/issues

**Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was provided in the News Register on Tuesday, December 7, 2021. Other than the testimony provided by the applicant, no other public testimony was provided.

---

**Attachments:**

Attachment 1 – Application and Attachments

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicants, Nicole Wojtkiewicz and Danielle Hufford, on behalf of property owners Lee Larson Properties LLC, c/o Dave Kiersey/Kiersey & McMillan, submitted the application on September 20, 2021.
2. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on August 25, 2021.
3. The application was deemed complete on October 20, 2021.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from public agencies are addressed in the Decision Document.
5. Notice of the application and December 16, 2021, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on November 24, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and December 16, 2021, Planning Commission public hearing was published in the News Register on Tuesday, December 7, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the issuance of this document.

7. On December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

**VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 1936 NE Lafayette Avenue, Tax Lot R4415 01900
2. **Lot Size:** 4.6 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-2 (General Industrial Zone)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Facility for the storage and maintenance of McMinnville School District's school bus fleet.
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None Identified

---

***Attachments:***

Attachment 1 – Application and Attachments



8. **Other Features:** The site is generally level with no significant features.
9. **Utilities:**
  - a. **Water:** The site is served by McMinnville Water & Light
  - b. **Sewer:** The site is served by a sewer main on NE Lafayette Avenue
  - c. **Stormwater:** Unknown
  - d. **Other Services:** Unknown
10. **Transportation:** Lafayette Avenue is classified as Minor Arterial in the 2010 McMinnville Transportation System Plan. It has a 90-foot right of way, and a 46-foot curb-to-curb width. Orchard Avenue and 20<sup>th</sup> Street are classified as Local Streets: with a right of way of 50-feet and a curb-to-curb width of 28 feet. Access to the site is from both Orchard Avenue and 20<sup>th</sup> Street.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a variance to fence requirements are as follows:

- **Comprehensive Plan:** The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
  - MMC Section 17.74.100. Variance – Planning Commission Authority
  - MMC Section 17.74.100. Conditions for Granting Variance

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

## **CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

### **GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on*

*Attachments:*

Attachment 1 – Application and Attachments

*planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The process for a Variance provides an opportunity for citizen involvement through the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission’s review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

- 17.54.090 Fences
- 17.42.100 Variance – Planning Commission Authority
- 17.74.110. Conditions for Granting Variance

### **Section 17.54.090 Fences**

- A. A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.

**APPLICANT’S RESPONSE:** This site is abutted by a railroad on the Southeast side of the property. There are many places along the perimeter where trespassers with criminal intent gain access to the property. The storage lot area is 1,907 linear feet in perimeter making it impossible for security officers or local police to constantly, effectively manage the entire lot.

The right to protect the safety and wellbeing of staff and employees and the right to protect buildings and company assets from threat of vandalism and theft, meaning first student can continue to operate and serve children and families in the City of McMinnville.

The unnecessary hardship avoided by granting this variance is the threat of dangerous criminal activity. The size and nature of a fleet of school busses makes it impossible to store them indoors. Protecting the safety and security of dozens of employees and ensuring several thousands of dollars’ worth of highly desirable business assets are not at risk of theft or vandalism.

The security system is nearly invisible by design and will not negatively impact the desired aesthetics of the area. The system is safety tested and certified and can in no way medically harm a person or animal that touches it.

The current perimeter fence is between 6-7 ft tall. If the Amarok system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent, but deter crime and trespass.

**FINDING: SATISFIED.** The Planning Commission concurs that the applicant has successfully made their case for a new security fence over 6-feet in height in order to adequately secure the school bus lot.

---

#### *Attachments:*

Attachment 1 – Application and Attachments

**Section 17.74.100. Variance – Planning Commission Authority**

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

***“Owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship.”***

**APPLICANT’S RESPONSE:** The unnecessary hardship avoided by granting this variance is the threat of dangerous criminal activity. The size and nature of a fleet of school busses makes it impossible to store them indoors. Protecting the safety and security of dozens of employees and ensuring several thousands of dollars’ worth of highly desirable business assets are not at risk of theft or vandalism.

This site is abutted by a railroad on the Southeast side of the property. There are many places along the perimeter where trespassers with criminal intent gain access to the property. The storage lot area is 1,907 linear feet in perimeter making it impossible for security officers or local police to constantly, effectively manage the entire lot.

**FINDING: SATISFIED.** The Planning Commission concurs that the unusual size and layout of the lot acts as an undue hardship for the property owner and that the proposed variance can serve as a potential remedy to this situation.

***“No variance shall be granted to allow the use of property for a purpose not authorized within the zone.”***

**APPLICANT’S RESPONSE:** (N/A)

**FINDING: SATISFIED.** The subject site is developed with an allowed use in the M-2 zone. The variance would not change the existing use on the parcel.

***“In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.”***

**APPLICANT’S RESPONSE:** (N/A)

**FINDING: NOT APPLICABLE.**

**17.74.110. Conditions for Granting Variance**

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control.

---

*Attachments:*

Attachment 1 – Application and Attachments

**APPLICANT’S RESPONSE:** This site is abutted by a railroad on the Southeast side of the property. There are many places along the perimeter where trespassers with criminal intent gain access to the property. The storage lot area is 1,907 linear feet in perimeter making it impossible for security officers or local police to constantly, effectively manage the entire lot.

The current perimeter fence is between 6-7 ft tall. If the Amarak system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent, but deter crime and trespass.

**FINDING: SATISFIED.** The Planning Commission concurs that the applicant successfully demonstrates that the large lot size and inadequate, existing chain-link fence makes securing the site difficult. The addition of the new fence will remedy this issue.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

**APPLICANT’S RESPONSE:** The right to protect the safety and wellbeing of staff and employees and the right to protect buildings and company assets from threat of vandalism and theft, meaning first student can continue to operate and serve children and families in the City of McMinnville.

The current perimeter fence is between 6-7 ft tall. If the Amarak system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent but deter crime and trespass.

See attached photo below.



**FINDING: SATISFIED.** The Planning Commission concurs that the applicant successfully demonstrates that the existing infrastructure is inadequate for protecting the safety and wellbeing of staff, employees, and assets (EG: school busses) and that the new fence will help secure that property right.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

**APPLICANT’S RESPONSE:** The security system is nearly invisible by design and will not negatively impact the desired aesthetics of the area. The system is safety tested and certified and can in no way medically harm a person or animal that touches it.

I have also attached actual photos of our installations. As you can see, they are difficult to even spot from just a few feet away. Visually, the security system is an imposing adversary when approached by a would-be criminal, but the security system is nearly invisible from the street and is of completely open design, keeping in harmony with the general purpose of the zoning ordinance and all regulations.

See attached photo below.

## AESTHETICS



AMAROK Proprietary & Confidential. All rights reserved.



**FINDING: SATISFIED.** The Planning Commission concurs that the variance would not be detrimental to the surrounding area because it would not change the existing use of the site, or the intensity of the use. The fence will be set inside of the existing chain-link fence and will not hinder the view in or out.

D. The variance requested is the minimum variance which would alleviate the hardship.

**APPLICANT’S RESPONSE:** The variance is the minimum necessary to alleviate the hardship because cameras simply record crime and do not prevent it, chain-link fencing has proven time after time to be ineffective and is easily cut or scaled over completely, and security guards are unreliable and often complicit in property crimes. The Amarok security system is the most reliable, economical, and safest security application on the market today.

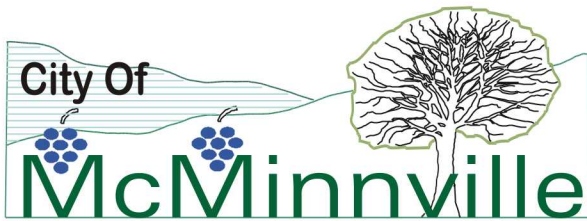
The current perimeter fence is between 6-7 ft tall. If the Amarok system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent, but deter crime and trespass.

**FINDING: SATISFIED.** The Planning Commission concurs with the applicant’s finding that the additional security fence is the best solution to the problem of adequately securing the lot.

AT

*Attachments:*

Attachment 1 – Application and Attachments

**Planning Department**

231 NE Fifth Street ◦ McMinnville, OR 97128  
 (503) 434-7311 Office ◦ (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Office Use Only:**File No. VR 3-21Date Received 9/20/21Fee \$2149.25

Receipt No. \_\_\_\_\_

Received by sjs

## Zoning Variance Application

### Applicant Information

**Applicant is:**  Property Owner  Contract Buyer  Option Holder  Agent  Other contractor

Applicant Name Nicole Wojtkiewicz Phone 803-413-4082

Contact Name SAME AS ABOVE Phone \_\_\_\_\_  
*(If different than above)*

Address 550 ASSEMBLY STREET 5TH FLOOR

City, State, Zip COLUMBIA SC 29201

Contact Email nwojtkiewicz@AMAROK.COM

### Property Owner Information

Property Owner Name LEE LARSON PROPERTIES LLC Phone \_\_\_\_\_  
*(If different than above)*

Contact Name C/O DAVE KIERSEY/KIERSEY & MCMILLAN Phone \_\_\_\_\_

Address PO BOX 1696

City, State, Zip BEAVERTON OR 97075

Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128

Assessor Map No. R4415 01900 - - Total Site Area \_\_\_\_\_

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation \_\_\_\_\_ Zoning Designation M-2

Please indicate the type of variance requested:

- Lot Size Requirement \_\_\_\_\_ Reduction to \_\_\_\_\_  
 Setback – Front, Rear, Side Requirement \_\_\_\_\_ Reduction to \_\_\_\_\_  
 Other FENCE OVER 7' TALL

1. Describe the nature of the request in detail: \_\_\_\_\_

INSTALLATION OF A 10' TALL SUSPENDED WIRE SECURITY ALARM SYSTEM BEHIND EXISTING PERIMETER FENCE. 12V/DC BATTERY OPERATED, PULSED LOW VOLTAGE, INDEPENDENT OF MAIN POWER GRID. 1907 LINEAR FEET TOTAL.

2. What exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control? \_\_\_\_\_

THIS SITE IS ABUTTED BY A RAIL ROAD ON THE SOUTHEAST SIDE OF THE PROPERTY. THERE ARE MANY PLACES ALONG THE PERIMETER WHERE TRESPASSERS WITH CRIMINAL INTENT GAIN ACCESS TO THE PROPERTY. THE STORAGE LOT AREA IS 1907 LINEAR FEET IN PERIMETER MAKING IT IMPOSSIBLE FOR SECURITY OFFICERS OR LOCAL POLICE TO CONSTANTLY, EFFECTIVELY MONITOR THE ENTIRE LOT.

3. What property right would be preserved by granting the variance? \_\_\_\_\_

THE RIGHT TO PROTECT THE SAFETY AND WELL-BEING OF STAFF AND EMPLOYEES AND THE RIGHT TO PROTECT BUILDINGS AND COMPANY ASSETS FROM THREAT OF VANDALISM AND THEFT, MEANING FIRST STUDENT CAN CONTINUE TO OPERATE AND SERVE CHILDREN AND FAMILIES IN THE CITY OF MCMINNVILLE.

4. What unnecessary hardship would be avoided by granting the variance? \_\_\_\_\_

THE UNNECESSARY HARDSHIP AVOIDED BY GRANTING THIS VARIANCE IS THE THREAT OF DANGEROUS CRIMINAL ACTIVITY. THE SIZE AND NATURE OF A FLEET OF SCHOOL BUSES MAKES IT IMPOSSIBLE TO STORE THEM INDOORS. PROTECTING THE SAFETY AND SECURITY OF DOZENS OF EMPLOYEES, AND ENSURING SEVERAL THOUSANDS OF DOLLARS' WORTH OF HIGHLY DESIRABLE BUSINESS ASSETS ARE NOT AT RISK OF THEFT OR VANDALISM.

5. Why won't this request be detrimental to the surrounding area? \_\_\_\_\_

THE SECURITY SYSTEM NEARLY INVISIBLE BY DESIGN AND WILL NOT NEGATIVELY IMPACT THE DESIRED AESTHETICS OF THE AREA. THE SYSTEM IS SAFETY TESTED AND CERTIFIED AND CAN IN NO WAY MEDICALLY HARM A PERSON OR ANIMAL THAT TOUCHES IT.



6. Please explain how this would be the minimum variance necessary to alleviate the hardship? \_\_\_\_\_

THE VARIANCE IS THE MINIMUM NECESSARY TO ALLEVIATE THE HARDSHIP  
BECAUSE CAMERAS SIMPLY RECORD CRIME AND DO NOT PREVENT IT, CHAIN LINK  
FENCING HAS PROVEN TIME AFTER TIME TO BE INEFFECTIVE AND IS EASILY CUT OR  
SCALED OVER COMPLETELY, AND SECURITY GUARDS ARE UNRELIABLE AND OFTEN  
COMPLICIT IN PROPERTY CRIMES. THE AMAROK SECURITY SYSTEM IS THE MOST  
RELIABLE, ECONOMICAL, AND SAFEST SECURITY APPLICATION ON THE MARKET  
TODAY.

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

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

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.



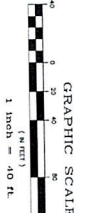
\_\_\_\_\_  
Applicant's Signature

3/25/2021  
Date



\_\_\_\_\_  
Property Owner's Signature

3/20/21  
Date



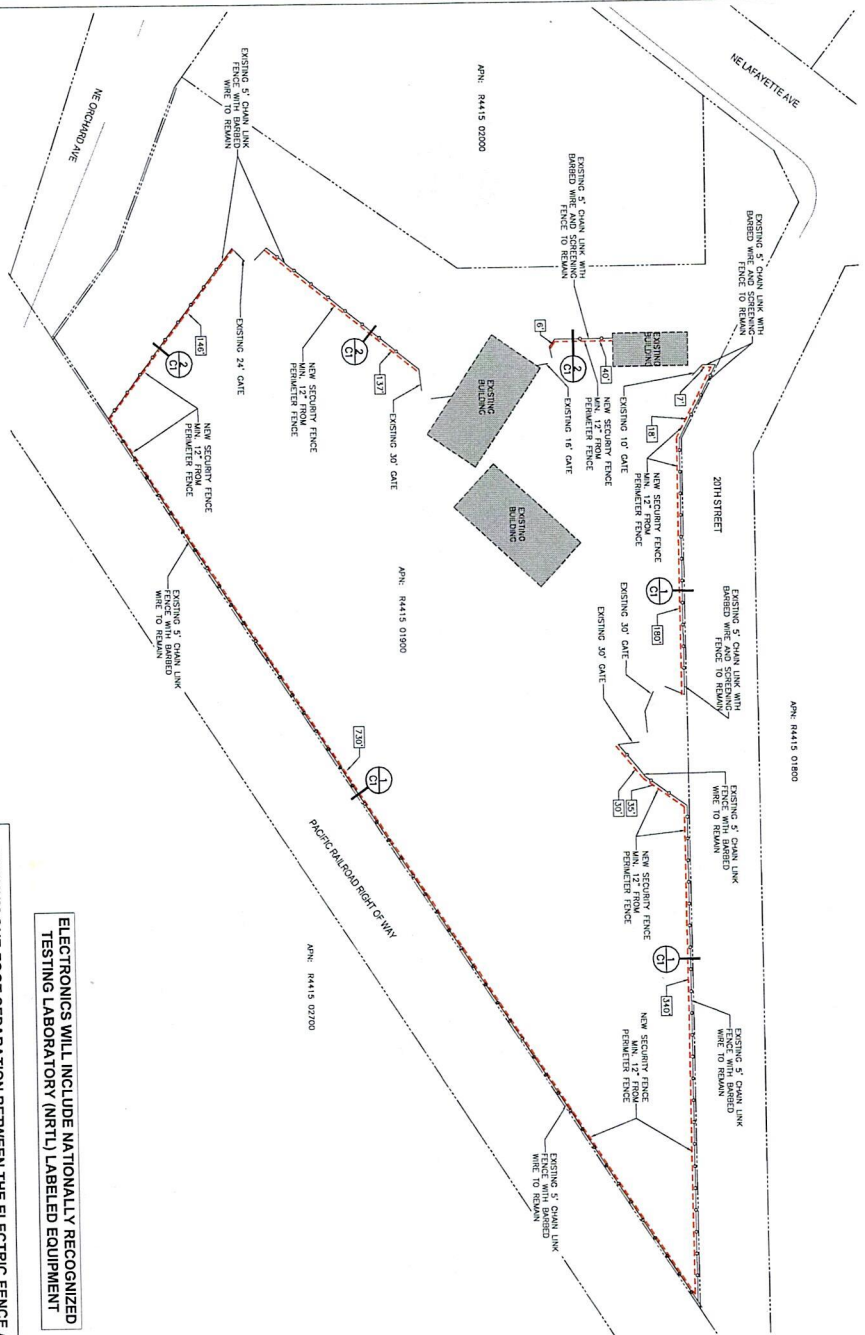
## SITE PLAN

### REQUEST TO AUTHORIZE A SECURITY SYSTEM FOR: FIRST STUDENT 1936 NE LAFAYETTE AVE McMinnville, OR 97128

PROJECT DATA	
APN:	R4415 0180
ACREAGE:	4.60 ACRES
ZONING:	M2

LEGEND	
	PROPERTY LINE
	EASEMENT
	PROPOSED SECURITY SYSTEM
	EXISTING SECURITY SYSTEM
	CHAIN LINK FENCE
	BARBED WIRE FENCE
	GATE
	EASEMENT
	UTILITY

DATE / DESCRIPTION

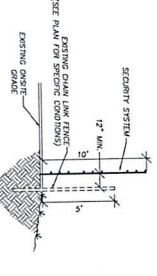


**SITE PLAN**  
SCALE: 1" = 40'-0"

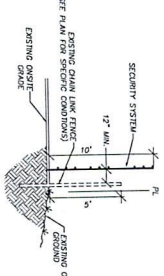
**MINIMUM ONE-FOOT SEPARATION BETWEEN THE ELECTRIC FENCE AND THE SURROUNDING NON-ELECTRIC FENCE. CLEARLY POST WITH WARNING SIGNS IN ENGLISH AND SPANISH NOTIFYING PERSONS OF A DANGEROUS FENCE. THE SIGNS SHOULD INCLUDE THE STATEMENT, "DANGER - ELECTRIC FENCE," OR AND EQUIVALENT, TOGETHER WITH A PICTORIAL WARNING. THE SIGNS SHOULD BE POSTED AT AN INTERVAL OF NOT MORE THAN 60 FEET.**

**ELECTRONICS WILL INCLUDE NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) LABELED EQUIPMENT**

**EXISTING PERIMETER FENCE SECTION**  
SCALE: NTS



**EXISTING PERIMETER FENCE SECTION**  
SCALE: NTS



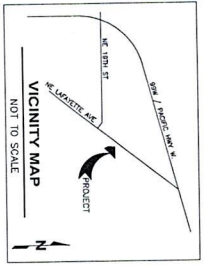
**NOTES**

1. CONFORMANCE WITH ALL REQUIREMENTS IN 800.00031 (SEE 800.00031) AN MINIMUM ONE FOOT SEPARATION SHALL BE MAINTAINED BETWEEN THE ELECTRIC FENCE AND THE SURROUNDING NON-ELECTRIC FENCE OR WALL.

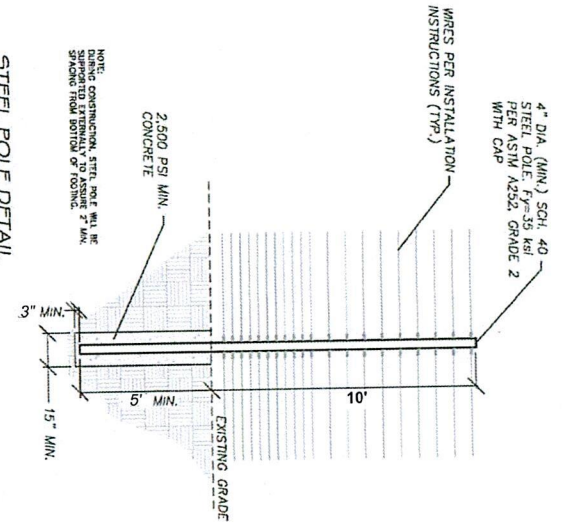
2. STEEL POSTS TO BE LOCATED APPROPRIATELY ON EACH SIDE OF GATES. 1 EMBLEM OR APPROXIMATELY EVERY 30 FEET.

3. DISCLAIMER: THIS PLAN SECURITY SEPARATE FROM SPECIFICATIONS AND DUE TO ON SITE POSITIONING.

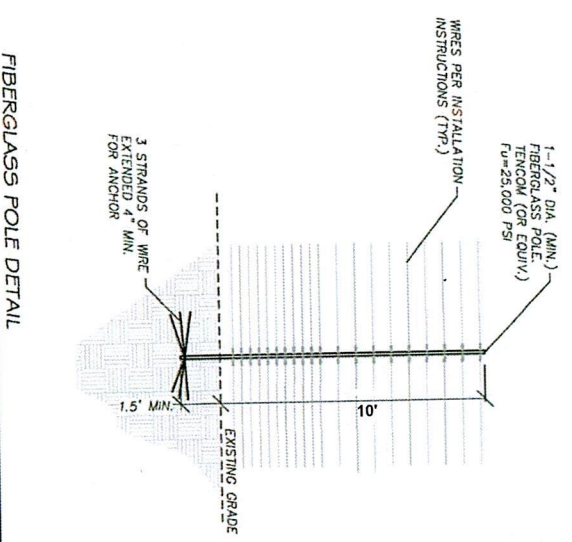
4. NO STORM DRAINAGE BEING PROPOSED AS PART OF THIS PROJECT.



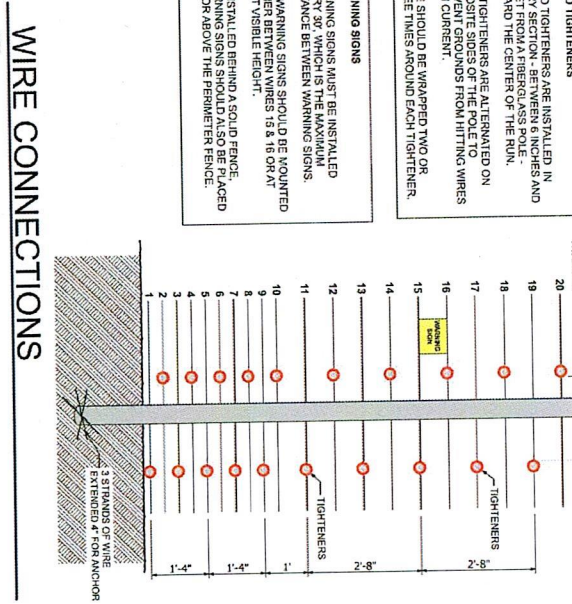
SHEET <b>C1</b> of 3	PROJECT: <b>FIRST STUDENT 1936 NE LAFAYETTE AVE McMinnville, OR 97128</b>
	SHEET TITLE: <b>SITE PLAN</b>



STEEL POLE DETAIL  
N.T.S.



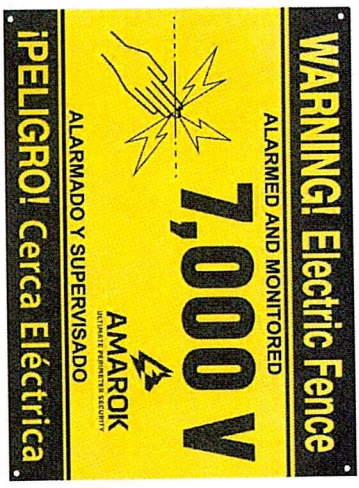
FIBERGLASS POLE DETAIL  
N.T.S.  
(NON-STRUCTURAL, NON-LOADBEARING,  
WIRE SEPARATOR)



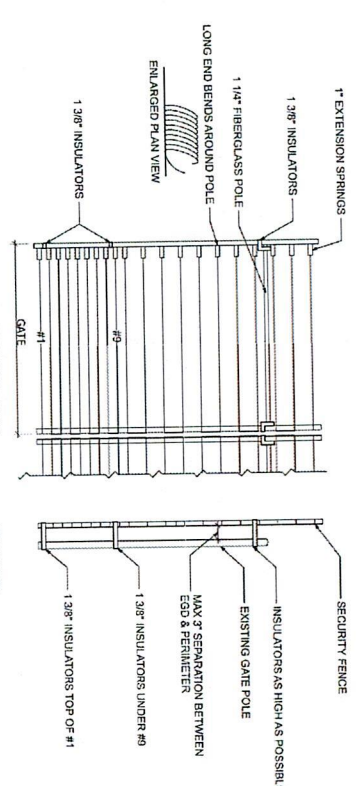
WIRE CONNECTIONS  
N.T.S.

**RAPID TIGHTENERS**  
RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION - BETWEEN 6 INCHES AND 3 FEET FROM A FIBERGLASS POLE - TOWARD THE CENTER OF THE RUN. THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT.  
WIRE SHOULD BE WRAPPED TWO OR THREE TIMES AROUND EACH TIGHTENER.

**WARNING SIGNS**  
WARNING SIGNS MUST BE INSTALLED EVERY 30 FEET OR LESS. THE MINIMUM DISTANCE BETWEEN WARNING SIGNS, ALL WARNING SIGNS SHOULD BE MOUNTED EITHER BETWEEN WIRES 15 & 16 OR AT BEST VISIBLE HEIGHT.  
IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.

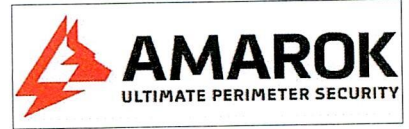


WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE OF THE PROPERTY AND 30 FEET ON CENTER THEREAFTER  
EXAMPLE WARNING SIGNS @ 12"x9"  
N.T.S.



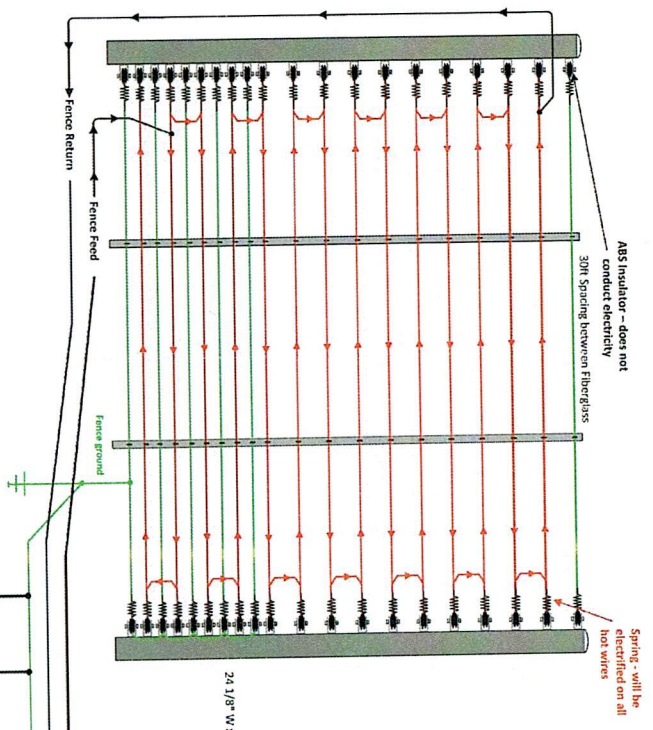
- NOTES:**
- INSULATORS ARE LOCATED ON TOP OF #1 UNDER #9 TO AS HIGH ON THE GATE AS POSSIBLE.
  - ALL CONTACTS MUST INCLUDE SPRINGS.
  - ALL CONTACTS MUST INCLUDE SPRINGS.
  - ALL BRACE BANDS HOOKED TO CHAIN LINK MUST HAVE SET SCREWS.
  - EVERY GATE PANEL MUST IMPACT THE FUNCTIONALITY OF THE GATE.
  - EVERY GATE PANEL MUST IMPACT THE FUNCTIONALITY OF THE GATE.
  - EVERY GATE PANEL MUST IMPACT THE FUNCTIONALITY OF THE GATE.

GATE DETAIL  
N.T.S.



PROJECT: FIRST STUDENT 1936 NE LAFAYETTE AVE MCMINNVILLE, OR 97128	SHEET TITLE: TYPICAL DETAILS
DATE: MAR 12, 2021	SCALE: SEE PLAN
SHEET <b>C2</b>	10 of 3

# WIRE RUN DETAILS & OUTSIDE MOUNTED ELECTRONICS/CONTROLLER WITH/STEEL POLE DETAIL



**CONNECTION NOTES:**

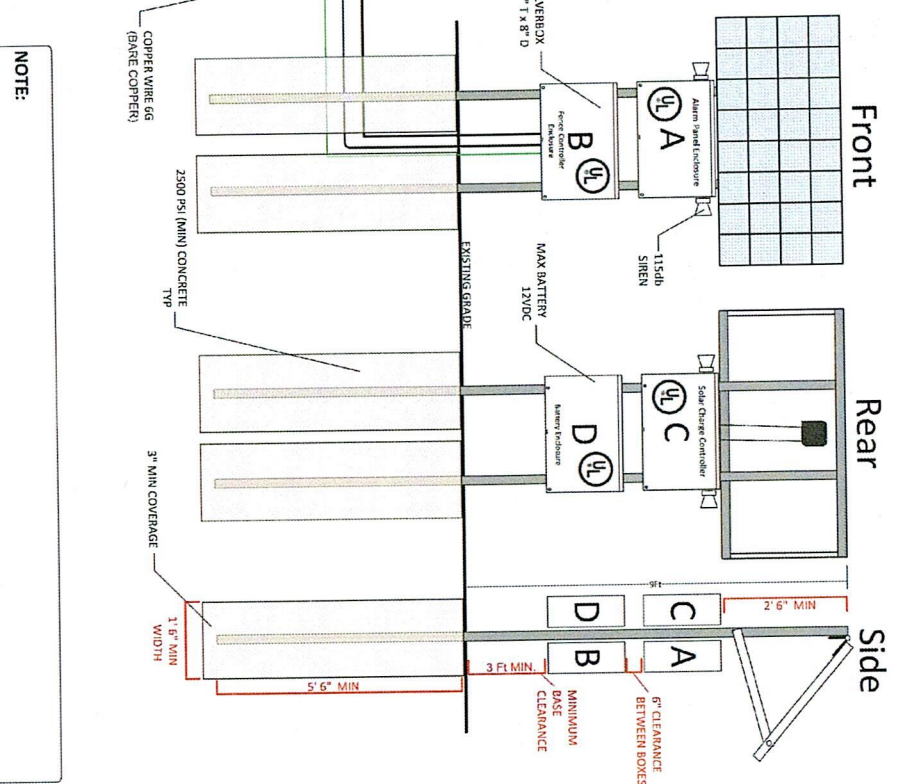
A. ALARM PANEL ENCLOSURE - HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO 'B' /ENERGIZER ENCLOSURE USING THE ABS WHIP/10 CONDUCTOR AND 'C'/'SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. (MAX ENCLOSURE WEIGHT 21LBS)

B. FENCE CONTROLLER ENCLOSURE - HOUSES THE APS FENCE ENERGIZER OR EQUIVALENT - THIS BOX INTERCONNECTS TO 'A'/'ALARM PANEL ENCLOSURE USING THE ABS WHIP/10 CONDUCTOR CABLE. (MAX ENCLOSURE WEIGHT 22LBS)

C. SOLAR CHARGE CONTROLLER ENCLOSURE - POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR EACH SOLAR, BATTERY & LOAD CONNECTIONS. POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER. THE ELECTRONICS POWER IS CONTROLLED BY THE LOAD BREAKER. (MAX ENCLOSURE WEIGHT 25LBS)

D. BATTERY ENCLOSURE - THIS ENCLOSURE INTERCONNECTS TO THE 'C'/'SOLAR CHARGE CONTROLLER ENCLOSURE USING 2 CONDUCTOR 14G AND 10G THWN. (MAX ENCLOSURE WEIGHT 52LBS)

BATTERY WILL NOT EXCEED 70 KWH



**NOTE:**

MOUNT 4 SILVER BOXES TO A PAIR OF 4"x4"x180 GALVANIZED ASTM A500 STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM 2 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE IMBEDDED AT **MINIMUM 5'-6"** BELOW GROUND LEVEL.

	DATE / DESCRIPTION _____ _____
	PROJECT: <b>FIRST STUDENT</b> 1936 NE LAFAYETTE AVE MCMINNVILLE, OR 97128 SHEET TITLE: <b>TYPICAL DETAILS</b>
SCALE: SEE PLAN DATE: MAR-12, 2021	SHEET: <b>C3</b> OF 3

## Sarah Sullivan

---

**From:** Nicole Wojtkiewicz <nwojtkiewicz@amarok.com>  
**Sent:** Thursday, September 16, 2021 11:24 AM  
**To:** Sarah Sullivan  
**Subject:** Re: Variance submittal for 1936 NE Lafayette Ave.  
**Attachments:** We sent you safe versions of your files; Signed Zoning Variance Application.pdf; SITE PLAN 1936 NE LAFAYETTE AVE(3).pdf; Public Notice.docx; Public notices mailed out.PNG

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

---

**This message originated outside of the City of McMinnville.**

---

Good Moring Sarah,

Thank you for taking the time to speak with me today.

Please find attached submittal documents for the variance for the electric fence for First Student located at NE Lafayette Ave.

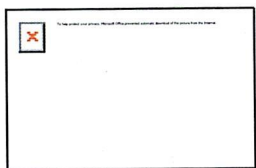
Attached you will find:

1. Zoning Variance Application
2. Site Plan
3. A digital Copy of the public notice
4. A photo of the notices mailed out
5. Photos of the required signage on the property
6. A Copy of the sign in sheet for the public meeting

As I mentioned on the phone, our government relations director, Michael Pate, attended the meeting for over 45 minutes before he left. He arrived before 6:00pm and left at approximately 6:45pm. Not a single member of the community appeared. Hence why the sign in sheet is blank. The meeting was held at 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128.

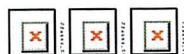
If you have any questions or require any further information, please do not hesitate to ask me.

Thank you,



**Nicole Wojtkiewicz**

Compliance Manager  
Mobile: 803-413-4082



*tric Guard Dog.*

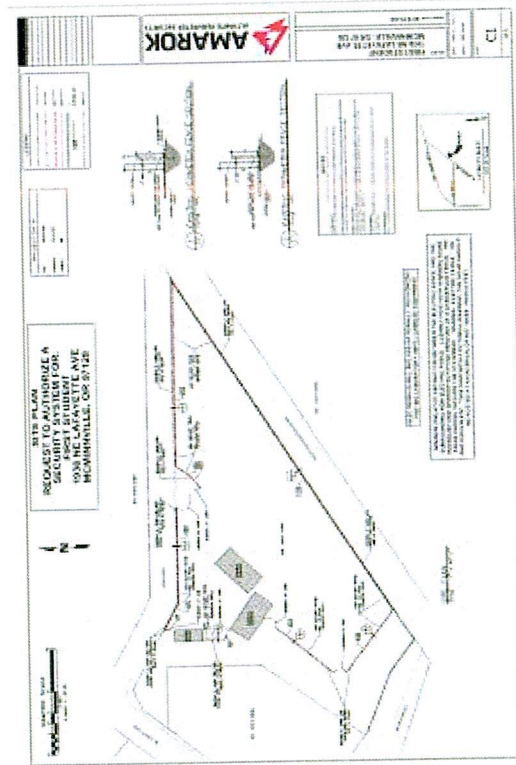
**PUBLIC MEETING TO BE HELD WEDNESDAY AUGUST 25TH 6PM – 8PM**

**LOCATION: FIRST STUDENT**

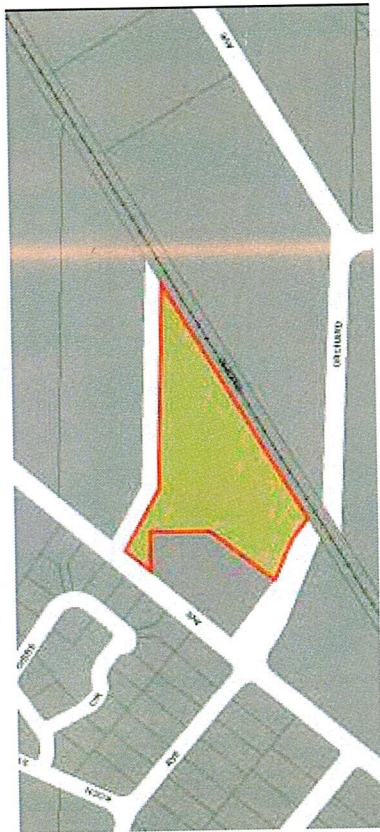
**ADDRESS: 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128**

**PROPOSAL TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE M2 – GENERAL INDUSTRIAL ZONE**

**SITE PLAN:**



GIS MAP:









PUBLIC MEETING TO BE HELD MONDAY AUGUST 27TH 6PM - 8PM  
ADDRESS: 100 W. 14TH ST. AND SCHWABER AVENUE  
PURPOSE: TO INSTALL PERIMETER SECURITY ALONG FENCE  
DOWNTOWN DISTRICT

EXTENDED  
PARKING &  
WASH BAY

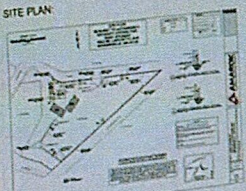
Public Meeting to be held Monday August 27th 6pm - 8pm  
Address: 100 W. 14th St. and Schwaber Avenue  
Purpose: To install perimeter security along fence  
Downtown District

WARNING! Electric  
7,000 V  
AMAROCK  
ALARMADO Y SUPERVISADO  
PELIGRO! Cerca Eléctrica

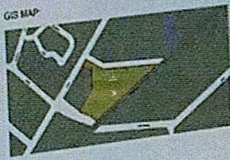
WARNING! Electric  
7,000 V  
AMAROCK  
ALARMADO Y SUPERVISADO  
PELIGRO! Cerca Eléctrica

PUBLIC MEETING TO BE HELD WEDNESDAY AUGUST 25TH 6PM - 8PM  
LOCATION: FIRST STUDENT  
ADDRESS: 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128  
PROPOSAL TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE M2 - GENERAL INDUSTRIAL ZONE

SITE PLAN




GIS MAP





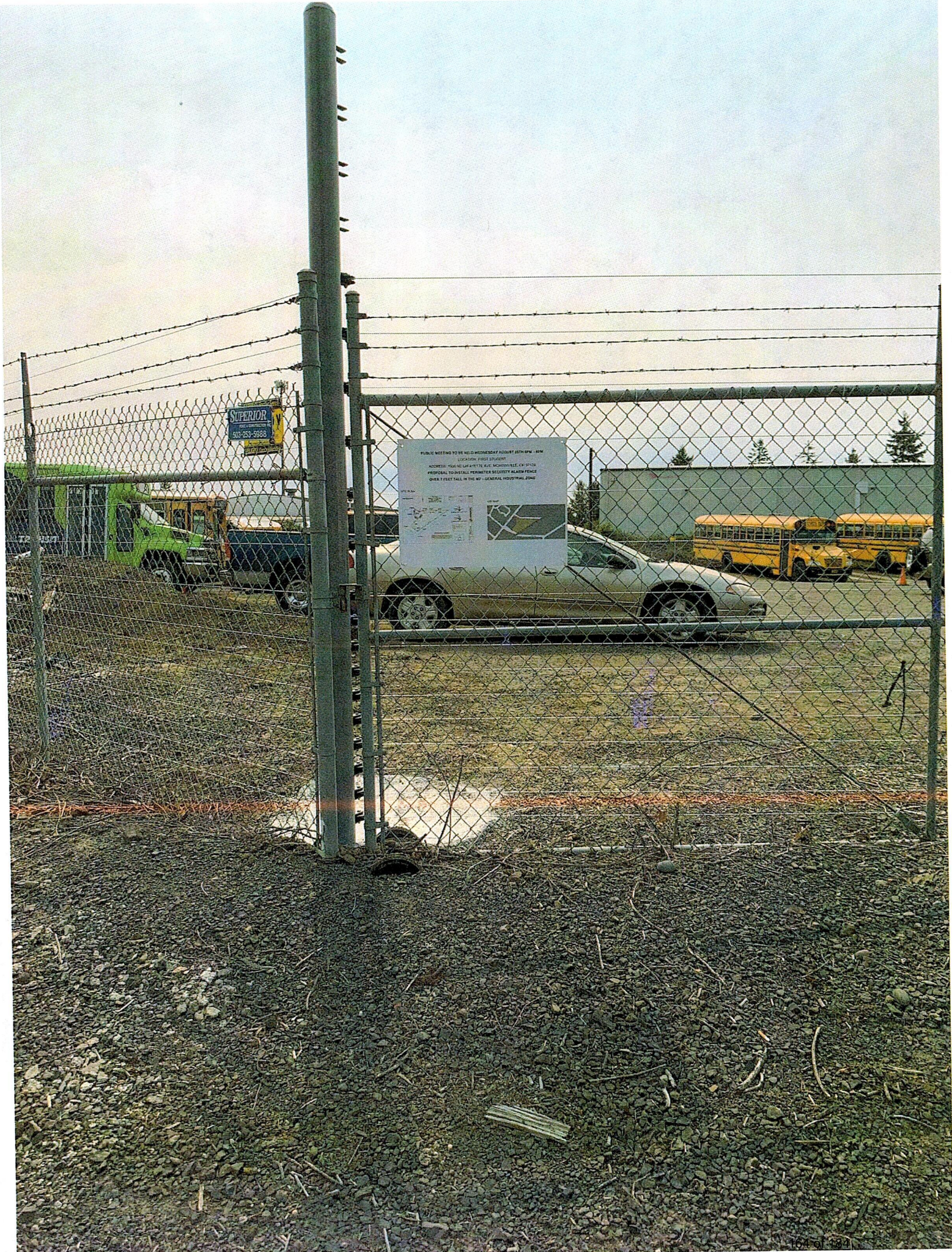
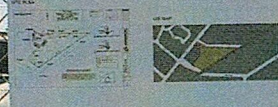
PUBLIC MEETING TO BE HELD WEDNESDAY AUGUST 26TH 6PM - 8PM  
LOCATION: 3100 S. BUCKINGHAM  
ADDRESS: 3100 S. BUCKINGHAM AVE. MCMINNVILLE, OH 47128  
PURPOSE: TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE M2 - GENERAL INDUSTRIAL ZONE



UNLAWFUL TO PASS  
WHEN  
RED LIGHTS FLASH

**SUPERIOR**  
FENCE & RAILROADS  
503-253-5988  
FENCE INSTALLATION

PUBLIC MEETING TO BE HELD WEDNESDAY AUGUST 28TH 9PM - 10PM  
LOCATION: FENCE STATION  
ADDRESS: 4546 NE LARA VETERAN BLVD. MCARDONVILLE, OR 97124  
PROPOSAL TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE MT - GENERAL HOSPITAL ZONE



**PUBLIC MEETING**

**WEDNESDAY AUGUST 25TH 6PM – 8PM**

LOCATION: FIRST STUDENT

ADDRESS: 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128

**PROPOSAL TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE M2 – GENERAL INDUSTRIAL ZONE**

DATE	ATTENDEE NAME	ADDRESS	PHONE NUMBER

Thank you for sharing the below information with me and giving me an opportunity to address any concerns the City may have.

To address your question below regarding the need for the AMAROK System to be 10 ft in height, the current perimeter fence is between 6-7 ft tall. If the Amarok system was installed at the same height, it would be simple for an intruder to prop a ladder up to the perimeter fence and simply scale both the perimeter fence and AMAROK system together. This would render the system useless. Through our 30 years of installation and research, we have determined that 10ft is the minimum height to not only prevent, but deter crime and trespass.

Please refer to the below image illustrating the need for height. I have also attached actually photos of our installations. As you can see they are difficult to even spot from just a few feet away. Visually, the security system is an imposing adversary when approached by a would-be criminal, but the security system is nearly invisible from the street and is of completely open design, keeping in harmony with the general purpose of the zoning ordinance and all regulations.



I hope I was able to provide clarification. Should you require absolutely anything else, do not hesitate to contact me.

Thank you,

**Nicole Wojtkiewicz**  
 Compliance Manager  
 Mobile: 803-413-4082

Right-click or tap and hold here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



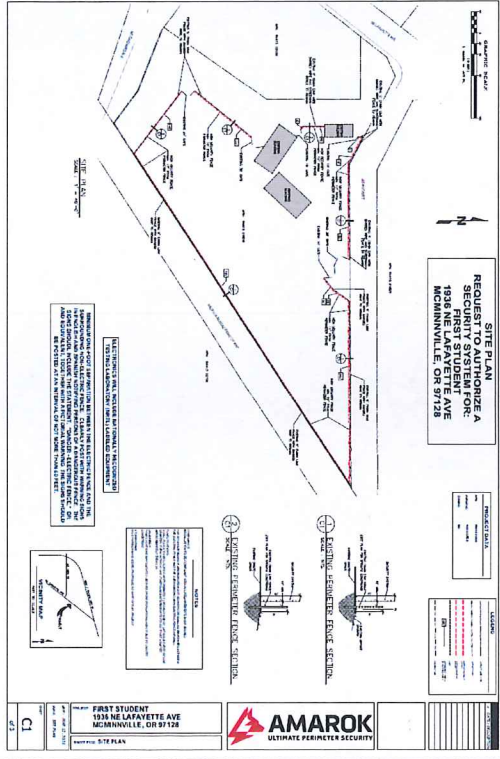
**PUBLIC MEETING TO BE HELD WEDNESDAY AUGUST 25TH 6PM – 8PM**

**LOCATION: FIRST STUDENT**

**ADDRESS: 1936 NE LAFAYETTE AVE, MCMINNVILLE, OR 97128**

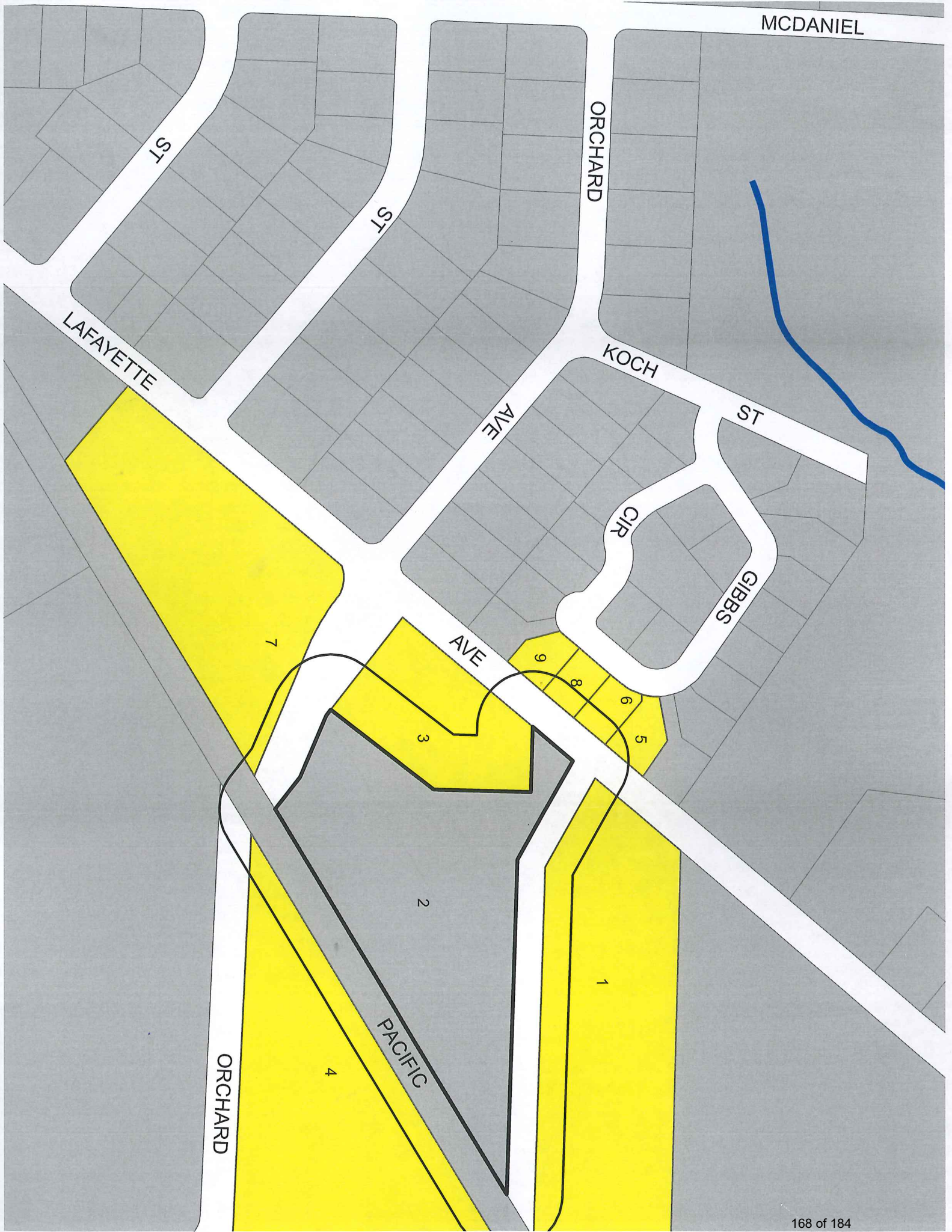
**PROPOSAL TO INSTALL PERIMETER SECURITY ALARM FENCE  
OVER 7 FEET TALL IN THE M2 – GENERAL INDUSTRIAL ZONE**

**SITE PLAN:**



**GIS MAP:**





MCDANIEL

ORCHARD

ST

ST

LAFAYETTE

KOCH

ST

AVE

CIR

GIBBS

AVE

7

9

8

6

5

3

2

1

PACIFIC

4

ORCHARD



Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4415 01800	2030 NE LAFAYETTE AVE	MCMINNIVILLE INDUSTRIAL PROMOTIONS INC		PO BOX 328	MCMINNIVILLE	OR	97128
2	R4415 01900	1936 NE LAFAYETTE AVE	LEE LARSON PROPERTIES LLC		PO BOX 1696	BEAVERTON	OR	97075
3	R4415 02000	1920 NE LAFAYETTE AVE	MYOBO LLC		2780 GATEWAY RD	CARLSBAD	CA	92009
4	R4415 02700	2655 NE ORCHARD AVE	PARALLEL VENTURES		PO BOX 299	BOYCE	VA	22620
5	R4416DA00208	2083 NE GIBBS CIRCLE	DORR DAVID JOSIAH	DORR SYDNEY ELIZABETH	2083 NE GIBBS CIRCLE	MCMINNIVILLE	OR	97128
6	R4416DA00209	2095 NE GIBBS CIRCLE	HAAS LARRY	HAAS KAREN	2095 NE GIBBS CIR	MCMINNIVILLE	OR	97128
7	R4416DA05100	1912 NE LAFAYETTE AVE	SANI-LEASE LLC		PO BOX 771	MCMINNIVILLE	OR	97128
8	R4416DA05900	1992 NE GIBBS CIRCLE	WAUGH JASON J &	WAUGH GIA 1/2	18259 SW MER CT	SHERWOOD	OR	97140
9	R4416DA06000	1980 NE GIBBS CIRCLE	WILD HAVEN LLC	PLANNING DEPARTMENT	14770 NW WILD HAVEN LN	MCMINNIVILLE	OR	97128
			CITY OF MCMINNIVILLE		231 NE 5TH ST	MCMINNIVILLE	OR	97128

*MCMinniville*

*Each property owner  
received the map, and  
public notice.*

*Thank you  
for your help.*

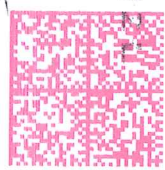


**AMAROK**  
 ULTIMATE PERIMETER SECURITY  
 550 Assembly Street, Fifth Floor  
 Columbia, SC 29201

COLUMBIA SC 290

3 AUG 2021 PM 2:41

FIRST-CLASS



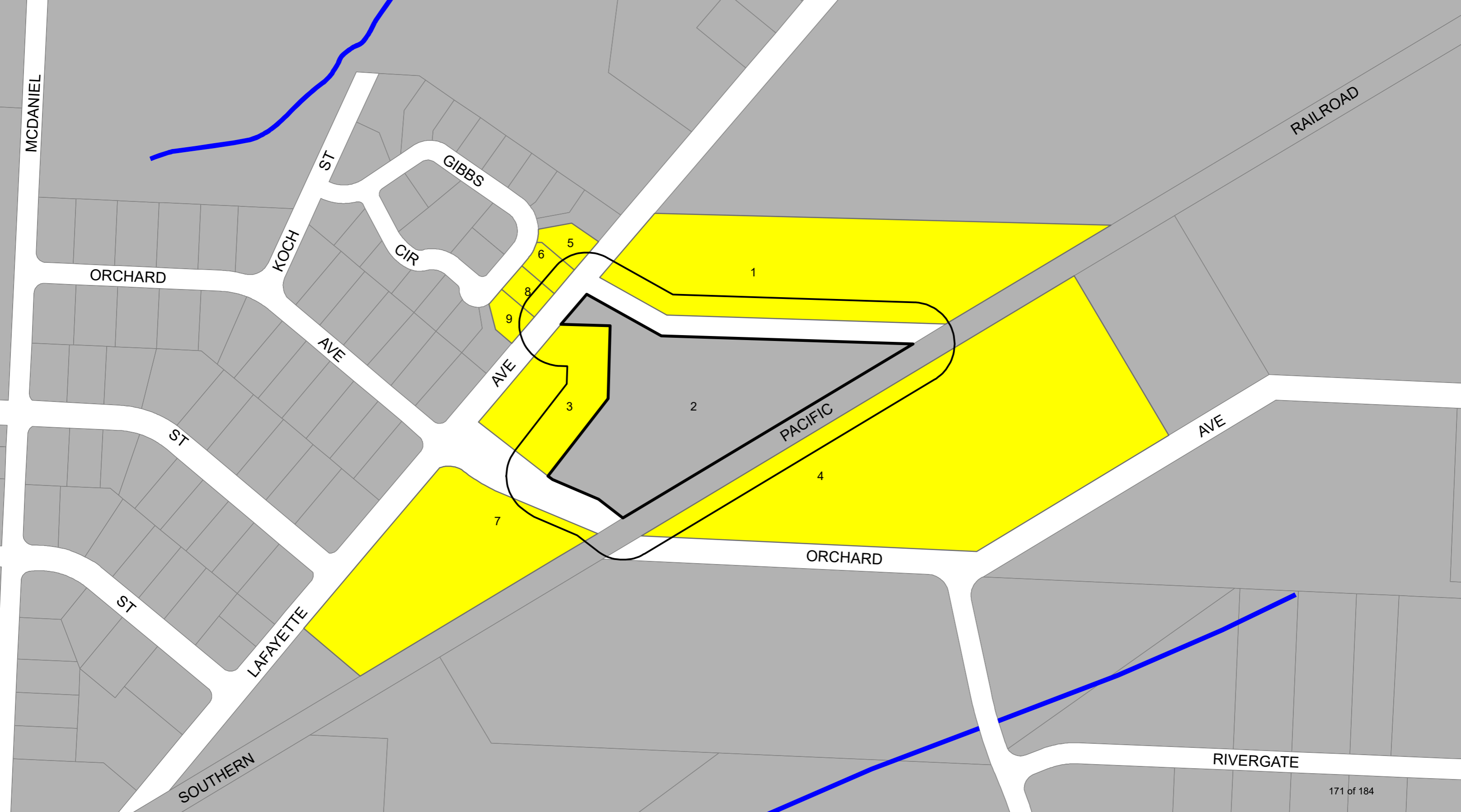
02 7H  
 0001283848  
 MAILED FROM ZIP CODE 29201

**US POSTAGE**  
**\$ 000.510**  
 AUG 03 2021

CITY OF MEMPHIS  
 PLANNING DEPT  
 231 NDE 5TH STREET  
 MEMPHIS TN  
 38102

97128-4988-1

POSTNET barcode



MCDANIEL

RAILROAD

ST

GIBBS

CIR

ORCHARD

KOCH

AVE

AVE

ST

PACIFIC

AVE

ST

LAFAYETTE

ORCHARD

SOUTHERN

RIVERGATE

5

6

8

9

3

2

1

4

7

**From:** [Danielle Hufford](#)  
**To:** [Sarah Sullivan](#)  
**Subject:** Re: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule  
**Date:** Tuesday, July 13, 2021 8:39:49 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image010.png](#)

---

**This message originated outside of the City of McMinnville.**

---

Hi Sarah, will you please send me the list of property owners within 100' of the site address below? Also - does the City need the mailings to be sent certified mail?

Site Name: First Student  
Address: 1936 NE Lafayette Ave McMinnville, OR 97128

Thank you

---

**From:** Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>  
**Sent:** Wednesday, June 30, 2021 5:16 PM  
**To:** Danielle Hufford <dhufford@AMAROK.com>  
**Subject:** RE: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

(External Sender)

Danielle,

For a Variance request, the neighborhood meeting notice should be sent to property owners within 100' of the subject site. A copy should be sent to the McMinnville Planning Department as well. Our office can provide the property owner list upon request.

If you have not yet received this, below is a link to the neighborhood meeting requirements, as well as a sample sign.

[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/133/neighborhood\\_meeting\\_guidelines.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/133/neighborhood_meeting_guidelines.pdf)

Please let me know if you have any other questions.

thanks

Sarah Sullivan  
Planning Analyst  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128



503-474-5102

---

**From:** Danielle Hufford <dhufford@AMAROK.com>  
**Sent:** Wednesday, June 30, 2021 12:52 PM  
**To:** Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>  
**Subject:** RE: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

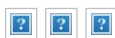
**This message originated outside of the City of McMinnville.**

---

Hi Sarah, thank you very much for the information – I'd prefer to hold a Zoom meeting. Can you tell me who I need to include in the invite? Is it all neighbors within a certain radius of the property? I'll get working on it ASAP



**Danielle Hufford**  
Compliance Manager  
Mobile: 803-497-8668



AMAROK formerly known as Electric Guard Dog.



---

**From:** Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, June 30, 2021 11:20 AM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Subject:** RE: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

(External Sender)

Good morning Danielle,

In response to your question below, at this time most neighborhood meetings are being held via zoom or similar format. You can hold them in person if you choose to. Based on notices received, meetings have been held at the library, the project site, coffee shops, there isn't a specific location, just that the meeting is open to the public. Again, currently, most of the meeting have been virtual.

Please let our office know if you have any other questions.

Thanks,

Sarah Sullivan  
Planning Analyst  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128



503-474-5102

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Tuesday, June 29, 2021 9:07 PM  
**To:** Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** FW: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

Hi Sarah,

Can you follow up on this request below?

*Have a great day!*

---

**Heather Richards**, PCED  
Planning Director  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (phone)  
541-604-4152 (cell)  
[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

*The City of McMinnville, due to budget shortfalls, has implemented an employee furlough program. Until further notice I will not be working on Mondays. All of our development services programs (building, code compliance, engineering and planning) will still be offered Monday – Friday, 8:00 am – 5:00 pm. We will do everything that we can to maintain timely customer service, but due to the reduced work week for staff you may experience some delays in our programs. We apologize in advance and appreciate your patience as we work through this situation.*

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Monday, June 28, 2021 9:39 AM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

**This message originated outside of the City of McMinnville.**

Good morning Heather, will you please point me in the right direction – I know I need to set up a community meeting before I can apply for the variance to install a security system over 7' tall at this site (want to install to 10' tall total). Please let me know where most people arrange to hold their community meetings in McMinnville – so the public may come ask questions about our variance request.

Thank you,

**Danielle Hufford**  
Compliance Manager  
Mobile: 803-497-8668



AMAROK formerly known as Electric Guard Dog.

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, February 24, 2021 3:01 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** External Sender-RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

We will provide you with a copy of the staff report. Until we do the application review I cannot say whether or not we will support the application. However, I can let you know that at a first glance I think it will be very difficult to meet the threshold of justifying a zoning variance for this installation.

*Have a great day!*

---

**Heather Richards, PCED**  
Planning Director  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (phone)  
541-604-4152 (cell)  
[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Wednesday, February 24, 2021 11:50 AM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

**This message originated outside of the City of McMinnville.**

Understood, I am working on the documents now. Will Staff be writing in support of the proposed installation, and even if not will you please send me a copy of the Staff report once it's written?

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, February 24, 2021 2:48 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>

**Subject:** External Sender-RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

The application has a section where the property owner needs to sign it certifying that they support the application. I am concerned about the ability to meet the criteria for a major variance on this property for this fence installation, and due to the costs associated with the application and review I wanted to make sure that First Student understood that.

**Review Criteria for a Major Variance:**

In judging whether a request for a variance shall be approved or denied, the Planning Commission must find that the applicant has demonstrated that the following circumstances substantially exist. It is important that the applicant provide detailed responses to each of these criteria within the space provided in the Zoning Variance application form, or on additional sheets if necessary.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

*Have a great day!*

---

**Heather Richards, PCED**  
Planning Director  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (phone)  
541-604-4152 (cell)  
[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Wednesday, February 24, 2021 9:06 AM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: External Sender-RE: Variance Process - Please Send Documents/Schedule

**This message originated outside of the City of McMinnville.**

---

Thank you Heather, I will be applying on First Student's behalf, do you have a Letter of Authorization for them to sign so that I can do so?

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, February 24, 2021 12:02 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** External Sender-RE: Variance Process - Please Send Documents/Schedule

Danielle,

Attached is our zoning variance application. This will be considered a major zoning variance due to the amount of variance being requested and will need to be considered by the Planning Commission in a public hearing

process. As the applicant First Student will need to demonstrate why this property is uniquely situated to require the variance to the fence code. The criteria for that review is on the application. The fee for a zoning variance is \$1,902.00.

We would be happy to meet with First Student representatives to discuss their needs and develop a solution that meets our city codes.

*Have a great day!*

---

**Heather Richards, PCED**  
Planning Director  
City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (phone)  
541-604-4152 (cell)  
[Heather.Richards@mcminvilleoregon.gov](mailto:Heather.Richards@mcminvilleoregon.gov)  
[www.mcminvilleoregon.gov](http://www.mcminvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Wednesday, February 24, 2021 8:53 AM  
**To:** Heather Richards <[Heather.Richards@mcminvilleoregon.gov](mailto:Heather.Richards@mcminvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminvilleoregon.gov](mailto:Stuart.Ramsing@mcminvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminvilleoregon.gov](mailto:Sarah.Sullivan@mcminvilleoregon.gov)>  
**Subject:** Variance Process - Please Send Documents/Schedule

**This message originated outside of the City of McMinnville.**

---

Good morning, please let me know what you need to get our project on the variance hearing schedule, or let me know what I need to send you if this will be an administrative decision. First Student is vulnerable to crime without security right now and they are really for installation as soon as the City approves the 10 foot height.

---

**From:** Danielle Hufford  
**Sent:** Friday, February 19, 2021 7:27 AM  
**To:** Heather Richards <[Heather.Richards@mcminvilleoregon.gov](mailto:Heather.Richards@mcminvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminvilleoregon.gov](mailto:Stuart.Ramsing@mcminvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminvilleoregon.gov](mailto:Sarah.Sullivan@mcminvilleoregon.gov)>  
**Subject:** RE: External Sender-RE: External Sender-RE: Question About Permitting Process - Security Alarm System

Good morning Heather, yes our installation meets the code and we can accommodate the other requests below. The system comes to the height of 10 feet tall, can you please send me the applications for a variance request to build to taller than 7 feet?

---

**From:** Heather Richards <[Heather.Richards@mcminvilleoregon.gov](mailto:Heather.Richards@mcminvilleoregon.gov)>  
**Sent:** Thursday, February 18, 2021 7:31 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminvilleoregon.gov](mailto:Stuart.Ramsing@mcminvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminvilleoregon.gov](mailto:Sarah.Sullivan@mcminvilleoregon.gov)>  
**Subject:** External Sender-RE: External Sender-RE: Question About Permitting Process - Security Alarm System

Hi Danielle,

Our fence code is attached. If your project meets this code, you should be able to move forward without permits. Note that the maximum height is 7'.

In terms of defining abutting, please provide a minimum one-foot separation between the electric fence and the surrounding non-electric fence. And please clearly post with warning signs in English and Spanish notifying persons of a dangerous fence. The signs should include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs should be posted at an interval of not more than 60 feet.

*Have a great day!*-----

**Heather Richards, PCED**  
**Planning Director**  
**City of McMinnville**



231 NE Fifth Street  
McMinnville, OR 97128

503-474-5107 (work)  
541-604-4152 (cell)

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Wednesday, February 17, 2021 11:55 AM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: External Sender-RE: Question About Permitting Process - Security Alarm System

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

**This message originated outside of the City of McMinnville.**

---

Yes, McMinnville code specifically allows electric fences as long as they do not abut a sidewalk, right of way, or are placed on a boundary – which this system conforms to those stipulations. Please let me know what permits are required to begin this project at First Student, and please put me in touch with any other departments that may have an interest in this installation.

- C. A person in charge of a premises must not permit, allow or cause to exist an electric fence:

  1. Along any sidewalk or public way abutting the premises; or  
**The system is always installed behind an existing perimeter fence, does not directly abut anything**
  2. Along the boundary of any real property abutting the premises.  
**The system does not form a boundary or barrier, it will be behind First Student's existing boundary fence**

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, February 17, 2021 2:09 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** External Sender-RE: Question About Permitting Process - Security Alarm System

Danielle,

Per the documents that you have provided, page 1 of the site plan describes a “new security fence” and your promotional documents provided also describe an “electric security fence”. It appears that the “alarm system” is attached to security fence. As conveyed previously, McMinnville’s code for fencing will apply to this installation.

*Have a great day!*

---

**Heather Richards, PCED**  
**Planning Director**  
**City of McMinnville**  
**231 NE Fifth Street**  
**McMinnville, OR 97128**

503-474-5107 (work)  
541-604-4152 (cell)

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Wednesday, February 17, 2021 5:36 AM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: Question About Permitting Process - Security Alarm System

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

**This message originated outside of the City of McMinnville.**

---

Site Name      First Student (School bus depot)  
Address        1936 NE Lafayette  
Zoning         M2

Good morning all, please see attachments and thread below. First Student is in extreme need of security at their site as soon as possible, please let me know the permitting process for a perimeter security system in McMinnville.

Most jurisdictions consider us an alarm system so we register the alarm with the Police Department. Some jurisdictions consider the system a fence because it comes to 10' tall. Please let me know what you determine for your City.

---

**From:** Danielle Hufford  
**Sent:** Tuesday, December 8, 2020 2:03 PM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: Question About Permitting Process - Security Alarm System

Thank you for getting back to me, Heather. The documents listed below are attached (more available if you would like more in depth detail), and an address where the system is currently installed if you wish to see one in person.

I request you give us the determination that the system is simply an alarm system, and that MMC 8.10.210 section C. is not applicable in this case. Please let me know your thoughts.

1. Compliance Handout
2. Pictures of existing EGD system sites
3. Sample site plan
4. Mark up of where we plan to install
5. Zoning snip
6. Email from Matt Spradlin of Wash. Co.

Nearest installation to McMinnville:

Brightview Landscaping  
18480 Southwest Pacific Drive Tualatin, OR 97062

Please see notes in blue:

- C. A person in charge of a premises must not permit, allow or cause to exist an electric fence:

  1. Along any sidewalk or public way abutting the premises; or  
**The system is always installed behind an existing perimeter fence, does not directly abut anything**
  2. Along the boundary of any real property abutting the premises.  
**The system does not form a boundary or barrier, it will be behind First Student's existing boundary fence**

---

**From:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Sent:** Tuesday, December 8, 2020 1:20 PM  
**To:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Cc:** Stuart Ramsing <[Stuart.Ramsing@mcminnvilleoregon.gov](mailto:Stuart.Ramsing@mcminnvilleoregon.gov)>; Sarah Sullivan <[Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov)>  
**Subject:** RE: Question About Permitting Process - Security Alarm System

Hi Danielle,

Yes, that would be helpful. Our local code will not allow an electric fence that abuts another real property and public right-of-way. Attached is our code for fences.

*Have a great day!*

---

**Heather Richards, PCED**  
**Planning Director**  
**City of McMinnville**  
**231 NE Fifth Street**  
**McMinnville, OR 97128**

503-474-5107 (work)

541-604-4152 (cell)

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**From:** Danielle Hufford <[dhufford@AMAROK.com](mailto:dhufford@AMAROK.com)>  
**Sent:** Monday, December 7, 2020 12:59 PM  
**To:** Heather Richards <[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)>  
**Subject:** FW: Question About Permitting Process - Security Alarm System

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

---

**This message originated outside of the City of McMinnville.**

---

Good afternoon Heather, would you like me to send a sample site plan or pictures of the system installed in other jurisdictions?

---

**From:** Danielle Hufford  
**Sent:** Thursday, December 3, 2020 1:07 PM  
**To:** [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)  
**Subject:** Question About Permitting Process - Security Alarm System

Site Name      First Student (School bus depot)  
Address        1936 NE Lafayette  
Zoning         M2

Good morning Heather, I am wondering if you can tell me the permitting process for a 10' tall suspended wire, pulsed low voltage security alarm system for the address above. It will be installed 6"-12" behind and parallel to, the existing perimeter fence and it is 12V/DC battery operated (does not connect to the main power grid, does not carry continuous current). I attached our compliance handout and have additional documentation if you wish to see it.

Most jurisdictions consider us a burglar alarm and we register the alarm with the police department before building. Some jurisdictions consider us a fence, so I would apply for a fence permit before we begin installation. I just want to do what you prefer, in McMinnville.

Thank you for your help, please let me know if there are any questions.

**Danielle Hufford**  
Compliance Manager  
Mobile: 803-497-8668

\_\_\_\_\_ □ □ □

\_\_\_\_\_



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

---

**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
VARIANCE REQUEST FOR  
1936 NE Lafayette Avenue**

NOTICE IS HEREBY GIVEN that an application for a variance has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Adam Tate, Associate Planner with any questions. (503) 434-7330, [Adam.Tate@Mcminnvilleoregon.gov](mailto:Adam.Tate@Mcminnvilleoregon.gov)

---

**DOCKET NUMBER:** VR 3-21 (Variance)

**REQUEST:** Request for a variance to the maximum fence height standards of MMC Section 17.54.090 and the provisions of MMS Section 8.10.210 governing authorized location of electric fences, in order to authorize a 10-foot tall perimeter “suspended wire security alarm system” electric fence approximately 1900 linear feet around the perimeter of a portion of the property containing buildings and a bus storage area. The fence is proposed to be located one foot behind the existing fence along the frontage of the 20<sup>th</sup> Street right-of-way and the railroad right-of-way and along an interior portion of the property.

**APPLICANT:** Danielle Hufford, on behalf of property owner Lee Larson Properties LLC, c/o Dave Kiersey/Kiersey & McMillan

**SITE LOCATION(S):** 1936 NE Lafayette Avenue (see attached map)

**MAP & TAX LOT(S):** R4415 01900

**ZONE(S):** M-2 (General Industrial Zone)

**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): Section 17.74.100. Variance – Planning Commission Authority; Section 17.74.110. Conditions for Granting Variance; Section 17.54 (Fences); Chapter 17.42 (M-2 General Industrial Zone); Title 8, Chapter 8.10 (Public Nuisances): Section 8.10.210 (Electric Fences)

**NOTICE DATE:** November 24, 2021

**PUBLIC HEARING DATE:** December 16, 2021 at 6:30 P.M.

**HEARING LOCATION:** Zoom Online Meeting:

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745

Passcode: 286067

(See below for instructions on how to join Zoom meeting)

---

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [adam.tate@mcminnvilleoregon.gov](mailto:adam.tate@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). The materials can also be made available at the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) 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 the Commission to respond to the issue precludes an action for damages in circuit court.

**Invitation to Zoom Meeting:** The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call-in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745  
Passcode: 286067

The public may also join the Zoom meeting by phone by following the instructions below:

By phone: 253 215 8782  
Meeting ID: 856 3179 4745

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

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.

## **REVIEW CRITERIA:**

### **Variance (VR 3-21)**

#### MMC Section 17.74.100. Variance – Planning Commission Authority

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

#### MMC Section 17.74.110. Conditions for Granting Variance

A variance may be granted only in the event that the following circumstances substantially exist:

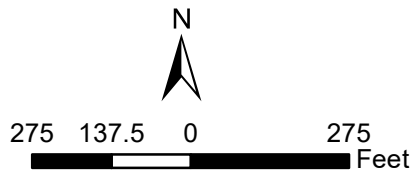
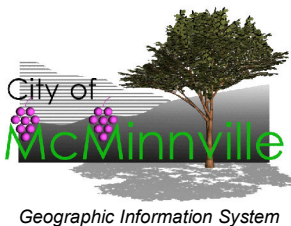
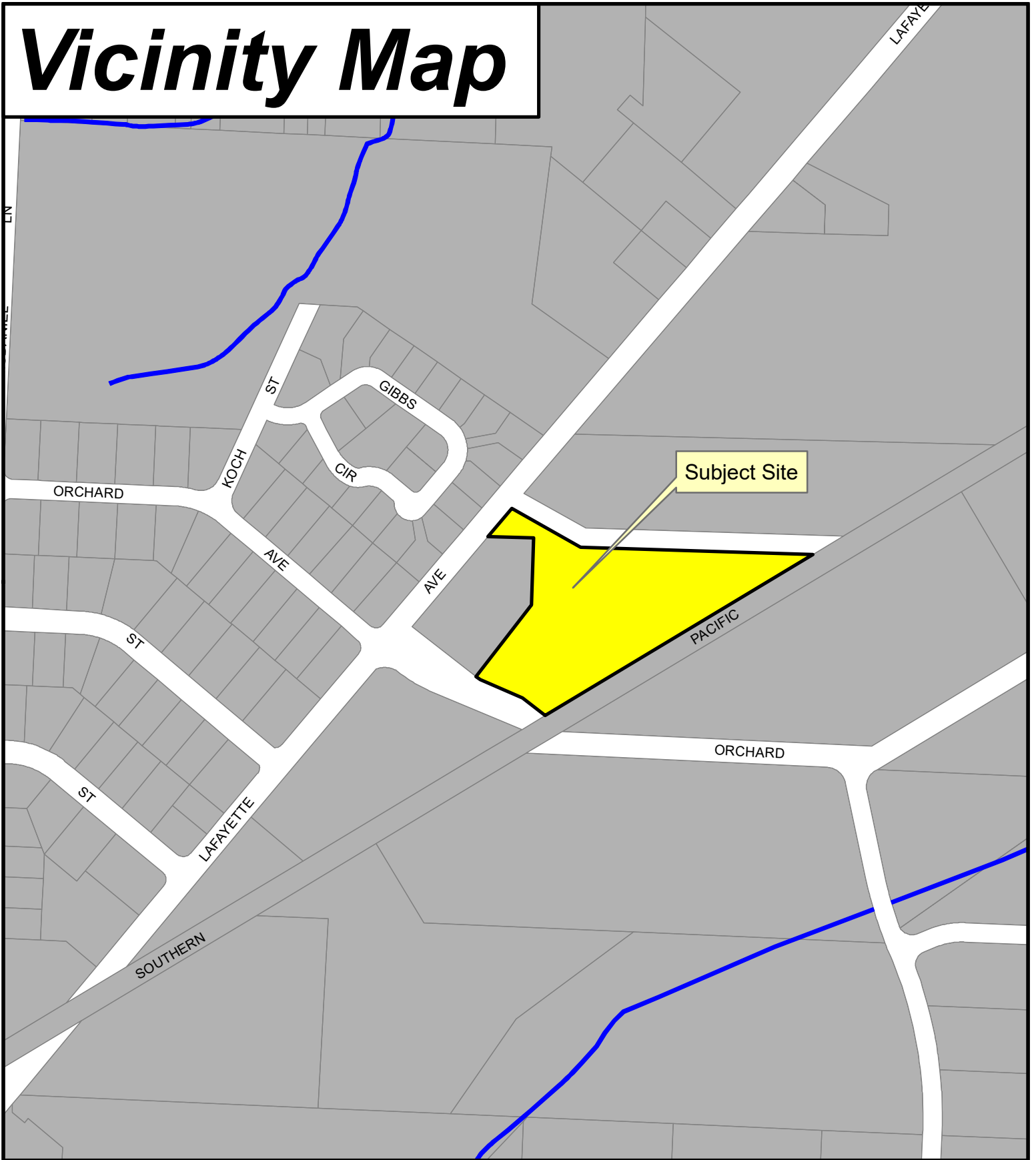
- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

#### Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

(Sarah to Insert Map)

# Vicinity Map



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

**VR 3-21**

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4415 01800	2030 NE LAFAYETTE AVE	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	ATTN: ROCKY WADE	PO BOX 328	MCMINNVILLE	OR	97128
3	R4415 02000	1920 NE LAFAYETTE AVE	MYOBO LLC	ATTN: RONALD W MYHRO	2780 GATEWAY R	CARLSBAD	CA	92009
4	R4415 02700	2655 NE ORCHARD AVE	PARALLEL VENTURES	ATTN: GUARRIELLO TED	PO BOX 299	BOYCE	VA	22620
5	R4416AD00208	2083 NE GIBBS CIRCLE	DORR DAVID JOSIAH	DORR SYDNEY ELIZABETH	2083 NE GIBBS CIRCLE	MCMINNVILLE	OR	97128
6	R4416AD00209	2095 NE GIBBS CIRCLE	HAAS LARRY	HAAS KAREN	2095 NE GIBBS CIR	MCMINNVILLE	OR	97128
7	R4416DA05100	1912 NE LAFAYETTE AVE	SANI-LEASE LLC		PO BOX 771	MCMINNVILLE	OR	97128
8	R4416DA05900	1992 NE GIBBS CIRCLE	WAUGH JASON J &	WAUGH GIA 1/2	18259 SW MER CT	SHERWOOD	OR	97140
9	R4416DA06000	1980 NE GIBBS CIRCLE	WILD HAVEN LLC		14770 NW WILD HAVEN LN	MCMINNVILLE	OR	97128
Owner	R4415 01900	1936 NE LAFAYETTE AVE	LEE LARSON PROPERTIES LLC	ATTN: DAVE KIERSEY / KIERSEY & MCM	PO BOX 1696	BEAVERTON	OR	97075
Applicant			NICOLE WOJTKIEWICZ	AMAROK	550 ASSEMBLY ST 5TH FLR	COLUMBIA	SC	29201

Date Sent \_\_\_\_\_

Sent By \_\_\_\_\_