



**Planning Commission  
Thursday, November 2, 2023  
6:30 PM Regular Meeting**

**HYBRID Meeting**

**IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting**

*Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom*

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

<https://mcminnvilleoregon.zoom.us/j/84808603865?pwd=WE03Ukt3bDU5VkUwRUhla1Jnb2w0QT09>

**Meeting ID: 848 0860 3865**

**Meeting Password: 166748**

**Or you can call in and listen via zoom: 1 253 215 8782**

**Meeting ID: 848 0860 3865**

**Meeting Password: 166748**

---

**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 before 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
<p>Sidonie Winfield, Chair</p> <p>Gary Langenwalter Vice - Chair</p> <p>Matthew Deppe</p> <p>Rachel Flores</p> <p>Sylla McClellan</p> <p>Elena Mudrak</p> <p>Meg Murray</p> <p>Brian Randall</p> <p>Beth Rankin</p> <p>Dan Tucholsky</p>	<p><b>6:30 PM – REGULAR MEETING</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Swear In New Commissioner – Rachel Flores</b></li> <li><b>3. Citizen Comments</b></li> <li><b>4. Minutes:</b> <ul style="list-style-type: none"> <li>• <b>August 18, 2023</b> (<i>Exhibit 1</i>)</li> <li>• <b>September 7, 2023</b> (<i>Exhibit 2</i>)</li> <li>• <b>September 21, 2023</b> (<i>Exhibit 3</i>)</li> </ul> </li> <li><b>5. Public Hearings:</b> <ol style="list-style-type: none"> <li><b>A. <u>Quasi - Judicial Hearing: Short Term Rental Permit, 1036 NW Baker Crest Court (Docket STR 3-23)</u> – (<i>Exhibit 4</i>)</b> <p>Requests: Approval of a short term rental permit for the residential property at 1036 NW Baker Crest Court. Tax Lot R4417BA 02700.</p> <p>Applicant: Naseem Momtazi</p> </li> <li><b>B. <u>Quasi - Judicial Hearing: Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23 and Minor Variance (VR 3-23), Southern end of SE Norton Lane (West of Norton Lane)</u> – (<i>Exhibit 5</i>)</b> <p>Requests: Concurrent review and approval of four applications for the Norton Landing 138-unit multi-dwelling development, which consists of seven three-story buildings: a Planned Development Amendment for approval of a Master Plan (PDA 5-23); a Three Mile Lane Review (TML 4-23), a Landscape Plan Review (L 38-23), and a Minor Variance (VR 3-23). Tax Lot R4427 00701</p> <p>Applicant: Reiter Design Architect Incorporated c/o Scott Reiter, on behalf of property owner KWDS, LLC c/o Chad Juranek.</p> </li> </ol> </li> <li><b>6. Commissioner Comments</b></li> <li><b>7. Staff Comments</b></li> <li><b>8. Adjournment</b></li> </ol>

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.

## **EXHIBIT 1 - MINUTES**

**August 17, 2023**  
**Planning Commission**  
**Regular Meeting**

**6:30 pm**  
**Hybrid Meeting**  
**McMinnville, Oregon**

**Members Present:** Sidonie Winfield, Dan Tucholsky, Beth Rankin, Megan Murray, Brian Randall, Sylla McClellan, and Matt Deppe

**Members Absent:** Gary Langenwalter

**Staff Present:** Heather Richards – Community Development Director and Tom Schauer – Senior Planner

---

### **1. Call to Order**

Chair Winfield called the meeting to order at 6:30 p.m.

Commissioner Tucholsky was selected as Chair Pro-Tem as Chair Winfield was attending the meeting virtually.

### **2. Citizen Comments**

None

### **3. Minutes**

- **April 6, 2023**
- **April 20, 2023**

Commissioner McClellan MOVED to APPROVE the April 6 and 20, 2023 minutes. The motion was seconded by Commissioner Murray and passed 7-0.

### **4. Public Hearings**

#### **A. Quasi-Judicial Hearing: Stratus Village: Planned Development Amendment (PDA 2-23), Three Mile Lane Design Review (TML 1-23), and Landscape Plan Review (L 25-23)**

**Request:** The applicant, Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC), is requesting concurrent review and approval of three applications for the Stratus Village 175-unit multi-dwelling development on a property of approximately 6.5 acres: a Planned Development Amendment (PDA 2-23), a Three Mile Lane Review (TML 1-23), and a Landscape Plan Review (L 25-23).

**PDA 2-23.** The property is subject to an existing Planned Development Overlay Ordinance which includes the subject properties and adjacent properties. The proposal includes revisions to the original Planned Development master plan for the subject properties, which requires approval of a Planned Development Amendment. The master plan for the subject properties will replace the existing plan for medical offices with the proposed plan for apartments. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance.

**TML 1-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

**L 25-23.** The proposal includes a landscape plan review, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

Location: 235 SE Norton Lane, Tax Lots R4427 400, 404, and 405

Applicant: Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC)

Chair Pro-Tem Tucholsky opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Pro-Tem Chair Tucholsky asked if any Commissioner had visited the site. Commissioners McClellan, Randall, Murray, and Tucholsky had visited the site. Pro-Tem Chair Tucholsky asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Schauer reviewed the request for approval for Stratus Village, a 175 unit residential development. There were three applications being considered concurrently, one public hearing with three decisions. The three applications were Planned Development amendment, Three Mile Lane review, and landscape plan review. He entered additional information into the record. He then described the proposed development, which would be a mix of 1, 2, and 3 bedroom residences with four residential buildings and a common building. There were site features and amenities, parking/loading and landscaping, and frontage improvements and utilities. He shared images of the landscaping and renderings and reviewed the criteria and standards. The amendment to the master plan would allow residential instead of office use on the site, exceeding the height of 35 feet, and multi-dwelling residential design for parking lot location, private open space, compatibility/stepback, and wall and roof design/main entrance. The Three Mile Lane review included compliance with Ordinance 4131 policies, Comprehensive Plan goals and policies, and signs. He also reviewed the landscape plan and noted the ten foot sidewalk would not be installed due to a high pressure gas main. It would be a six foot sidewalk and instead of street trees would be planted behind the sidewalk. Staff recommended approval with conditions.

There was discussion regarding bike parking, designated bike lane, location of the trash and



recycling enclosure, and shared parking agreement with the medical office.

Applicant's Testimony: Vickie Ybarguen, Housing Authority, said there was a significant shortage of affordable housing in the area. They had purchased this property to address the issue and had worked hard to come up with a good design that fostered community.

Mike Andrews, Project Manager, discussed the need for affordable housing in the City. He explained the benefits of the site. They had come before the Commission before to restore the multi-family use. He discussed the project team and partners.

Mike Bonn, Architect, reviewed the site details, inspiration, arrangement of the site, building mass, site circulation, community spaces, unit types, and external and internal renderings.

There were questions about other Housing Authority properties, balconies, ideas for covered and secure bike storage areas, private vs. public spaces, play areas, amount of parking, shared parking, directing people where to park, barbecues and patio furniture, laundry rooms, one access to recycling/trash and how that might be insufficient, property to the south, setbacks and landscaping, electric vehicle charging stations, air conditioning, windows, parking permits or stickers for the shared parking, ways to break up the bulkiness of the buildings, roof materials, irrigation in the garden area, requirements for affordable housing, management, mechanical screening, maintenance, how the sport court should be covered, and fencing.

Miguel Camacho, Landscape Architect, explained there was already a cyclone fence that had privacy slats and they would be installing a wood fence and an evergreen hedge. He thought they would not be shining lights into the neighbor's properties.

Proponents: Mark Davis, McMinnville resident, thought the applicant had done a good job designing something that would serve 175 people in a small area. However, he thought it should be more in the neighborhoods, not out on the highway where it was harder for pedestrians and bicyclists to get to. It was not an optimal location.

Opponents: Frank Roberti was the owner of the Altimus Plaza development, right next to the Stratus Village project. He was concerned about the amount of traffic that would flow from this site to the Altimus Plaza and the shared parking. There needed to be some rules around the shared parking that the tenants agreed to as well as some signage indicating parking either by time limit or by location.

Bill Kabeiseman, City Attorney, explained the Commission's authority to put restrictions on the parking within 10 feet of the property line since it was a Planned Development. He thought since they had already received a request to continue the hearing, he suggested allowing the applicant and the adjacent property owner to try to resolve the issue before the next meeting.

Tegan Enloe, engineer representing Mr. Roberti, had requested the continuance. She spoke about the grounds for the concerns. In the approval to change the zone and allow multi-family, there was a line that read to the extent possible any amendment to the Planned Development had to show compatibility with existing development use in the area. She did not think this was compatible in terms of the shared parking. The drive aisle on the southern border was not blocked off, and residents would use it as a cut through option. They were not allowed to tow for the parking that was not part of the shared parking agreement and there had not been agreement for signage. She requested a condition be placed on the Planned Development

amendment to require the applicant to work with Mr. Roberti to come to an agreement on how to separate the parking areas. She also thought the traffic analysis was not adequate. The estimated trips were not done with the correct methodology and did not address expected traffic impacts.

Rebuttal: Mr. Andrews said they were committed to coming up with a parking agreement that worked. They would attempt to dissuade people from using the southern drive aisle by putting in a bump out. It was not possible to put a barrier on their side due to the width of the aisle and still allow for a fire truck to access the property. Mr. Roberti could put in a barrier on his side. They had suggested making the parking part of a set of community rules that would be an appendix to the leases, but not in the leases themselves so the rules could be changed without redoing the leases. Regarding towing, they did not support a roving tow truck that would tow low-income residents' cars at their expense. He explained what were existing and new parking areas and what would be shared use. They were willing to work on signage. They had to figure out how to achieve the program they wanted and consider the other programs, such as outdoor bike parking.

Commissioner McClellan MOVED to CONTINUE the hearing for Stratus Village: Planned Development Amendment (PDA 2-23), Three Mile Lane Design Review (TML 1-23), and Landscape Plan Review (L 25-23) to the September 21, 2023 meeting with the record open. SECONDED by Commissioner Winfield. The motion PASSED 7-0.

**B. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)**

***(Continued from July 20, 2023)***

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

Chair Pro-Tem Tucholsky opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards said staff would like more time to evaluate the comments from other public agencies and requested a continuance.

Commissioner Deppe MOVED to CONTINUE the hearing for Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22) to the September 21, 2023 meeting. SECONDED by Commissioner McClellan. The motion PASSED 7-0.

**5. Action Items: Request for Land-Use Decision Extension, MP 6-20, 835 SW Hilary Street.**

Applicant: Steve and Mary Allen

Chair Pro-Tem Tucholsky asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Community Development Director Richards said this was a minor partition request that was approved in August 2021. The applicant was allowed to ask for a year's extension that could be approved by the Director, which was done in August 2022. For a second extension, the applicant had to get approval from the Planning Commission. Staff recommended approval to extend it to 2024.

Steve Allen, applicant, explained what had been completed on the project. Some of the delay was weather related as well as worker shortages.

Commissioner McClellan MOVED to APPROVE the request for a land-use decision extension to August 19, 2024, MP 6-20, 835 SW Hilary Street. SECONDED by Commissioner Murray. The motion PASSED 7-0.

**6. Commissioner Comments**

Commissioner Deppe asked about Commission videos being uploaded on the City's website. Community Development Director Richards said they were behind due to lack of staffing.

**7. Staff Comments**

Community Development Director Richards said Senior Planner Swanson resigned and an Associate Planner position was open as well. They interviewed for the Planning Commission vacancy and the recommended candidate would be sent to City Council for approval.

**8. Adjournment**

Chair Pro-Tem Tucholsky adjourned the meeting at 9:52 p.m.

## EXHIBIT 2 - MINUTES

September 7, 2023  
Planning Commission  
Regular Meeting

6:30 pm  
Hybrid Meeting  
McMinnville, Oregon

**Members Present:** Sidonie Winfield, Dan Tucholsky, Beth Rankin, Rachel Flores, Megan Murray, Brian Randall, Gary Langenwaller, and Matt Deppe

**Members Absent:** Sylla McClellan

**Staff Present:** Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Bill Kabeiseman – Bateman Seidel, Contracted Legal Counsel, and Beth Goodman – ECONorthwest, Consultant

---

### 1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

### 2. Swear In New Commissioner – Rachel Flores

Chair Winfield administered the oath of office to new Commissioner Rachel Flores.

### 3. Citizen Comments

None

### 4. Minutes

- **May 4, 2023**

Commissioner Tucholsky MOVED to APPROVE the May 4, 2023 minutes. The motion was seconded by Commissioner Murray and passed 8-0.

### 5. Public Hearings

- A. Legislative Hearing: Proposed Amendments to the Comprehensive Plan to adopt: A New Housing Needs Analysis (G 1-20) and A New Economic Opportunities Analysis (G 3-20)

*(Continued from May 18, 2023)*

Requests: G 1-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Housing Needs Analysis, including a residential buildable land inventory.  
G 3-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Economic Opportunities Analysis, including a buildable land inventory for employment and other non-residential land use.

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards gave a background on the work that had been done for growth planning in the City. Tonight's public hearing would review draft results of the Housing Needs Analysis, Economic Opportunities Analysis, and Public Land Need Analysis. She explained the value of planning for growth. Affordability was critical and an increasing problem in McMinnville. Housing supply contributed to affordability, and supply was an increasing problem. The City was considered severely rent burdened. She discussed the population forecast for the City. They should not assume all multi-family housing was low income. As lots got smaller, access to open space was more important. She then reviewed the documents, which had recently been updated. This included the process to develop them, Buildable Lands Inventory, mix of housing types, deficit of land for new housing, Mac Town 2032 Economic Development Strategic Plan, land need for housing and employment, land added to the UGB in 2020 for public uses compared with estimated public land needs through 2041, how they were going to meet the need, public testimony received, assertions and conclusions made by 1,000 Friends of Oregon and Friends of Yamhill County, park land need, how the Project Advisory Committee and Public Lands Work Group elected to move forward with the existing levels of service in the adopted Parks Master Plan of six acres per 1,000 capita, and where parks should be located. She recommended the Parks Department update the Parks System Table to reflect the classifications in the Master Plan. The 6-acre LOS for greenspaces, greenways, and natural areas could be located on either buildable land or unbuildable land and should reflect the values and objectives of the Master Plan and could be a land use efficiency that was evaluated in 2024. She also recommended inviting Parks and Recreation Director Muir to the next Commission meeting to address these issues and give an update on the Master Plan process. She gave perspective for discussion on expansion to meet the land deficiency that had been identified. They needed 484 acres, which was one-tenth of one percent of the total acreage in Yamhill County. That was smaller than many of the farm tracts in the County. She recommended continuing the public hearing.

There was discussion regarding the need to update the data, questioning the assumptions and not think the past was a good predictor of the future, trend of home based offices and not as much need for office space, being more proactive, how if the forecasts were wrong and they brought in too much land there would be less land to bring in the next time, parkland need and levels of service, definition of park, how the additional acres of Joe Dancer Park that came into the UGB with the last effort was classified, how they could not rely on using school property in the calculations for parks as there was no agreement, talking to vacant property owners about developing, incentives for workforce housing, and how smaller lots were not less expensive due to the supply issue.

Proponents: None

Opponents: Mark Davis, McMinnville resident, did not think they needed to add more land to the UGB in the next 20 years, especially after the recent UGB approval. They were being asked to approve another EOA even though the last one was only ten years old and additional parkland when the parkland just added exceeded the acreage of all the parks that had been developed in the history of the City. The urban reserve process would sequester even more land ending in 2067, all the while the need for affordable housing continued. He thought the priorities were misplaced and there was no justification for the acreage requested, especially the land for parks. The 1999 Parks Master Plan had expired without reaching the goal of 14 acres of parks per 1,000 population. They had less park acreage per 1,000 residents than they did in 1999. He thought the City had all the land it needed for park development for the next 50 years.

There was discussion regarding how much land to set aside in developments for parks and lack of funding for parks.

Rob Hallyburton, Friends of Yamhill County, said they were in favor of the City adopting the documents, however they were in opposition to some of the elements of the plan. They had submitted a letter with suggestions to make sure the HNA contributed positively. The HNA did not account for the existing deficiencies in the housing options today. They needed to avoid over-estimation of land, especially to reduce the potential conversion of excellent farmland to urban uses before it was truly needed. Compact development was better for the City as it made more efficient use of public infrastructure and helped with housing affordability. They recommended the City take a more aggressive approach to planning for higher density development. Regarding economic development, the EOA, like the HNA, assumed less efficient use of land than the existing plan. This created an inflated forecast for both residential and employment lands. He thought changes could be implemented quickly and cheaply through the use of allowed safe harbors.

Sid Friedman, 1,000 Friends of Oregon, thought the changes they suggested would better serve the needs of those who lived and worked in the City, both now and in the future. McMinnville had larger minimum lot sizes than other cities, which affected their ability to provide housing at different price points. Another land capacity issue was the parkland projections. The UGB analysis assumed that half of the residential land added in 2020 would be used for parkland and churches. The City could use the safe harbor rule that 25% of additional residential land would account for streets, parks, and schools. There was a reduction in density from 5.7 units per acre to 5.46, which did not meet the City's needs. They suggested instead to use the safe harbor of 8 units per acre. The HNA assumed no new housing on C-3 land after the year 2021, which was incorrect. Regarding the EOA, there were too many jobs that needed new vacant employment land. The EOA assumed that only 5% of new jobs would occur on residential land around existing employment sites, but the census data said people working from home far surpassed the 5% and home occupations didn't begin to count all the people working in residential zones. Regarding the large Linfield site, if the land wasn't sold it would either be student housing or new employment.

There was discussion regarding how changing lot minimums would affect housing density and prices, farmland preservation, and parkland.

Rebuttal: Community Development Director Richards clarified the impact of 484 acres of EFU land in the County for an UGB expansion was about two-tenths of one percent. About half the

County land was EFU. In the last UGB amendment, 56% of the acreage was EFU land and 44% was not. There were two phases of the last UGB amendment, and phase 1 did not have any parkland assigned to it. Phase 2 was making up for that deficit, but it was meant to be distributed across all the acreage. Median home prices in Newberg were \$575,000. Their market rate housing was still at a higher level than McMinnville.

Commissioner Flores MOVED to CONTINUE the hearing for Proposed Amendments to the Comprehensive Plan to adopt: A New Housing Needs Analysis (G 1-20) and A New Economic Opportunities Analysis (G 3-20) to September 21, 2023, with the record open. SECONDED by Commissioner Langerwaller. The motion PASSED 8-0.

### **B. Quasi - Judicial Hearing: Planned Development Amendment (Docket G 3-23)**

Requests: Review and approval of a Planned Development Amendment (PDA 3-23) for a mixed-use development on a 6.63-acre property located at the NE corner of Baker Creek Road and Hill Road. The application includes a request to amend provisions of Planned Development Ordinance #5086 and to approve the proposed master plan for the property.

The proposed master plan includes: four mixed use buildings with two stories of residential use above ground floor commercial use, three 3-story buildings with multi-dwelling residential use, and on-site green space, plaza, and bicycle and pedestrian amenities. This includes 30,000 total square feet of commercial space and 144 total residences (72 above the ground-floor commercial in the four mixed-use buildings and 24 in each of the three-story residential buildings).

Applicant: Baker Creek 2, LLC, c/o Mark DeLapp

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. She asked if any Commissioner had visited the site. All commissioners present raised their hands. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Schauer said this was a request for amendments to the Planned Development conditions of approval and request for approval of the Planned Development Master Plan. He discussed the 6.63 acre subject site at the NE corner of Baker Creek Road and Hill Road, zoning map, proposed mixed use development, site plan, applicable criteria, additional information entered into the record, summary of the requested changes to the conditions which were more restrictive than C-3 standards, alternative design components with submittal of development plans, proposed master plan cross section, proposed master plan site plan, trail and greenspace, renderings and elevations of the proposed development, adjacent hazelnut orchard, and landscape plan. Staff found the criteria were satisfied with conditions and recommended approval with conditions.

There was discussion regarding bike storage, hours of operation for the commercial activity, configuration of the site, and adequate parking.

Applicant's Testimony:

Kevin Grant and John Wright, C2K Architecture, discussed how they came up with the design for the Baker Creek North project and creating a neighborhood activity center with gathering spaces and main street concept. They thought it was an efficient parking plan with adequate parking for the units. They did not have bike storage planned. There would be a cover over the bike corral on the plaza.

Mark DeLapp, applicant, said in order to get the commercial space with this kind of look and feel, they had to have enough residential income to support the construction budget, which was why there was three story residential buildings.

Mr. Grant thought it was important architecturally to have the three stories to replicate a main street look.

There was discussion regarding shared parking with the residential and commercial uses, how they were using the data and requirements for the number of parking spots, encouraging bicycle and pedestrian activity, parking for second and third vehicles assigned further away, use of permeable pavement, stormwater retention, how the commercial uses would be businesses that could provide services to the neighborhood, the work/live units would be residential until there was demand for retail and then they would be used for retail, making it fit with the look of McMinnville, special events that might close the street, marketing to businesses, how the project could pencil with the number of residential units without the commercial, all the residential would be market rate housing, mitigation for the hazelnut orchard, approval criteria, laundry facilities, and garbage units.

The Commission had no issues with the proposed setbacks, three story buildings, and live/work spaces.

{The recording of the meeting ended at this point}

Commissioner Deppe MOVED to RECOMMEND APPROVAL of PDA 3-23 to the McMinnville City Council. SECONDED by Commissioner Murray. The motion PASSED 7-1.

## **6. Commissioner Comments**

## **7. Staff Comments**

## **8. Adjournment**



## EXHIBIT 3 - MINUTES

September 21, 2023  
Planning Commission  
Regular Meeting

6:30 pm  
Hybrid Meeting  
McMinnville, Oregon

**Members Present:** Sidonie Winfield, Dan Tucholsky, Beth Rankin, Rachel Flores, Megan Murray, Brian Randall, Sylla McClellan, and Matt Deppe

**Members Absent:** Gary Langenwalter

**Staff Present:** Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Bill Kabeiseman – Bateman Seidel, Contracted Legal Counsel, and Beth Goodman – ECONorthwest, Consultant

---

### 1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

### 2. Citizen Comments

None

### 3. Public Hearings

#### **A. Quasi-Judicial Hearing: Stratus Village: Planned Development Amendment (PDA 2-23), Three Mile Lane Design Review (TML 1-23), and Landscape Plan Review (L 25-23)**

*(Continued from August 17, 2023)*

**Request:** The applicant, Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC), is requesting concurrent review and approval of three applications for the Stratus Village 175-unit multi-dwelling development on a property of approximately 6.5 acres: a Planned Development Amendment (PDA 2-23), a Three Mile Lane Review (TML 1-23), and a Landscape Plan Review (L 25-23).

**PDA 2-23.** The property is subject to an existing Planned Development Overlay Ordinance which includes the subject properties and adjacent properties. The proposal includes revisions to the original Planned Development master plan for the subject properties, which requires approval of a Planned Development Amendment. The master plan for the subject properties will replace the existing plan for medical offices with the proposed plan for apartments. The new Master Plan is also subject to the provisions of Ordinance 5095, which amended the terms of the previous Planned Development Overlay Ordinance.

**TML 1-23.** The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, 4666, 4988, and 5101. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

**L 25-23.** The proposal includes a landscape plan review, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

Location: 235 SE Norton Lane, Tax Lots R4427 400, 404, and 405

Applicant: Structure Development Advisors LLC c/o Mike Andrews, on behalf of property owner Housing Authority of Yamhill County (HAYC)

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. She asked if any Commissioner had visited the site. Commissioners Winfield, Tucholsky, Rankin, Deppe, Flores, and McClellan had visited the site. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Schauer said the application had been continued from August 17. This was a concurrent review of three applications for Stratus Village, a 175 unit multi-dwelling development. He discussed the additional public testimony that had been received since the August 17 hearing, criteria and standards, proposed development, summary of issues discussed at the last meeting and staff's analysis, parking, and private open space. Staff recommended approval with conditions. The decision document had been updated with the date and procedural findings, incorporated public testimony, revised Condition #16b of the Planned Development regarding stormwater drainage plan to reflect the language in the staff report, and change to the proposed landscape plan regarding the fence.

There was discussion regarding the shared parking agreement.

Applicant's Testimony: Vickie Ybarguen, Housing Authority, said the Housing Authority owned their properties long term and took great pride in their properties. They offered important affordable housing assistance to members of the community.

Mike Andrews, Project Manager, discussed the work they had done to address the concerns from the last hearing. He gave a project overview including the project partners, description, unit mix and affordability, timeline, and housing affordability. He gave a recap of the August 17 hearing feedback and response to feedback including bike parking, trash enclosure, fence, patio privacy, north elevation design, open space, number of parking spaces, and location of the parking.

There was discussion regarding constraints that led to sharing patios rather than individual patios, maintenance of the shared balconies, how there would be no covered sport court, planned play structures, changing the arborvitae to be six feet apart, resident application process, a/c units would not block windows, no current grants to get the sport court covered, additional details on the windows on the north elevation carried over to other buildings, bike

lockers and shelters, and what was submitted for approval and what was their aspiration that they were trying to do to respond to the comments.

Proponents: Cozette Tran-Caffee was in support of the project.

Opponents: None.

Commissioner Deppe MOVED to CLOSE the public hearing. SECONDED by Commissioner McClellan. The motion PASSED 8-0.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Randall MOVED to APPROVE Stratus Village: Planned Development Amendment (PDA 2-23), Three Mile Lane Design Review (TML 1-23), and Landscape Plan Review (L 25-23) with the proposed conditions and added conditions that the arborvitae along the perimeter be planted 6 feet apart and the bike lockers and storage units be deleted from the landscape plan. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0.

**B. Legislative Hearing: Proposed Amendments to the Comprehensive Plan to adopt: A New Housing Needs Analysis (G 1-20) and A New Economic Opportunities Analysis (G 3-20)**

*(Continued from September 7, 2023)*

Requests: G 1-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Housing Needs Analysis, including a residential buildable land inventory.

G 3-20 - This is a legislative amendment, initiated by the City of McMinnville, to the Comprehensive Plan to adopt a new Economic Opportunities Analysis, including a buildable land inventory for employment and other non-residential land use.

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. Commissioner McClellan was absent at the last hearing, but had watched the meeting on Zoom.

Staff Report: Community Development Director Richards said the request was to recommend to City Council the adoption of the Housing Needs Analysis, Economic Opportunities Analysis, and Public Lands Need Analysis as amendments to the McMinnville Comprehensive Plan. She discussed the population forecast used, planning for growth which was required by state law and was about balance, three steps to growth planning: identification of need, land use efficiencies, and UGB alternative analysis, document review and why they needed to be updated, process to develop them, public engagement, buildable lands inventory update, and land need for housing, employment, and public/institutional uses. The total land need had changed from 484 acres to

422 acres for the planning horizon of 2021-2041 UGB and 1,638 acres for the planning horizon of 2041-2067 urban reserve area. She pointed out corrections to the record and reviewed staff's response to public testimony. She then discussed parkland need in the Comprehensive Plan policies and Parks Master Plan and the error in the parkland calculations for the 2021 MGMUP UGB expansion. Due to this error, the public land need had been reduced to 32 acres. The findings from the MGMUP indicated that the reduction of the land for greenways and open spaces was calculated and accounted for as part of the park land need for the MGMUP. The location of parks was defined by many attributes and not just whether or not it was part of a floodplain. The Parks Master Plan update was currently underway and there would be discussion regarding how much greenspace and open space should be in unbuildable lands.

She discussed the Friends testimony, and how staff had synthesized the comments and provided options for the Planning Commission to consider, the costs associated with any new directions to pursue, and the staff recommendation. Staff did not think there was anything non-compliant legally. However, two items did not have precedent and case law for interpretation—site specific needs that respond to an Economic Development Plan Strategy that was not captured in the forecast methodology and retail leakage identifying a service deficit. This was a risk for the Commission to consider. Staff also thought they should keep the PAC recommendations when it was based on local data, which was most representative of McMinnville. From staff's perspective, a forecast was not an exact science, regular updates would be required, and moving the goal posts was costly in terms of money and time. They were responsible for making decisions that impacted the lives of both current and future residents who needed to live in the neighborhoods and community that these decisions were forming, 34,500 people today and 47,500 people in the future.

There was discussion regarding the two items that did not have case law.

Bill Kabeiseman, City Attorney, said he did not know other cities that had specifically called out unusual land needs and they increased their land needs analysis by that amount or any that had relied on the concept of retail leakage. He could not tell them that LUBA would find it appropriate. They could just go with the safe harbor, but it could mean they would not have sufficient land.

Beth Goodman, EcoNW consultant, explained the assumption was employment would grow at the same rate as population. Employment growth sometimes happened outside of what was expected. They had looked at how much employment would be on the different needs and backed out that amount of land so they weren't double counting. Including these other needed employment sites was a risk and they did not know how LUBA would rule on it. The retail leakage analysis was about where residents were shopping and for what and if they had that in the City, what could they capture back in McMinnville.

Community Development Director Richards discussed the process for the Economic Development Strategic Plan and how they calculated the land needed to implement the plan. There was a safe harbor where employment grew at the same rate as population and looked at past employment growth and forecasted the future growth from there. The retail leakage was an additional process and came up with a land need to meet the deficit of services in the City.

There was discussion regarding the annexation process for land in the UGB to become part of the City limits and classification of parks and the amount of land assigned to them.

Parks and Recreation Director Muir said the numbers and information in the HNA were correct. The other more detailed categories would be streamlined for the master plan update.

Ms. Goodman said it was 12 acres for retail leakage and it was 49 acres for the other site needs, totaling 61 acres they were talking about as a risk.

Proponents: None.

Opponents: Mark Davis, McMinnville resident, discussed the buildable land added to the UGB from 2003 to 2023, total land added to the UGB from 2003 to 2023, parks that included unbuildable land, current park acreage, and population comparison. He did not think there was a need to expand the UGB. They already had over 200 acres for parks in the City, which was buildable land. They needed to build these parks before more land was added.

Rob Hallyburton, Friends of Yamhill County, discussed what they were trying to accomplish, to improve the quality of life in the County for both urban and rural residents as well as protect natural resources such as farmland. They wanted the City to be able to accommodate growth in compliance with the statewide planning goals and regulations. Agriculture was the most important industry in Yamhill County. There was a state agricultural policy that stated the preservation of a maximum amount of a limited supply of agricultural land was necessary to the conservation of the state's economic resources. This did not mean that UGBs could not expand on farmland; it only meant that farmland should be lowest priority and that farmland loss should be minimized. UGBs promoted compact urban development which could enhance livability and sustainability inside the boundary.

There was discussion regarding the contention that the land owned by Linfield should be counted as available land.

Sid Friedman, 1,000 Friends of Oregon, said their contention was that Linfield planned to develop the land to support its programs.

Commissioner Deppe asked what was the number of acres they were arguing about. What would it take to get to a yes? Mr. Friedman said it was more important for the City to meet its housing needs and provide housing at price points that met the needs of the population.

Mr. Hallyburton said the argument was about how many acres it took to accommodate the needed housing units. He suggested using the safe harbor density number, 8 units per acre. They were advocating for a more incremental growth.

Community Development Director Richards said the 8 units per acre was a 46% increase over the current 5.46 units per acre. There had to be a basis for the number used to meet the need.

Mr. Hallyburton thought the analysis needed to include historic data and trends in housing, and he did not think the second was done.

Ms. Goodman said for the trends, they had adjusted the housing mix and planning for new types of housing. They were planning for a larger share of housing to be either townhomes or multi-family housing.

Commissioner Randall pointed out that they were not removing farmland tonight, they were planning for the future. They would have to do all of this process again in six years.

Chair Winfield thought it was a balance of doing the best they could for citizens and what they were required to do by law. They had to plan for the future of the community as a whole and not just a land use group.

Commissioner Flores said the 20-year delay to expand the UGB had a human cost that was severe and generational. It was a failure to plan and to consider what the population needed. This was an important plan for the future and 61 acres was not worth the human impact.

Mr. Hallyburton said there was already vacant land in the UGB waiting to be developed. This was a longer term decision they were considering and would take ten years before development could occur. He was in no way advocating the City not provide for the needs of its population. The disagreement was on how much land it took to provide for that.

Mr. Friedman spoke about the HNA and how it reduced planned density. He did not think it would meet the City's needs. He compared the minimum density standards of other cities. He then discussed the EOA and how 8.2% of McMinnville workers worked from home which far surpassed the 5% EOA rate. He discussed jobs on residential land or existing employment sites. The EOA had no deadline for completion, and they could take the time to get it right.

Commissioner Randall said they were building smaller than the minimum densities due to planned developments which had smaller lot sizes.

Commissioner Deppe said they needed 202 more acres of residential land. Mr. Friedman was saying that number was too high. He wanted to know how much too high it was.

Mr. Friedman thought the City should reduce the minimum lot sizes.

Community Development Director Richards said the discussion about minimum lot sizes was a land use efficiency discussion, not a land needs discussion. The way the Friends group was bringing it to the table was for the persuasive argument of the existing 5.46 that came from the calculations of the local data vs. the safe harbor of 8.0.

Mr. Friedman said taking the historic density and adjusting it without considering other factors did not give them the needed density to meet the housing needs going forward. He was on the project advisory committee and staff and the consultant presented options, and this was the one they moved forward with. He had brought forward his concerns then and was continuing to advocate for these changes.

Chair Winfield said the City had been working to increase density and they had to work in the best interest of the citizens of McMinnville. The project advisory committee did not move forward with the safe harbor numbers, and focused on the data points that were in front of the Commission. She thought the safe harbor number went against the best interest of the City based on what other citizens said and based on their historic use. She would like the Friends group to work with them, especially when these choices impacted the housing availability of the community.

Rebuttal: Community Development Director Richards said the assumption that higher density created affordability was inherently flawed. Housing supply helped with affordability. If there was no development occurring, the parks did not get built. The City had operated in the red for the past 12 years and did not have the financial means to meet those amenity needs because of the compressed low growth state. Linfield had not master planned their property and had not indicated they planned to build dorms for new students or new classrooms employing more professors. Those lands were set aside as committed lands and not assigned in the population or employment forecast. Regarding the parkland, the over 200 acres reflected the need for the overall population and that they were deficient. It would not be specific to the new UGB land, it was the overall deficiency of parkland for the community. If they changed the level of service, they would need to change the Comprehensive Plan policy. She questioned whether now was the time to do that, or in six years when they had to do this process again. Regarding residential density, they needed

to ask themselves what was the best minimum lot size for McMinnville. They were trying to build great neighborhoods for people to live in that represented the community. It needed to be a community dialogue. They were moving forward with middle housing, however the market dictated the housing products and this community liked certain housing products and did not like others. Regarding the EOA, the 2013 EOA talked about how it was aspirational in terms of what it was trying to achieve for density for jobs. The recent analysis showed they were decreasing jobs per acre and they wanted to build the need on reality.

Ms. Goodman noted that the next step would be developing the Housing Production Strategy. Affordability was beyond land use and zoning, and the strategy was an equity centered product and touched on potential financial incentives and ways they could support development of affordable housing.

Community Development Director Richards said the data they had today was pandemic data and things were starting to change in terms of people working from home. She thought they should revisit it during the update in six years.

Chair Winfield closed the public hearing.

There was discussion regarding risk perspective.

City Attorney Kabeiseman said there was no way to get an advance read on what LCDC would do. It was a quick turnaround of about six months for the LUBA process. He thought the retail leakage and need for employment sites was defensible.

There was discussion regarding removing those two calculations from the EOA.

Commissioner McClellan MOVED to RECOMMEND to City Council the adoption of the Housing Needs Analysis, Economic Opportunities Analysis, and Public Lands Need Analysis with the options to remove the calculations for employment sites, retail leakage, and reduction in parkland. SECONDED by Commissioner Flores. The motion PASSED 8-0.

**C. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)**

***(Continued from August 17, 2023)***

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She

asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards explained staff was asking for a continuance.

Commissioner Tucholsky MOVED to CONTINUE the hearing for Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22) to the October 19, 2023 meeting with the record open. SECONDED by Commissioner McClellan. The motion PASSED 8-0.

#### **4. Commissioner Comments**

Commissioner Flores invited everyone to the candlelight vigil on October 5.

#### **5. Staff Comments**

None

#### **6. Adjournment**

Chair Winfield adjourned the meeting 11:03 p.m.



## EXHIBIT 4 - STAFF REPORT

**DATE:** November 2, 2023  
**TO:** Planning Commission  
**FROM:** Adam Tate, Associate Planner  
**SUBJECT:** Short-Term Rental STR 3-23, 1036 NW Baker Crest Ct, Tax Lot R4417-BA-02700

### 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 is Public Hearing before the Planning Commission regarding an application for a Short-Term Rental (STR 3-23) to operate a short-term rental at 1036 NW Baker Crest Ct. The property is zoned R-1. A Short-Term Rental is a permitted use in the R-1 zone as specified in Section 17.12.010(P), and subject to the procedures specified in Section 17.72 of the Zoning Ordinance. **See Figure 1 for Vicinity Map, Figure 2 for Zoning Map, Figure 3 for Applicant's Site Plan. See Figure 4 for map of Short-Term Rentals with 500' buffer shown.** The application submittal includes additional materials including a floorplan diagram, photos, and information from the neighborhood meeting.

The hearing was called by a neighbor who objects to the short-term rental. They are one of several and there are multiple public comments attached to the Decision Document, including a response document prepared by the applicant's legal counsel addressing the concerns raised by neighboring property owners.

### **Background:**

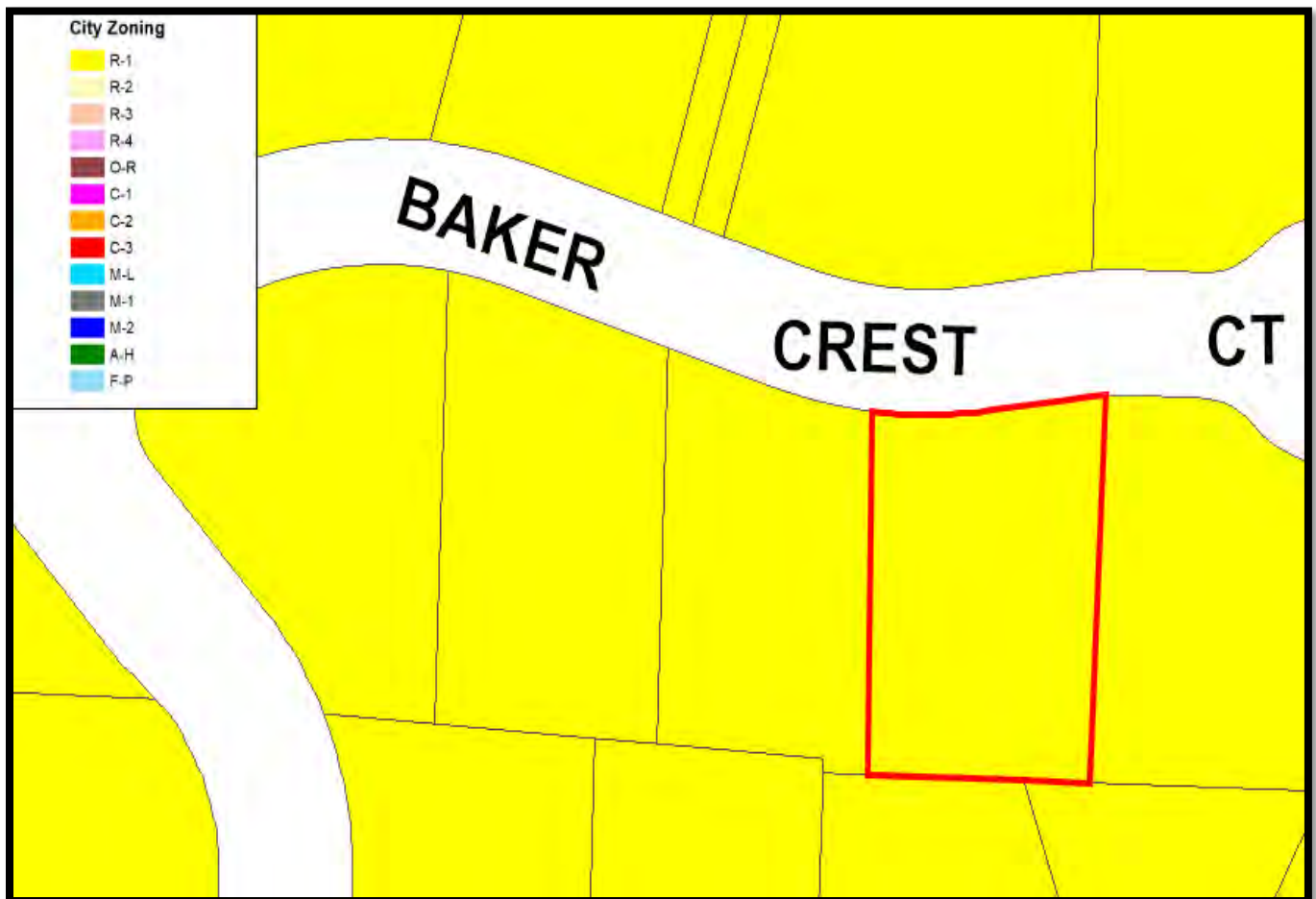
#### ***Subject Property & Request***

The subject property is located at 790 NW 21st Street. The property is zoned R-1. A Short-Term Rental is a permitted use in the R-1 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, Figure 2 for Zoning Map, 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, and information from the neighborhood meeting.

**Figure 1. Vicinity Map**



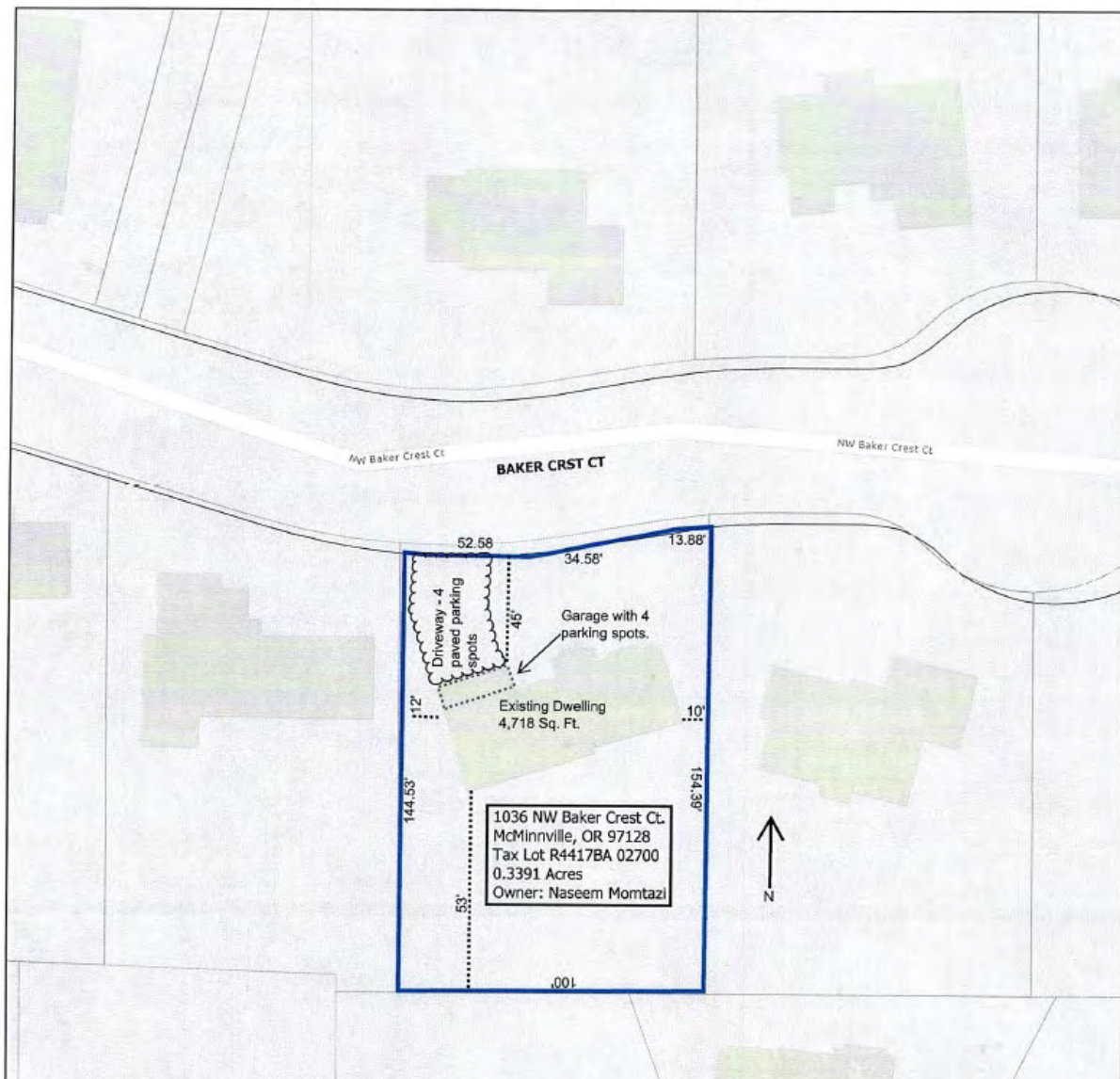
**Figure 2. Zoning Map**

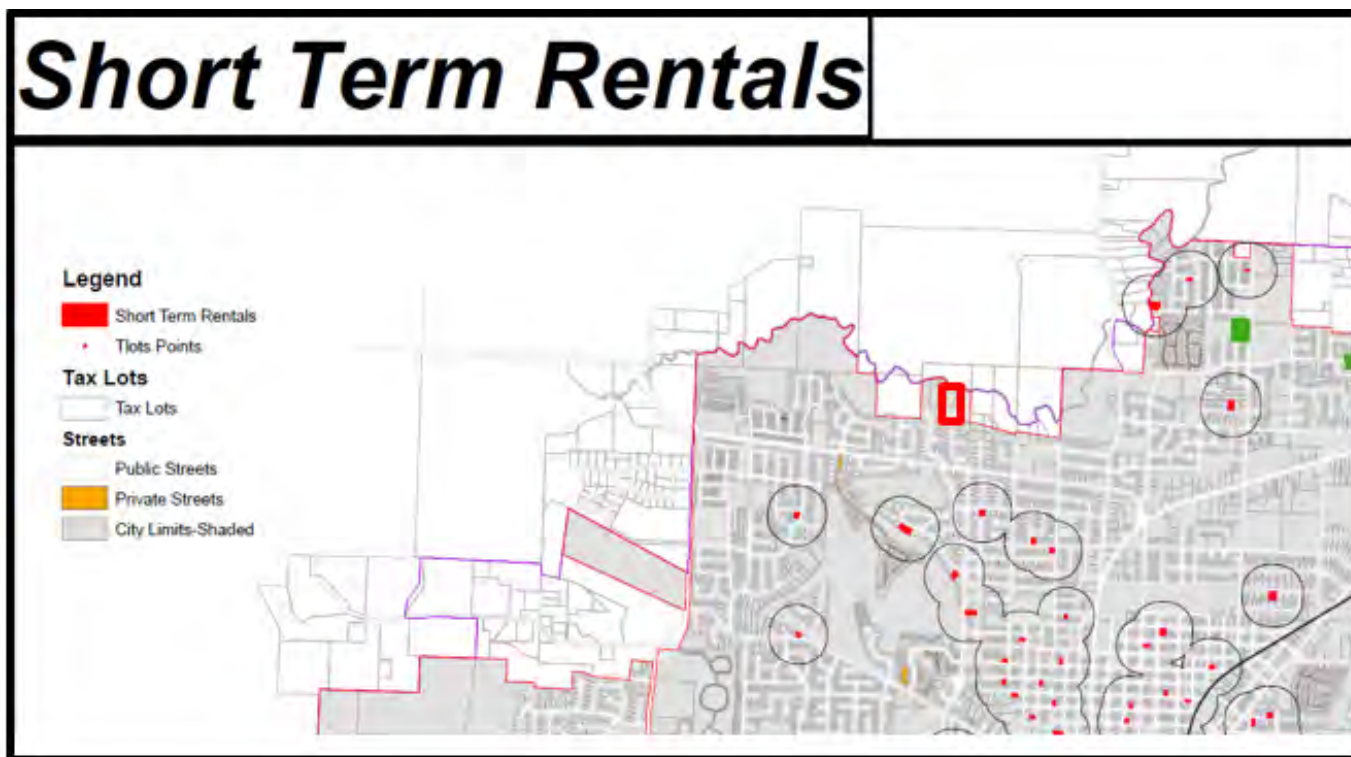




**Figure 3. Applicant's Site Plan**

## City of McMinnville Interactive Map – Site Plan





**Figure 4. Map of Short-Term Rentals with 500-Foot Buffer**

#### **Discussion**

#### ***Applicable Standards and Issues – Staff Review***

Use and development of properties in the R-1 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.

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

<b>Standard</b>	<b>Summary of Findings</b>
<b>17.12.010. 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-1 zoned property.
<b>17.12.010(P)</b>	

1. Short term rentals shall not be located within 500 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 500 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 stated that there were four guest rooms and eight off-street parking spaces, four in the garage and four in the driveway. While four in the garage does not sound feasible, there are four spaces for the four guestrooms available.  As an ongoing condition of approval, the structure shall retain the characteristics of a residence.
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 stated where the required smoke/C02 detectors are located in their application  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.	<b>Satisfied.</b> The applicant lists a contact person who lives in the required area.

<p>8. Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.</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>9. 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>10. All city and state taxes shall be remitted in a timely manner.</p>	<p><b>Satisfied with Conditions.</b></p> <p>This will be an ongoing condition of approval.</p>
<p>11. Prior to any advertising or operating the property for short-term rental use, 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 Chapter 5.10 of the McMinnville Municipal Code.</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>12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.</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>13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.</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>14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.</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>15. 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>16. Complaints on conditions 1 through 13 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> 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>17. The provisions of this Section shall apply to new applications for Short-Term Rentals submitted on or after June 22, 2023. In addition, all provisions of this Section shall also apply to renewals, except renewals of existing permits issued before June 22, 2023 made nonconforming relative to Subsections 1, 3, and 13, may continue to operate in accordance with the spacing standards, parking requirements, and authorized sleeping rooms in effect at the time the permit was approved.</p>	<p><b>Satisfied.</b></p> <p>The Planning Commission will review the application and hear any complaints at the Public Hearing.</p>

**Commission Options:**

- 1) Close the public hearing and **APPROVE** the application **WITH CONDITIONS**, 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 and **DENY** the application, providing findings of fact for the denial in the motion to deny.

**Staff Recommendation:**

Staff recommends **APPROVAL** of STR 3-23, subject to the following **CONDITIONS OF APPROVAL:**

1. That four (4) off-street parking spaces (paved or of a hardscape surface) are required for the use of the Short Term Rental, per the four (4) guest rooms provided.
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 two-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. These requirements were listed in the chart referenced earlier in this document.

**MOTION FOR STR 3-23:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES STR 3-23, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.**

AT



**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A SHORT-TERM RENTAL AT 1036 NW BAKER CREST COURT**

**DOCKET:** STR 3-23

**REQUEST:** Application to permit a short-term rental.

**LOCATION:** 1036 NW Baker Crest Ct. Tax Lot: R4417-BA-02700

**ZONING:** R-1 (Low-Density Residential)

**APPLICANT:** Naseem Momtazi

**STAFF:** Adam Tate, Associate Planner

**DATE DEEMED  
COMPLETE:** September 6, 2023

**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:** November 2, 2023, Hybrid Public Hearing. Kent Taylor Civic Hall, 200 NE Second Street. Zoom Meeting, Meeting ID: 848 0860 3865

**PROCEDURE:** The application is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. One of the property owners who received the notice for comments requested a public hearing with the Planning Commission per Section 17.72.110(B) of the Zoning Ordinance. The application will now be heard before a public hearing and 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 the resolution of any local appeal.

## 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 permit for the property at 1039 NW Baker Crest Ct. (STR 3-23).

## APPROVAL WITH CONDITIONS

Planning Commission: \_\_\_\_\_  
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: 11/2/2023\_\_\_\_\_

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

Date: 11/2/2023

## **I. APPLICATION SUMMARY:**

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

The subject property is located at 1036 NW Baker Crest Ct. The property is zoned R-1. A Short-Term Rental is a permitted use in the R-1 zone as specified in Section 17.12.010(P), and subject to the procedures specified in Section 17.72 of the Zoning Ordinance. **See Figure 1 for Vicinity Map, Figure 2 for Zoning Map, Figure 3 for Applicant's Site Plan. See Figure 4 for map of Short-Term Rentals with 500' buffer shown.** The application submittal includes additional materials including a floorplan diagram, photos, and information from the neighborhood meeting. Those additional materials are included in **Attachment 1**.

**Figure 1. Vicinity Map**



Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

Figure 2. Zoning Map

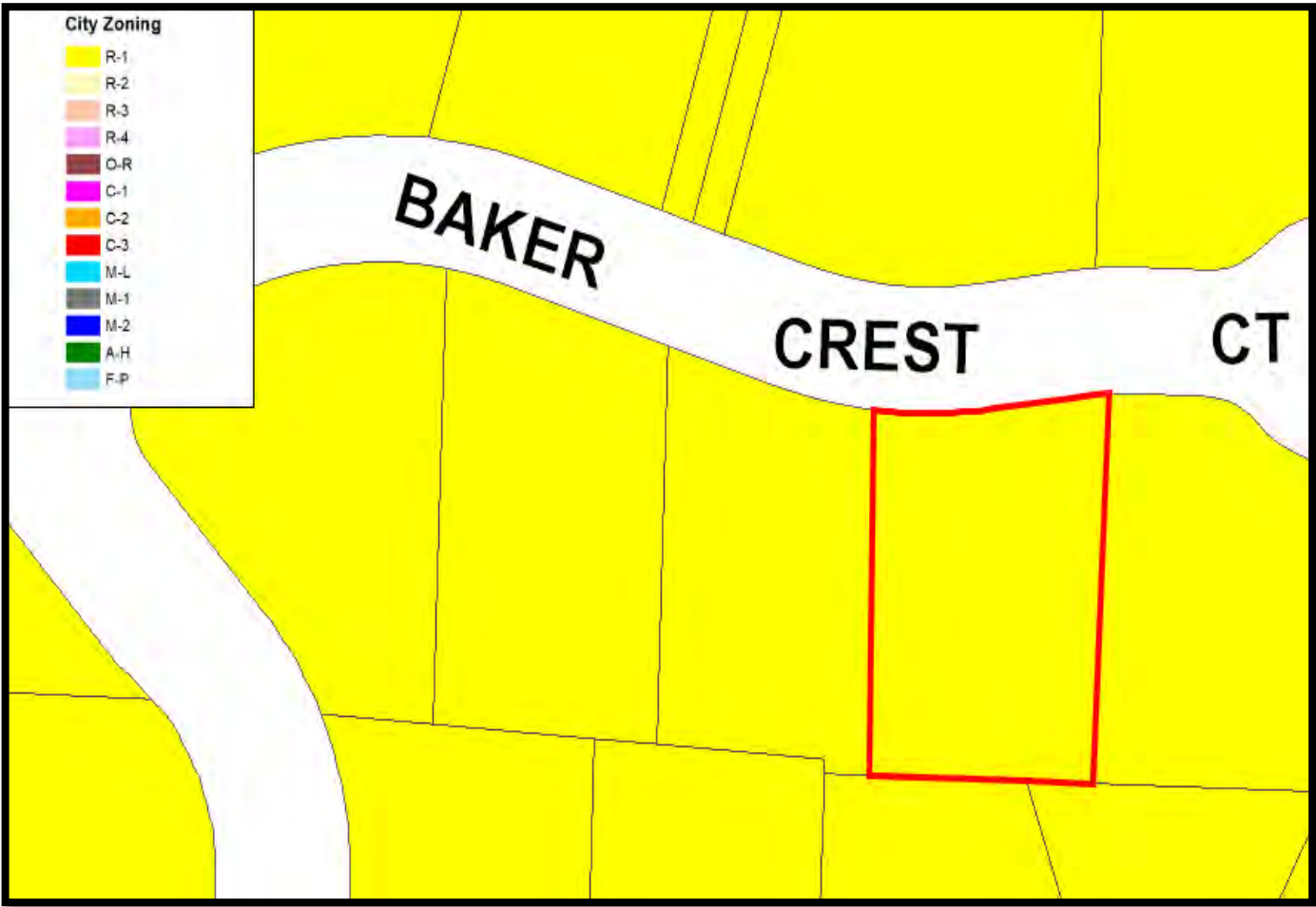
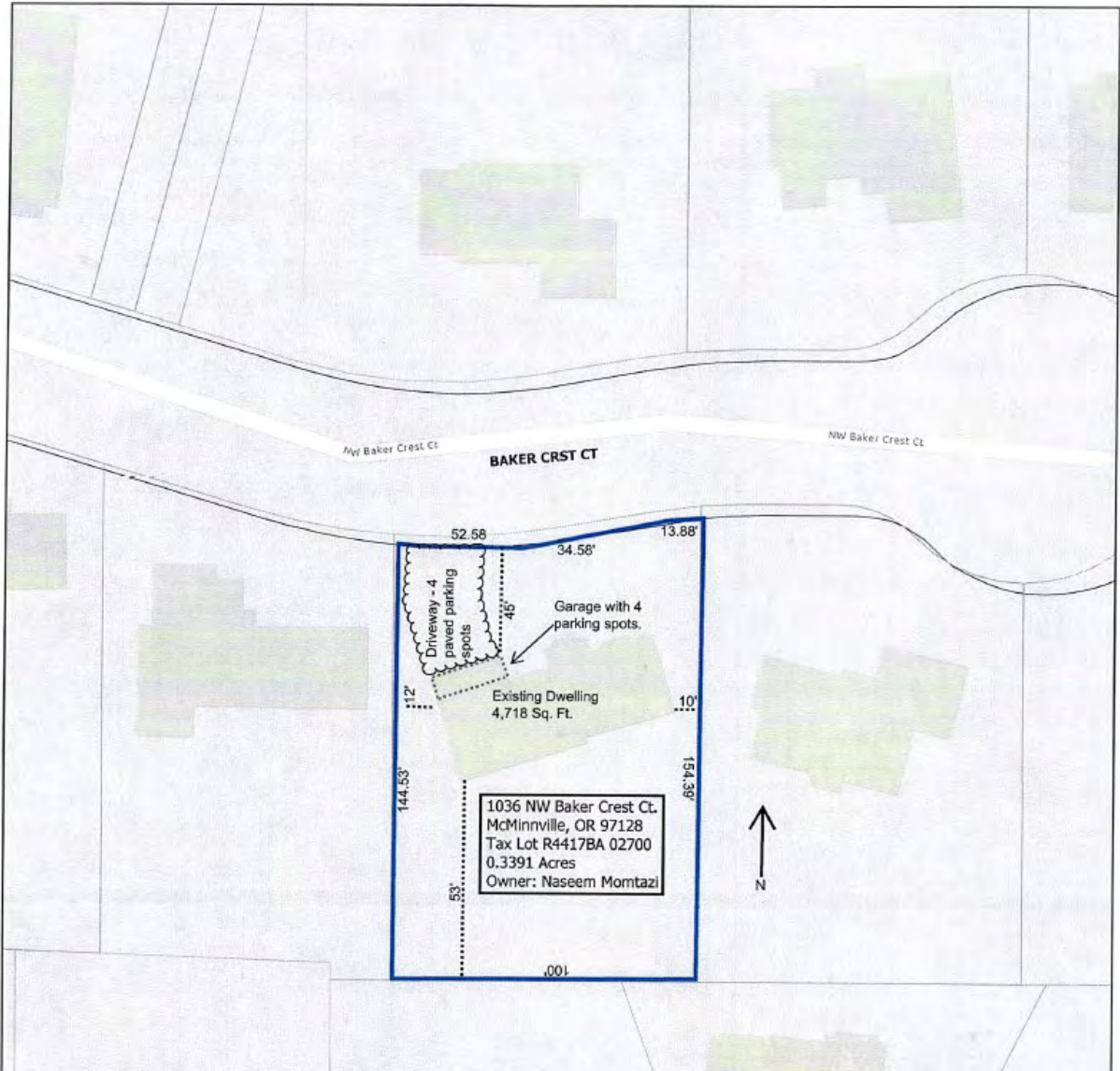
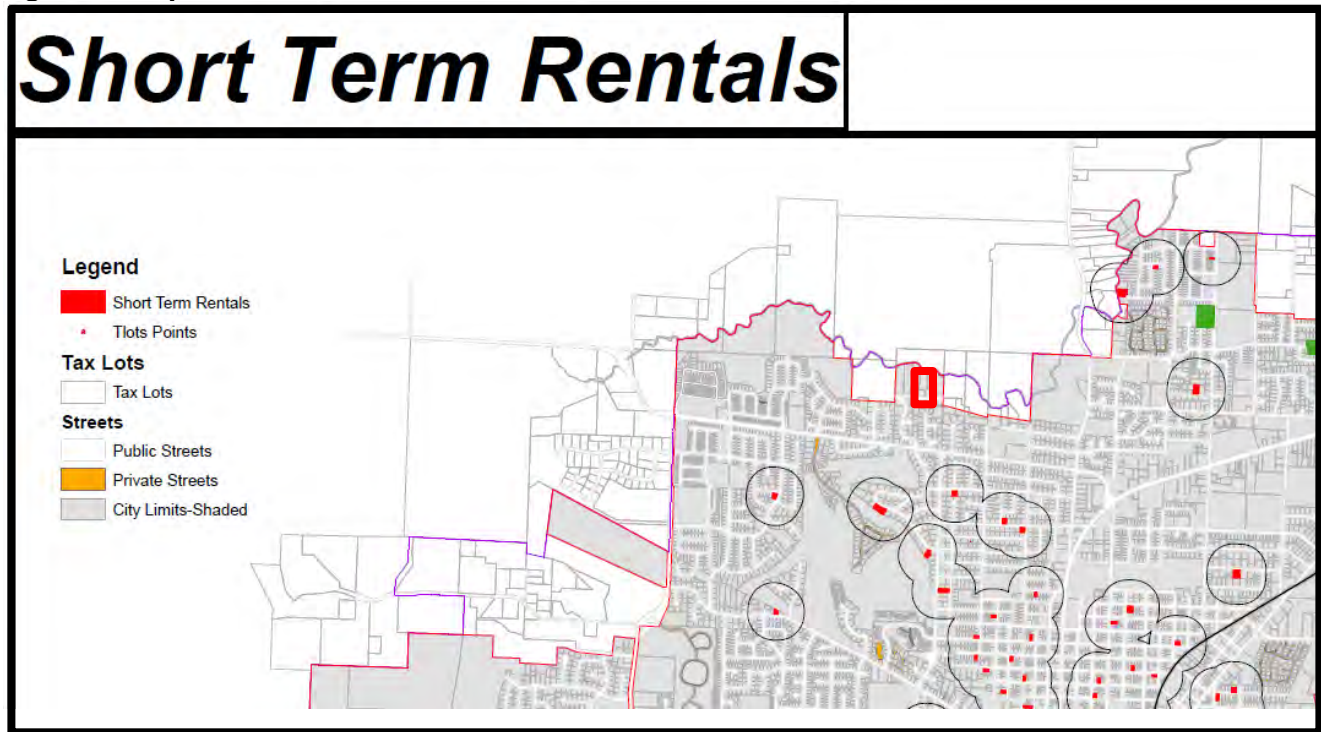




Figure 3. Applicant’s Site Plan

City of McMinnville Interactive Map – Site Plan



**Figure 4. Map of Short-Term Rentals with 500-Foot Buffer****Summary of Applicable Standards and Issues**

Use and development of properties in the R-1 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.

**Summary of Findings Regarding Consistency with Applicable Standards**  
**(Table on next page)**

Standard	Summary of Findings
<b>17.12.010. 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-1 zoned property.
<b>17.12.010(P)</b>	
1. Short term rentals shall not be located within 500 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 500 feet.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received



<p>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.</p>	<p><b>Satisfied with Conditions.</b> The application complies with this requirement at the time of application. The existing structure is a single-family dwelling.</p> <p>As an ongoing condition of approval, the structure shall retain the characteristics of a residence.</p>
<p>3. That a minimum of one off-street parking space be provided for each guest room.</p>	<p><b>Satisfied with Conditions</b> The application stated that there were four guest rooms and eight off-street parking spaces, four in the garage and four in the driveway. While four in the garage does not sound feasible, there are four spaces for the four guestrooms available.</p> <p>As an ongoing condition of approval, the structure shall retain the characteristics of a residence.</p>
<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 stated where the required smoke/C02 detectors are located in their 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.</b> The applicant lists a contact person who lives in the required area.</p>

<p>8. Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.</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>9. 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> <ul style="list-style-type: none"> <li>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</li> <li>b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.</li> </ul>	<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 1 – Application and Attachments

Attachment 2 – Public Testimony Received

<p>10. All city and state taxes shall be remitted in a timely manner.</p>	<p><b>Satisfied with Conditions.</b></p> <p>This will be an ongoing condition of approval.</p>
<p>11. Prior to any advertising or operating the property for short-term rental use, 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 Chapter 5.10 of the McMinnville Municipal Code.</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>12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.</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>13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.</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>

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

<p>14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.</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>15. 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>16. Complaints on conditions 1 through 13 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> 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>17. The provisions of this Section shall apply to new applications for Short-Term Rentals submitted on or after June 22, 2023. In addition, all provisions of this Section shall also apply to renewals, except renewals of existing permits issued before June 22, 2023 made nonconforming relative to Subsections 1, 3, and 13, may continue to operate in accordance with the spacing standards, parking requirements, and authorized sleeping rooms in effect at the time the permit was approved.</p>	<p><b>Satisfied.</b></p> <p>The Planning Commission will review the application and hear any complaints at the Public Hearing.</p>

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

**II. CONDITIONS:**

1. That four (4) off-street parking spaces (paved or of a hardscape surface) are required for the use of the Short Term Rental, per the four (4) guest rooms provided.
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 two-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. These requirements were listed in the chart referenced earlier in this document.

**III. ATTACHMENTS:**

1. STR 3-23 Application and Attachments (on file with the Planning Department)
2. Public Testimony.

**IV. COMMENTS:*****Public Comments***

1. Letter received on August 8, 2023, from Rick and Lan Carpenter given to applicant at the neighborhood meeting and included as part of the application material.
2. Letter received on August 8, 2023, from Krista and Florent Merlier given to applicant at the neighborhood meeting and included as part of the application material.
3. Email received on September 19, 2023 from Catherine Blosser and Terry Dolan.
4. Email received on September 21, 2023 from Laurence and Joann Tool with a July 28, 2023 letter attached as well as a neighborhood petition against the proposed short-term rental.
5. Email received on October 20, 2023 from Catherine Blosser with attached letter against the proposed short-term rental.
6. Email received on October 23, 2023 from Terry Dolan with attached letter and map against the short-term rental.

---

**Attachments :**

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

7. Letter received on October 25, 2023 from Katherine Gowell, Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C., on behalf of the applicant.

### **Agency Comments**

#### Building Official –

- No building code concerns observed.

#### Fire Marshal –

- The Fire District has no comment for STR-3-23.

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

1. The applicant mailed notice of a neighborhood meeting dated July 6, 2023, and held a neighborhood meeting on July 27, 2023.
2. The applicant submitted the Short-Term Rental application (STR 3-23) on August 8, 2023.
3. The application was deemed complete on September 6, 2023 and notice of the application was mailed to nearby property owners.
4. On July 28, 2023 a neighboring property owner wrote to the Planning Director requesting a hearing before the Planning Commission. This was before the application was submitted and deemed complete, so the neighbor resent their request again on September 21, 2023.
5. The hearing date was set for November 2, 2023. On October 10, 2023 notice of the November 2, 2023, 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.
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: McMinnville Fire District, 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 were received from the Building Department and the Fire District.

7. Notice of the application and the November 2, 2023, Planning Commission public hearing was published in the News Register on Friday, October 27, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. On November 2, 2023, the Planning Commission held a duly noticed public hearing to consider the application. The Planning Commission deliberated and rendered a decision.

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

1. **Location:** 1036 NW Baker Crest Ct. Tax Lot R4417-BA-02700

---

Attachments:

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

2. **Size:** Approximately 0.3391 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Low-Density 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:** Baker Crest Court is classified as a local residential street in the McMinnville TSP. Local streets have 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-1 Zone are provided in Chapter 17.12 of the Zoning Ordinance; however, the proposed short-term rental will be located within the existing single-family dwelling, and no 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 17.12.010 lists permitted uses in the R-1 Zone. Subsection (P) provides the following:

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

**FINDING: SATISFIED.** The proposed use described in the application is single-family home used for a short-term rental. These are both permitted uses.

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.*

---

Attachments:

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received

**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 500 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 500 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.** 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.

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

**FINDING: SATISFIED.** There are at least four (4) off-street parking spaces provided to accommodate the four (4) guest rooms.

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, but there are not enough of them, with only one in the basement, two on the main floor and one on the second floor. The applicant will need to place a smoke detector in each guest room and one



near the stairs for the second floor, for a total of five smoke detectors and carbon monoxide detectors. This is a two-story single-family dwelling with a basement.

The application does not demonstrate compliance with this standard. As an ongoing condition of approval, the structure shall be brought into and 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.** On the application, the applicant provided the 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. Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.

**FINDING: SATISFIED WITH CONDITIONS.** 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 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.

10. All city and state taxes shall be remitted in a timely manner.

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

11. Prior to any advertising or operating the property for short term rental use, 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 Chapter 5.10 of the McMinnville Municipal Code.

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

12. Any listing or advertisement for the Short-Term Rental shall include the permit number assigned by the Planning Department.

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

13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom only residence. Only a room with a built-in closer, window, and door shall be considered a bedroom.

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

14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.

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

15. 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 in effect at the time of the application.

**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.

16. Complaints on conditions 1 through 13 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 ordinances. If the short-term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

**FINDING: SATISFIED:** This application will be reviewed by these criteria by the Planning Commission at the public hearing.

AT

---

Attachments:

Attachment 1 – Application and Attachments

Attachment 2 – Public Testimony Received



**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. STR 3-23

Date Received 8/8/23

Fee \$1,414.50

Receipt No. 208573

Received by AW

56A-23-000444-PLNG

## Short Term Rental Application

### Applicant Information

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

Applicant Name Naseem Momtazi Phone 971-241-7326

Contact Name Katherine Gowell Phone 503-472-5141  
(If different than above)

Address PO Box 480; 620 NE 5th Street

City, State, Zip McMinnville, OR 97128

Contact Email kgowell@hrglawyers.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 1036 NW Baker Crest Court, McMinnville, OR 97128

Assessor Map No. R4 17 - BA - 02700 Total Site Area 0.3391 acres

Subdivision Crestbrook First Addition Block 4 Lot 4

Comprehensive Plan Designation Residential Zoning Designation R-1

1. Please describe the residence and its proposed use. The dwelling is approx. 4,718 sq. ft. with 4 bedrooms and 3.5 bathrooms. The proposed use is a short term vacation rental of the entire dwelling.
2. How many guest rooms will be provided? 4  
What is the maximum number of guests that can be accommodated? 8
3. How many off-street parking spaces are available? 4 on driveway; 4 in garage  
Are the parking spaces paved? Yes ☒ No ☐
4. Are there smoke detectors in the residence? Yes ☒ No ☐  
If so, where are they located? One in basement; Two on main level; one on top floor
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 Mahmood Momtazi Phone 503-545-9166  
Address 390 NW Mt Bachelor Street Phone \_\_\_\_\_  
City, State, Zip McMinnville, OR 97128  
Contact Email moe@maysara.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.***

DocuSigned by:

Naseem Montazi

E2B14014F66E4DF...

Applicant's Signature

8/8/2023

Date

DocuSigned by:

Naseem Montazi

E2B14014F66E4DF...

Property Owner's Signature

8/8/2023

Date

## City of McMinnville

### Short Term Rental Application Criteria

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

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 500 feet of another short term rental, or on the same property as another short term rental.

**Response:** The subject property is located at 1036 NW Baker Crest Court in McMinnville, Oregon. There is not another short term vacation rental located within 500 feet of another short term rental as shown on the Short Term Rentals map from the City of McMinnville.

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

**Response:** The dwelling on the subject property is a single family dwelling and there are no changes to the dwelling proposed for the short term vacation rental.

3. That a minimum of one off-street parking space be provided for each bedroom in the dwelling in which the short-term rental is located. Required off-street parking shall be provided on the same property as the short-term rental, not on a different property through a parking agreement.

**Response:** The dwelling on the subject property has four bedrooms. There are four parking spots in the paved driveway. Additionally, the garage has four spots for tandem parking. The site plan attached hereto indicates two parking spaces in the garage but there is capacity for four spots for tandem parking. However, one spot in the garage is in use for Applicant's car, making two available for use at this time. There is capacity for a total of eight off-street parking spots on the subject property, with six currently available for use for guests. The parking area is shown on the attached site plan.

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

**Response:** Any signage for the short term vacation rental shall comply with the above requirements.

5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days. The residence shall be subject to residential regulations when occupied or rented for more than 30 consecutive days.

**Response:** Future use of the short term vacation rental shall comply with this maximum duration requirement.

6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997. A CO2 alarm must also be installed.



**Response:** There are several smoke detectors and a CO2 alarm installed in the dwelling on the Subject Property, as required under applicable law.

7. That the property owner or owner's appointed agent shall live within the geographic area of the 97128 zip code and shall be available 24 hours a day, 7 days a week to respond immediately to any emergency or complaint related to the short term rental. Prior to commencing the use as a Short-Term Rental, the contact information for the property owner or owner's appointed agent shall be mailed to the property owners and street addresses of the adjacent properties, Yamhill Communication Agency (YCOM), and the McMinnville Community Development Department. Any change in the contact information for the property owner or owner's appointed agent shall also be mailed to the adjacent property owners and street addresses, YCOM, and the Community Development Department prior to the change. The mailing shall include the address and the Short-Term Rental permit number assigned by the Planning Department.

**Response:** The property owners appointed agent, Mahmood Momtazi, lives within the city of McMinnville at 390 NW Mt Bachelor Street, McMinnville, OR 97128. Applicant shall mail contact information for owner's appointed agent to the required parties with the required information. As requested at the neighborhood meeting, Applicant will provide two additional contacts. This includes the Applicant's contact information (although she resides outside of the 97128 zip code) and an additional contact, Drew Rutschman, who lives within the 97128 zip code at 10350 NW Donnelly Lane, McMinnville OR 97128, mailing address 2625 NW Pinehurst Drive, McMinnville, OR 97128

**Naseem Momtazi**

1036 NW Baker Crest Court  
McMinnville, OR 97128  
971-241-7326

**Mahmood Momtazi**

390 NW Mt Bachelor Street  
McMinnville OR 97128  
503-545-9166

**Drew Rutschman**

10350 NW Donnelly Lane  
McMinnville, OR 97128

Mailing for Drew Rutschman:

2625 NW Pinehurst Drive  
McMinnville, OR 97128  
503-435-9839

8. Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.

**Response:** Applicant understands that responses to emergencies and complaints is required for the operation of a short term vacation rental in the city of McMinnville.

9. 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.

**Response:** In the event the subject property is sold, Applicant understands the short term vacation rental permit is not transferrable.

10. All city and state taxes shall be remitted in a timely manner.

**Response:** Applicant shall pay all city and state taxes timely.

11. Prior to any advertising or operating the property for short-term rental use, 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 Chapter 5.10 of the McMinnville Municipal Code.

**Response:** Applicant shall register with the McMinnville Finance Department as a transient lodging provider.

12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.

**Response:** Applicant shall include the permit number assigned by the Planning Department in any listing or advertisements for the short term vacation rental.

13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.

**Response:** The dwelling on the Subject Property has four bedrooms and four bedrooms will be used for sleeping for the short term vacation rental.

14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a



valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.

**Response:** Applicant understands the remedies for enforcement action for short term vacation rentals in the City of McMinnville.

15. 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 in effect at the time of application.

**Response:** Applicant understands annual renewal of a short term vacation rental permit is required and will renew annually as required.

16. Complaints on conditions 1 through 13 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.

**Response:** Applicant understands complaints based on the above criteria will be heard at a public hearing by the Planning Commission.

17. Neighbors discussed the Crestbrook First Addition Declaration of Protective Covenants prohibiting commercial business and whether it applied to short term rentals.

**Response:** Under Section (T), the Declaration states (attached), that "no commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gain approval from appropriate zoning authority". Short term rentals are a permitted residential use under the applicable zone, and not a commercial business. However, even if considered a commercial business, it is allowable, provided that a permit is obtained (the subject of this application).

18. Neighbors cited concerns regarding traffic, parking, and safety on adjacent streets next to the subject property.

**Response:** Many of the concerns raised by the neighbors pertained to the public right-of-way. Applicant will request guests park in the garage or on the driveway. However, Applicant does not have control over the public right-of-way and enforcement of rules subject thereto.

19. Neighbors mentioned concerns regarding noise.

**Response:** Applicant intends to screen guests appropriately in an effort to ensure quality guests that will not create unreasonable disturbances in the neighborhood. Applicant intends to include reasonable quiet hours for use of the home. The house's situs and landscaping allow for noise and view privacy for the neighbors.

GRANTOR:  
Mahmood Momtazi and Flora Momtazi

GRANTEE:  
Naseem Momtazi

SEND TAX STATEMENTS TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

AFTER RECORDING RETURN TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

Escrow No: 471815045336-TTMIDWIL36

Yamhill County Official Records	<b>201520202</b>
DMR-DDMR	12/31/2015 02:25:02 PM
Stn=6 SUTTONS	
1Pg\$ \$5.00 \$11.00 \$5.00 \$20.00	<b>\$41.00</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	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Mahmood Momtazi and Flora Momtazi, Grantor, conveys and warrants to Naseem Momtazi, 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:

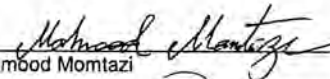

Lot 4, Block 4, CRESTBROOK FIRST ADDITION, in the City of McMinnville, Yamhill County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$250,000.00. (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: December 31, 2015

  
Mahmood Momtazi  
  
Flora Momtazi

State of OREGON  
COUNTY of YAMHILL

This instrument was acknowledged before me on 31 Dec., 2015  
by Mahmood and Flora Momtazi

  
Notary Public - State of Oregon

My commission expires: 21 June 2017

471815045336-TTMIDWIL36  
Deed (Warranty-Statutory)



1992 AUG 11 PM 4:43

F273P0575

DECLARATION OF PROTECTIVE COVENANTS

FOR

CRESTBROOK FIRST ADDITION, A SUBDIVISION

APPROVED  
CITY OF MC MINNVILLE  
PLANNING DIRECTOR  
5-28-92

This Declaration of Protective Covenants is applicable to Lot 1 Block 3, Lots 1 through 5, Block 4, and Lots 1 through 7, Block 5, CRESTBROOK FIRST ADDITION, a Subdivision, in the City of McMinnville, Oregon.

WHEREAS, Declarant is the owner of certain real property located in the City of McMinnville, County of Yamhill and State of Oregon, known as CRESTBROOK FIRST ADDITION, a Subdivision, a duly recorded plat.

WHEREAS, the Declarant desires to declare of public record its intentions to create certain restrictive conditions and covenants to the ownership of said property.

YCTE  
THEREFORE, the Declarant does hereby certify that the following reservations, conditions and covenants shall become and are hereby made a part of the conveyances of Lot 1 Block 3, Lots 1 through 5, Block 4, and Lots 1 through 7, Block 5, within the plat of CRESTBROOK FIRST ADDITION, a Subdivision, recorded August 11, 1992, in FV 3 Page 264+265, of the Plat Records of Yamhill County, Oregon, and the following reservations and covenants shall by reference become a part of any such conveyances and shall apply thereto as fully and with the same effect as if set forth at large therein.

ARTICLE I.

Property Subject to These Covenants

(A) Initial Development.

Declarant hereby declares that, subject to paragraph (W) hereunder, all of the real property described above is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to these covenants. The above property, together with other real property, from time to time annexed thereto and made subject to these covenants shall constitute CRESTBROOK FIRST ADDITION, a Subdivision.

8-12-92

## ARTICLE II.

Residential Covenants(A) Land Use and Building Type.

No lot shall be used except for single family residence. The lots shall not be partitioned. No more than one (1) family shall be allowed to dwell in a single unit family dwelling. This does not apply to overnight guests, temporary visitors, or in-house domestic employees.

(B) Dwelling Size.

All houses will be single family dwellings and shall have a minimum area of 2,000 square feet, exclusive of open porches and garages. The peak of the roof of the dwelling shall be of a height not in excess of 35 feet.

(C) Restrictions on Carports.

No carport shall be allowed. Parking shall be provided by means of an entirely closed parking facility or garage. There is a two car minimum requirement for any such parking facility or garage.

(D) Roofs.

Roof shall be cedar shake, cedar shingle, or tile. Any other type of roofing must be of similar quality and must be approved by Declarant.

(E) Siding.

All buildings shall have siding materials on all sides of every structure or improvement placed on the premises; however, under no circumstances shall plywood, T-111-303, or any other panel-type siding be used.

(F) Detached Buildings.

All detached buildings must be fully enclosed and may not exceed 16 feet in height. No pole buildings are allowed. All detached buildings shall have siding and roof materials, which siding and roof materials shall be of the same materials utilized in construction of the residence located on the premises.

(G) Off Site Manufactured Homes and Temporary Structures.

No mobile homes or manufactured homes, whether permanent or temporary structures, shall be allowed in the development, with the exception of a construction supervision type mobile

8-12-92



home to be used by the contractor, only during the period of construction.

(H) Campers, Motor Homes, Boats, Travel Trailers, and Other Such Vehicles.

No campers, motor homes, boats, travel trailers, utility trailers, or non-operable vehicles shall be permitted to be left where they shall be visible from the street or from contiguous property within Crestbrook First Addition, a Subdivision, for a period in excess of seven (7) days. If any such vehicle or boats are permanently stored on the premises, they shall be stored either inside a garage or detached structure or shall be physically obscured from horizontal view from the street or contiguous parcels by means of a fence or hedge-type landscaping.

(I) Antennas.

No unconcealed satellite dishes will be permitted in the development. No television, radio aerials, or rotary beams shall be erected or placed on any lot where such device is more than 6 feet in height above the highest point (exclusive of chimneys) on the building or structure on which it is erected.

(J) Sidewalks and Driveways.

- (1) Sidewalks and paved or concrete driveways are required to be installed and maintained (on all lots) by lot owners at the lot owner's expense not later than completion of construction of the dwelling. They shall be constructed adjacent to the curb and shall meet all municipal or other ordinances or laws. Lot owners shall match the sidewalk in color, texture and scoring pattern to the sidewalks already constructed in the subdivision.
- (2) The driveway serving Lots 3 and 4, Block 5, CRESTBROOK FIRST ADDITION, a Subdivision, shall be a paved surface and, the unimproved portion of the access strip shall be planted in lawn or landscaped and maintained by the owners of Lots 3 and 4, Block 5. No gravel shoulders shall be installed along a driveway defined in this subsection. A buried sprinkler system shall be provided on both sides of the driveway with sufficient numbers of sprinklers to adequately water the unpaved portions. The landscaped portion along the foregoing lots shall be considered as a part of the front yard of the lot and shall be designed consistent with the landscaping of adjacent lots at the time of installation and shall be maintained to the same standards as the adjacent lots. Landscape design shall be approved by the Landscape Committee provided for in subsection (J) (3) hereof. The

8-12-92

1992 AUG 11 PM 4: 43

F273P0578

Committee may waive the sprinkler requirements if it finds that the proposed landscaping does not need watering in the summer months and meets the requirements of this section (J).

- (3) The Landscape Committee, hereinafter called "Committee", shall at all times consist of not less than five persons, who shall be selected annually in January of each year by the lot owners in CRESTBROOK FIRST ADDITION, a Subdivision, and shall perform the functions required of by these Covenants and Restrictions. The Committee shall cooperate with the Landscape Committee established by the Declaration of Protective Covenants For CRESTBROOK, a Subdivision, in the performance of the maintenance requirements of landscaping provided in paragraph (S) (Planting Islands) hereof.

(K) Obnoxious and Offensive Activities.

No obnoxious or offensive noises shall be made or activities carried on upon any lot, which may become an annoyance or nuisance to neighbors or to the neighborhood, or which interferes with the use of any adjacent lot by its property owners.

(L) Lot Maintenance.

In the event that any lot owner does not commence construction of a residence on said lot upon completion of all site improvements, the lot owner shall maintain the lot in such a manner as to keep the lot free from weeds, briars and other types of vegetation which would infiltrate lawns and landscaping of other lot owners and shall plant and maintain grass on the lot and not allow the grass to exceed 4 inches in height. With respect to Lots 3, 4, 6 and 7 of Block 5, the maintenance requirement of this paragraph (L) only applies to that portion of the lot which will reasonably be expected to constitute the homesite portion of the lot, "homesite" being defined to mean that area reasonably necessary for the construction of a residence structure, attached garage, lawn and landscaping. In the event that the owner does not maintain a lot in accordance with this section, the lot owner agrees to pay the Landscape Committee provided for in Section (J)(3) hereof an amount per month which is reasonably necessary to provide such maintenance service.

(M) Water Runoff.

Lot owners shall comply with all local, state and federal laws and regulations regarding storm water drainage and quality.

(N) Fences and Hedges.

On all lots plantings or site obscuring fences shall not exceed 2-1/2 feet in height in the front yard or on the side

8-12-92



lot lines forward of the building line with the greatest setback on the lot or the adjoining residential lot or on corner lots on the side abutting the street within the subdivision. All fences shall be well constructed of suitable fencing material and shall be constructed so as to have an identical appearance on both sides in order to not detract from the appearance of the dwelling located upon the lot, or detract from the appearance of adjacent dwellings.

(O) Landscaping Time Frames and Prohibited Foliage Types.

Landscaping must be in place no later than 120 days after completion of construction, or occupancy of dwelling whichever comes first. Exceptions to this may be granted by the Landscape Committee because of adverse weather or ground conditions. No Poplar trees, Quaking Aspen trees, or Sumac trees or bushes shall be planted within the Subdivision.

(P) Livestock and Poultry.

Except as otherwise herein provided, no animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for commercial purposes, and that all applicable city and county ordinances pertaining to such pets are strictly complied with. Subject to city and county ordinances and state law, owners of lots 3, 4, 6 and 7 of Block 5 may keep their own livestock on that portion of the foregoing lots that lies within the flood plain and may construct and locate a building to house such livestock outside the floodplain but as close as reasonably possible to such floodplain.

(Q) Signs

No sign shall be erected on any lot or attached to any improvement except that not more than one "For Sale" or "For Rent" sign not exceeding 18 inches high by 24 inches wide may be placed by the owner, the Declarant, or by a licensed real estate agent. This restriction shall not prohibit the temporary placement of "political" signs on any lot by the owner or the placement of a professional sign by the developer.

(R) Building Setbacks.

No building shall be located on any lot nearer than 20 feet to the front lot line; nearer than 20 feet to the rear lot line; or nearer than 10 feet to the side lot line. On corner lots, the side yard shall be a minimum of 20 feet on the side abutting the street. A detached outbuilding of less than 100 square feet in area may be located not less than 10 feet from the rear lot line of all lots.

8-12-92

(S) Planting Islands.

All lot owners of CRESTBROOK FIRST ADDITION, a Subdivision, shall be responsible along with all lot owners of CRESTBROOK, a Subdivision, for the maintenance (which maintenance includes, but is not limited to, landscape care, maintenance of water and electrical lines, and water and electrical charges) of the planting islands and areas as follows:

- (1) The islands in the middle of Pinehurst Drive.
- (2) The Southerly tip of Lot 1, Block 2 of CRESTBROOK, a Subdivision.
- (3) That portion of Lots 1 through 4, Block 1 of CRESTBROOK, a Subdivision, lying between the existing concrete fence and Baker Creek Road.
- (4) The Southeast corner portion of Lot 1, Block 1 of CRESTBROOK, a Subdivision, lying between the existing concrete fence and Pinehurst Drive.

Should they fail to do so, the Landscape Committee provided for in Section (J)(3) hereof may do so and the costs thereof shall be paid proportionally by all lot owners of CRESTBROOK FIRST ADDITION, a Subdivision, as well as CRESTBROOK, a Subdivision, which costs shall be a lien against those lots in the subdivision for which a proportionate payment has not been made. Should lot owners and the Landscape Committee fail to maintain the planting islands, the City shall have the authority to maintain the islands and to charge the lot owners for any costs incurred. Such charges shall be a lien against all the lots in the subdivision.

Should lot owners of CRESTBROOK, a Subdivision, fail to participate in the maintenance of the planting island located in CRESTBROOK FIRST ADDITION, then CRESTBROOK FIRST ADDITION, a Subdivision, shall do so, and deduct the cost thereof from its proportionate share of total landscape costs required and then apply the remainder of the funds to landscape maintenance in CRESTBROOK, a Subdivision.

(T) Commercial Business.

No commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gained approval from appropriate zoning authorities.

(U) Nonoperable Motor Vehicles.

There shall not be stored, parked or kept upon said lots or tracts in open and plain view any motor vehicles which is in a rusted, wrecked, junked or partially dismantled or

8-12-92

inoperative or abandoned condition, whether attended or not, unless it is completely enclosed within a building. Any such motor vehicles shall constitute a condition tending to reduce the value of the property; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; and to be a nuisance; and it shall be the duty of the owner of the property or of the lessee or other person in possession of the property upon which such vehicle is located, either to remove the same or have the same housed in a building where it will not be visible from the street or other property.

(V) Trash or Refuse.

No open air trash burning will be allowed at any time on any property included in this development. No garbage, trash or refuse will be allowed to accumulate on any property contained in this development.

(W) Grandfather Clause.

Improvements located within the Subdivision which were constructed or installed prior to the recordation of these Protective Covenants shall not be required to be reconstructed, remodeled or reformed to conform to these Protective Covenants; provided, however, that any future construction other than repairs and normal maintenance, shall conform to the terms and provisions set forth in these Protective Covenants.

(X) Existing Trees.

No existing tree shall be cut down without the prior written consent of the Declarant until the lot has been fully developed, including construction of the residence and installation of landscaping, at which time this provision shall terminate as to that lot.

ARTICLE III

General Provisions

(A) Duration.

The covenants, easements and restrictions contained herein are to run with the land for the benefit of each owner of land and such subdivision shall inure to and pass with each and every parcel of such subdivision, and shall bind the respective successors in interest of the present owner thereof. These covenants, easements, and restrictions shall remain in full force and effect until amended or revoked in the manner provided herein.

8-12-92

(B) Enforcement.

Any owner, or the owner of any recorded mortgage or recorded trust deed on any part of said property shall have the right to enforce by any proceeding at law or in equity, all the restrictions, conditions, covenants, reservations, easements, means and charges now or hereafter imposed by the provisions of this declaration. The failure by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

(C) Severability.

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions herein which shall remain in full force and effect.

(D) Amendments.

The covenants and restrictions of this declaration may be amended or terminated by an instrument signed by not less than 80% of the lot owners. Any amendment must be properly recorded.

(E) Attorney's Fees.

In the case a suit or action is instituted to enforce any of the provisions hereof, the losing party agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed the prevailing party in said suit or action, and if an appeal is taken from any judgment or decree of such trial court, the losing party further promises to pay such sum as the appellate court may adjudge reasonable as prevailing party's attorney fees on such appeal.

DATED this 29<sup>th</sup> day of May, 1992.

CRESTBROOK, an Oregon Partnership  
By:

Lester N. Cushman  
LESTER N. CUSHMAN, Partner

Claudia F. Huwaldt  
CLAUDIA F. HUWALDT, Partner

Sidney A. Huwaldt  
SIDNEY A. HUWALDT

009322

STATE OF OREGON )  
COUNTY OF WASHINGTON ) ss.



Charles Stern  
CHARLES STERN,  
COUNTY CLERK.

PAGE 8 - DECLARATION OF PROTECTIVE COVENANTS  
FOR CRESTBROOK FIRST ADDITION, A SUBDIVISION

8-12-92



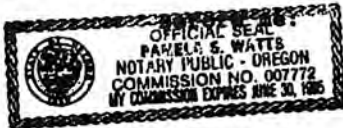
1992 AUG 11 PM 4:43

F273P0583

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named LESTER M. CUSHMAN, Partner of CRESTBROOK, an Oregon Partnership, and acknowledged the foregoing instrument to be his voluntary act and deed.

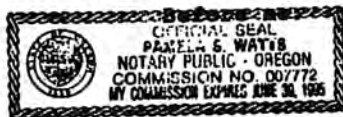


Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named CLAUDIA F. HUWALDT, Partner of CRESTBROOK, an Oregon Partnership, and acknowledged the foregoing instrument to be her voluntary act and deed.

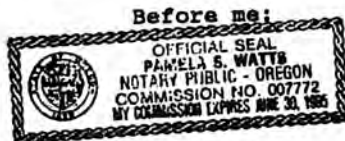


Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named SIDNEY A. HUWALDT and acknowledged the foregoing instrument to be his voluntary act and deed.

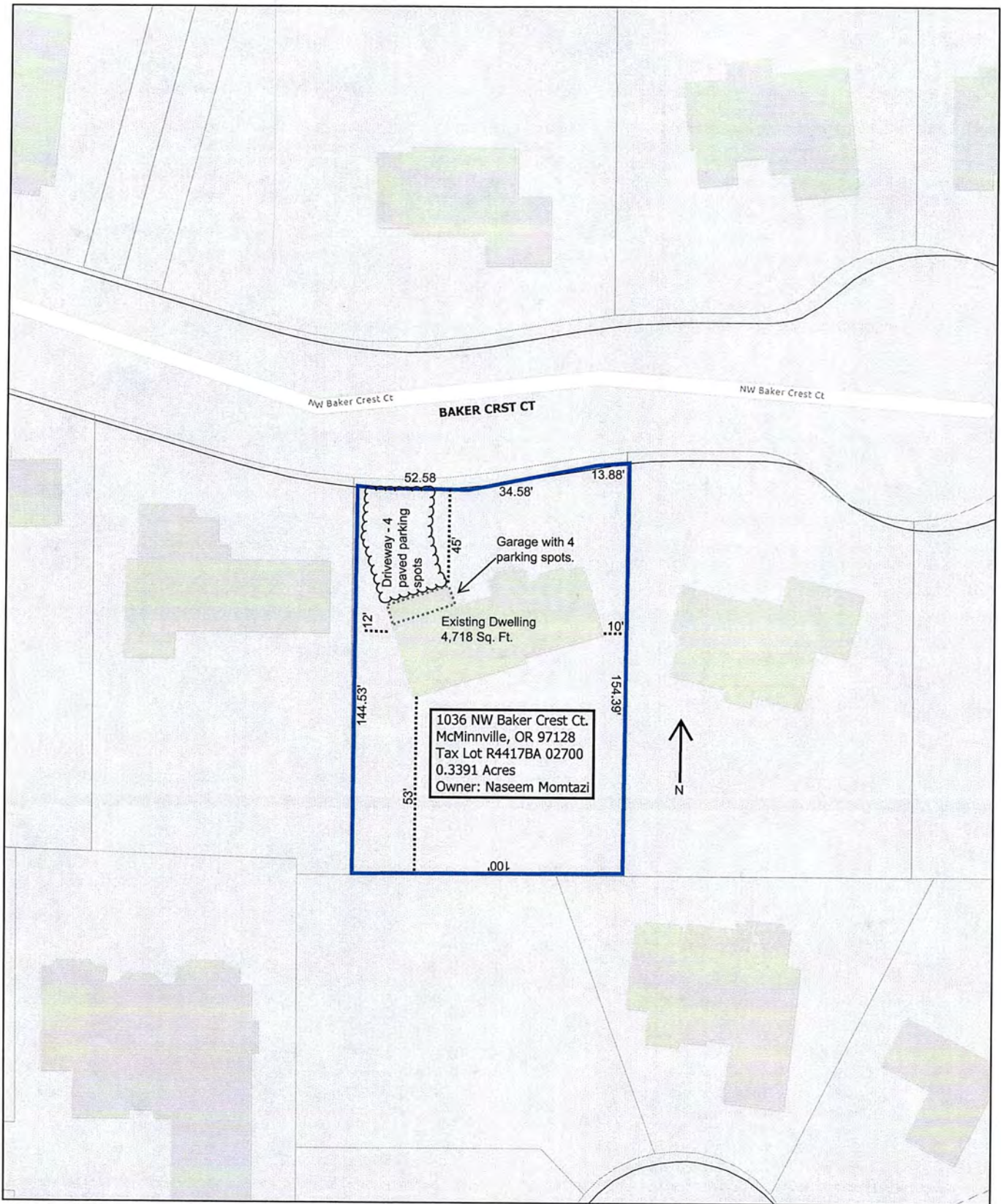


Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

ci:\wp51\huwaldt\crestboo.doc\5-27

8-12-92

# City of McMinnville Interactive Map – Site Plan



7/3/2023, 12:20:21 PM

Taxlots

City Limits

City

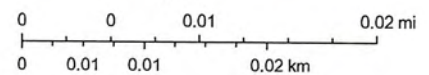
Urban Growth Boundary

Street Names

Streets

Subject Property

1:564



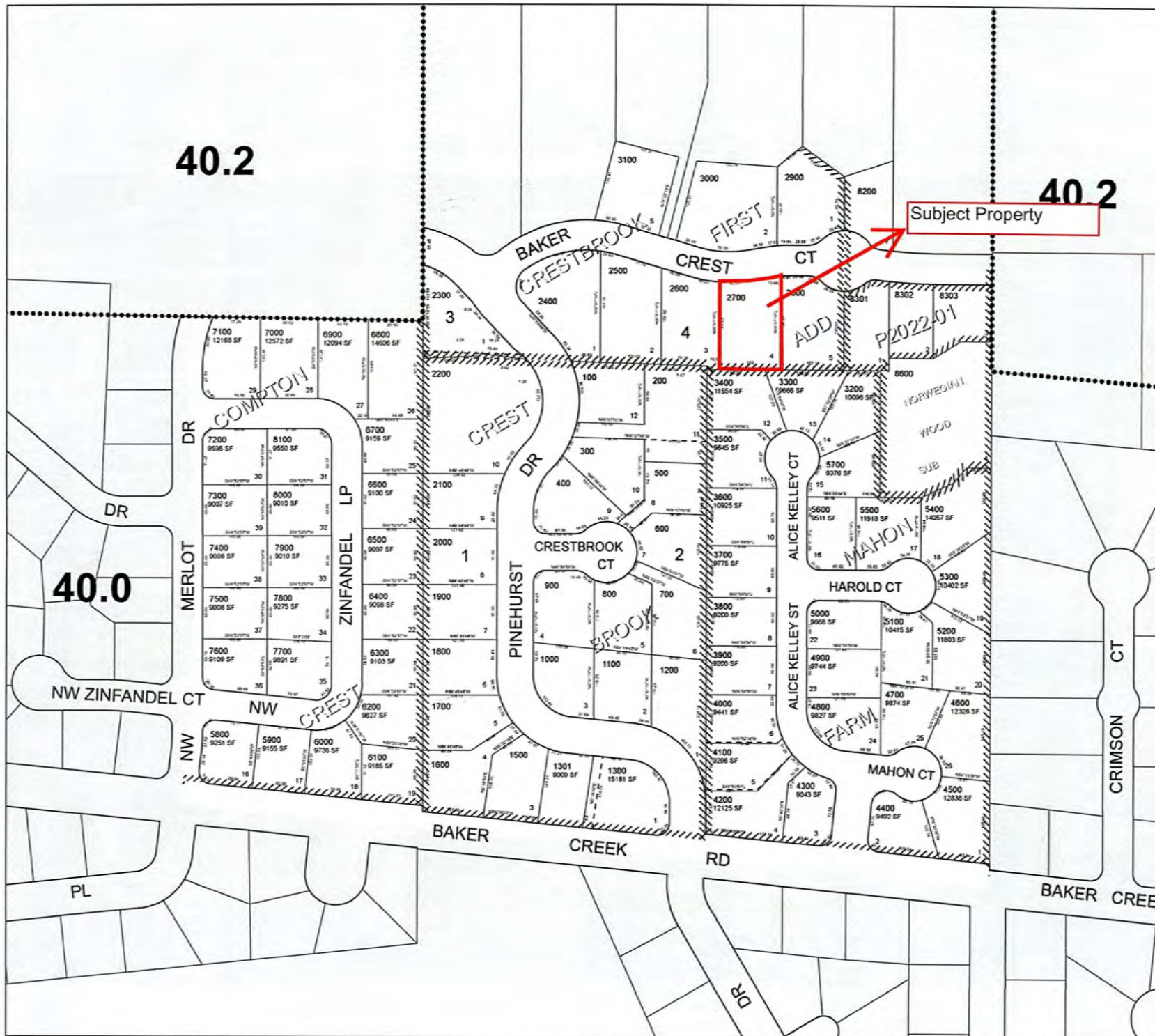
Esri Community Maps Contributors, City of McMinnville, Oregon Metro, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,





ASSESSMENT & TAX  
CARTOGRAPHY

N.E. 1/4 N.W. 1/4 SEC. 17 T. 4S. R. 4W. W.  
YAMHILL COUNTY OREGON  
1" = 100'



CANCELLED TAXLOTS:  
8400  
1400  
8300  
8500

DATE PRINTED: 3/31/2022

This product is for Assessment and Taxation (A&T) purposes only  
and has not been prepared or suitable for legal, engineering,  
surveying, or other professional purposes for assessment and taxation



# Short Term Rentals

## Legend

Short Term Rentals

Tlots Points

## Tax Lots

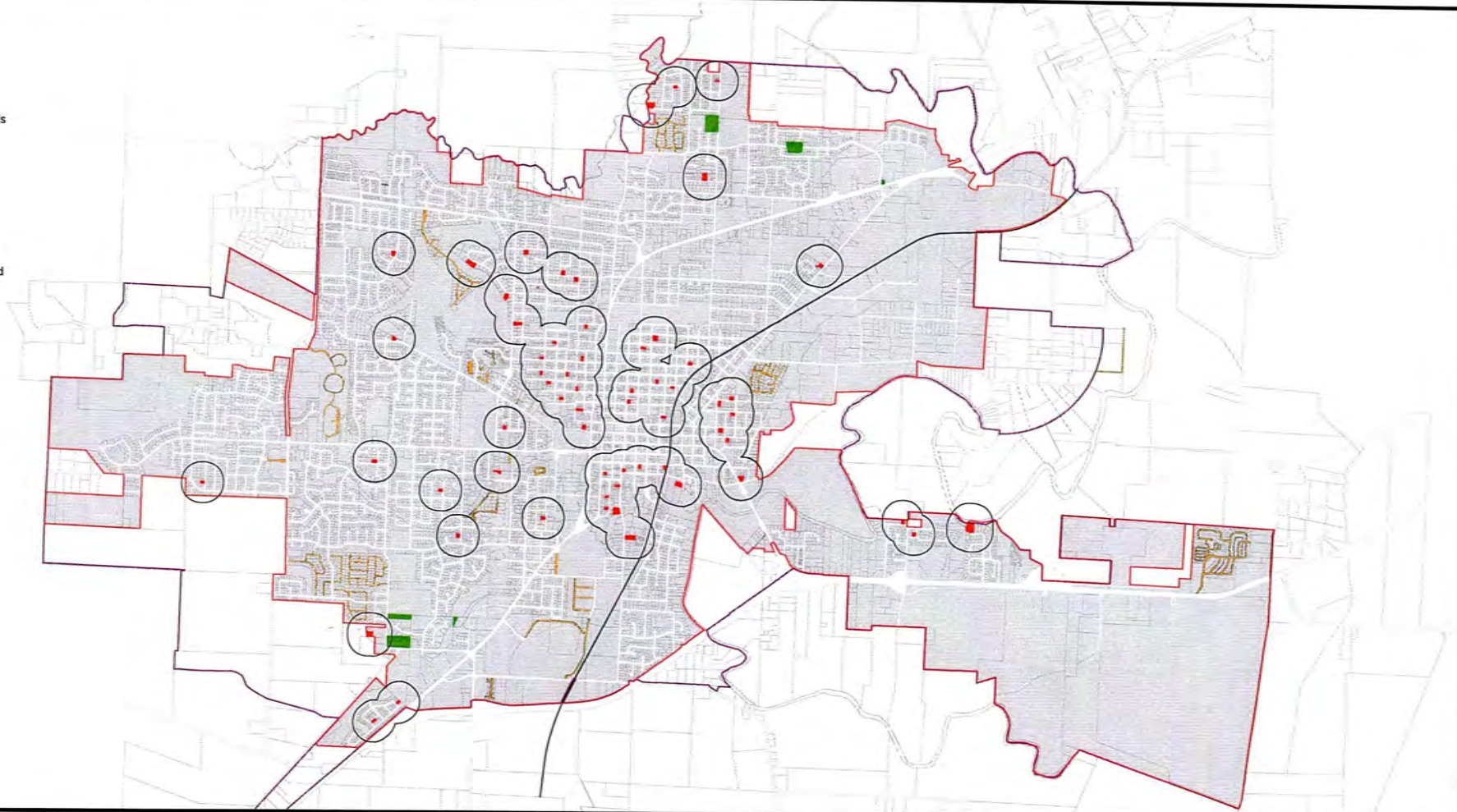
Tax Lots

## Streets

Public Streets

Private Streets

City Limits-Shaded









© 2022



© 2022









## AQualityMeasurement.com Real Estate Sketch



### LOCATED AT

1036 NW Baker Crest Ct  
McMinnville, OR 97128

### FOR

Naseem Momtazi

### AS OF

06/03/2022

### BY

A Quality Measurement  
10117 SE Sunnyside Rd. Ste. F-1254  
Clackamas, OR 97015  
503-781-5646  
Team@AQualityMeasurement.com  
www.AQualityMeasurement.com



7/27/2023

I would like to begin by expressing my deep admiration and affection for the entire Momtazzi family. My concerns regarding the proposed short term vacation rental are absolutely separate from my respect for each member of their family.

We have lived in Crestbrook for almost 31 years. We have cherished the close connections that we have fostered over the years in this beautiful community. When we built our home, we were given a covenant agreement that stated no businesses would be allowed in our neighborhood. Part of keeping a neighborhood intact as a community is through fostering connections over a long period of time with our neighbors, as opposed to multiple strangers renting a house for a short period of time.

We have seen other neighborhoods lose their sense of identity and also the feeling of safety that can come from knowing and consistently communicating with neighbors.

My husband and I are very opposed to the idea of creating a short term rental in our neighborhood and are devastated to think of this decision setting a precedent for even more short term rentals to be developed.

We respectfully ask this request for a short term rental to be denied.

Sincerely,

Rick & Lan Carpenter  
2463 NW Pinehurst Drive  
McMinnville, OR 97128

971-237-4237  
Lancarpenter@msn.com

Krista and Florent Merlier  
2660 NW Pinehurst Dr  
McMinnville, OR 97128

July 22, 2023

Re: Land Use Application for a short-term vacation rental in the Crestbrook neighborhood at the address of 1036 NW Baker Crest Ct, McMinnville OR 97128

To Whom it May Concern:

We, Krista and Florent Merlier, are writing this letter because we will be out of town for the neighborhood meeting on July 27, 2023 to discuss the proposed short term vacation rental in our neighborhood and we would like to vocalize our concerns.

First and foremost, we would be against any property in the Crestbrook neighborhood being used as a vacation rental no matter our friendship or relationship with the owner(s). We have only had a friendly rapport with the Momtazi family. According to the Protective Covenants for the Crestbrook Addition, Division 1, Article II, Section A: "No lot shall be used except for single family residence." We purchased our home in 2011 under the impression this was to be a neighborhood of homeowners with no businesses allowed. Going against these protective covenants could negatively affect the value of our properties as well as the peaceful qualities of where we live.

Short term vacation rentals in our neighborhood would bring more traffic into a neighborhood with only one entrance and exit. Traffic that moves too quickly in an area where kids are playing, families are walking and pets are roaming is another major concern we have. Short term vacation rentals also often bring noise disturbance for the adjoining property owners. This has already been the case in several neighborhoods in McMinnville with the addition of short-term rentals.

Thank you for holding the neighborhood discussion about this proposal. A short-term vacation rental has no place in the Crestbrook neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Krista and Florent Merlier', written in a cursive style.

Krista and Florent Merlier

klfm21@gmail.com/fmerlier1@gmail.com



NEIGHBORHOOD  
MEETING

Future Land Use Application

SHORT TERM RENTAL

DATE: 7/27 + 8/7

TIME: 6:00 PM

Meeting Location:

620 NE 5th ST  
McMinnville, OR 97128

Contact Name: KATHERINE HOWELL, CM

Contact Number: 503-438-5115



NEIGHBORHOOD MEETING NOTICE  
FOR A LAND USE APPLICATION IN THE CITY OF MCMINNVILLE

July 6, 2023

City of McMinnville Community Development Department  
231 NE Fifth St.  
McMinnville, OR 97128

This notice is provided to inform you of a neighborhood meeting for a future land use application in the City of McMinnville regarding the property located at 1036 NW Baker Crest Ct., McMinnville, OR 97128. The land use application is for a short term vacation rental for the home located on this property. The owner of this property and applicant is Naseem Momtazi. Applicant's attorney is Katherine Gowell at the law office of Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C.

You are receiving this notice as a neighboring property owner. You are invited to this neighborhood meeting to discuss the proposed short term vacation rental.

The neighborhood meeting is on **July 27, 2023 at 6:00 PM** at the law office of Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C. located at 620 NE 5<sup>th</sup> Street, McMinnville, OR 97128.

If you have any questions, you can contact applicant's attorney at 503-472-5141 or [kgowell@hrglawyers.com](mailto:kgowell@hrglawyers.com).

NEIGHBORHOOD MEETING NOTICE  
FOR A LAND USE APPLICATION IN THE CITY OF MCMINNVILLE

July 17, 2023

City of McMinnville Community Development Department  
231 NE Fifth St.  
McMinnville, OR 97128

This is a ***repeat notice*** to inform you of an additional neighborhood meeting for a future land use application in the City of McMinnville regarding the property located at 1036 NW Baker Crest Ct., McMinnville, OR 97128. The land use application is for a short term vacation rental for the home located on this property. The owner of this property and applicant is Naseem Momtazi. Applicant's attorney is Katherine Gowell at the law office of Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C.

You are receiving this notice as a neighboring property owner. You are invited to this neighborhood meeting to discuss the proposed short term vacation rental.

The neighborhood meetings will be held on **July 27, 2023 and August 7, 2023, both at 6:00 PM** at the law office of Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C. located at 620 NE 5<sup>th</sup> Street, McMinnville, OR 97128.

If you have any questions, you can contact applicant's attorney at 503-472-5141 or [kgowell@hrglawyers.com](mailto:kgowell@hrglawyers.com).

Name	Address	Distance
Eddy J. Jovel	1020 NW Baker Crest Ct., McMinnville, OR 97128	abutting to the east
Lynn M. Boyd, Trustee for the Lynn Boyd Revocable Management Trust	2670 NW Alice Kelley Ct., McMinnville, OR 97128	abutting to south
Christopher and Sarah Barlow	1925 NW Michelbook Ln, McMinnville, OR 97128	abutting to south
Brian and Mary Branch	2632 NW Alice Kelley Ct., McMinnville, OR 97128	100 feet to se
Emerson and Frances Collier, Trustees of the Frances J Collier Revocable Living Trust	2632 Pinehurst Dr. McMinnville, OR 97128	20 feet to SW
Catherine Blosser and Terrance Dolan, Co-Trustees of the Catherine G. Blosser & Terrance M. Dolan Revocable Living Trust	1050 NW Baker Crest Ct., McMinnville, OR 97128	abutting to west
Lynda L Phillippi, Trustee of the Lynda L Phillippi Trust	1078 NW Baker Crest Ct., McMinnville, OR; mailing is PO Box 811, McMinnville	100' to the West
Jon and Maryann Vahle	1037 NW Baker Crest Ct., McMinnville, OR 97128	50' to north
Laurence Tool, Trustee of the Laurence Tool Trust and Joann Tool, Trustee of the Joann Tool Trust	1025 NW Baker Crest Court, McMinnville, OR 97128	55' to northeast
city of mcminnville planning department		
Mark and Kate Newman	1053 NW Baker Crest Ct., McMinnville, OR 97128	100' northwest
Chris and Jennifer Szedlak	2625 NW Alice Kelley Ct.	100' south



# NEIGHBORHOOD

## MEETING

OPEN PUBLIC MEETING  
Future Land Use Application:

SHORT TERM RENTAL

1036 NW BAKER CREST CT.

DATE:

7/27

TIME:

6:00 pm

Meeting Location:

620 NE 5th Street

McMinnville, OR 97128

Contact Name:

KATE GOWEN, ESQ

Contact Number:

503-472-5741



City of McMinnville  
Short Term Vacation Rental Application Neighborhood Meeting  
July 27, 2023 at 6:00 PM at 620 NE Fifth Street, McMinnville, OR

Attendee Name:	Attendee Address:
John Shaw	2685 NW Pinelhurst Dr
<del>Robb L. CARPENTER</del>	2463 NW Pinelhurst Dr
KAREN Nichols	2579 NW Pinelhurst Dr MAC
Larry Teol	1025 NW Baker Crest Ct
Joann Toon	" " "
Terry Dole	1050 NW Baker Crest Ct
Eddy Jovel	1020 NW Baker Crest Ct
Cathie Blosser	1050 NW Baker Crest Ct.
Ryan Carlson	2485 NW Pinelhurst Dr.

Short Term Vacation Rental Application Neighborhood Meeting  
July 27, 2023  
6:00 PM PST  
620 NE 5<sup>th</sup> Street, McMinnville, OR 97128

The meeting was posted and open to the public. The meeting was started at approximately 6:00 PM PST by the applicant's attorney, Katherine L. Gowell. The following individuals were in attendance: John Shaw, Rick Carpenter, Lan Carpenter, Karen Nichols, Larry Tool, Joann Tool, Terry Dolan, Eddy Jovel, Cathie Blosser, and Ryan Carlson.

Everyone was provided with an opportunity to voice their concerns.

The first matter mentioned was a concern that the applicant's emergency contact and agent, Drew Rutschman, would not be available to respond immediately to complaints. It was discussed that Drew has a full-time job outside of monitoring this property. Most issues arise between 10 PM and 2 AM. That said, the applicant, through her attorney, agreed to name an additional emergency contact, although not required under applicable regulations (please see updated narrative). In addition, some neighbors thought that the address listed was that of his parents, not Drew's residence. It was agreed that this address would be updated as necessary in the application. However, it was agreed that Drew's actual residence was in the City of McMinnville.

Another issue was that some neighbors felt that operating a short term rental was in violation of the Conditions, Covenants, and Restrictions applicable to the property. If a short term rental is defined as a "commercial business", neighbors thought that was prohibited by the CCRs. It was mentioned that a short term rental was a permitted use in the zone, even if it was considered a "commercial business". Applicant disagrees that renting the property is considered a "commercial business" and is a residential use. After the meeting, the CCRs were reviewed. The applicable provision is in Section (T), stating "No commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gained approval from appropriate zoning authorities." Here, even if considered a commercial business, the applicant is applying for such approval. In addition, protective covenants are enforced through property owners, and has no bearing on issuance of a permit. The narrative to the application was updated to reflect this response.

Larry Tool mentioned that he had formed a petition, and gathered approximately 35 signatures against a short term rental in the neighborhood. In addition, he asked why some neighbors received notice, while others did not. Application criteria was reviewed.

Further, it was asked what type of individuals would be permitted to rent. It is the intention of the applicant to property to screen potential guests in order to limit unreasonable disturbances to the area. However, it was acknowledged that the permit did not limit the types of parties that could be rented to.

Noise also was raised as a concern. The applicant agreed to institute reasonable quiet hours. It was noted that previous guests (who stayed for free) have not caused any nuisances.

Additionally, safety was discussed. It was questioned whether the house would need to become ADA compliant. Also, it was noted that the stairs and driveway leading up to the house were steep and may cause a safety concern for guests and children, especially in winter. The applicant would address code violations, if any, and intends to maintain adequate property insurance alleviating these worries.



Vehicular traffic was addressed. It was thought that guests may park on the street. It was a concern that guests may park to block driveways, impeded street sweeping, or block mailboxes. In addition, it was noticed that the street was on a hill that could be dangerous in inclement weather. Finally, some were concerned about safety in the neighborhood if drivers were speeding. The applicant does not have control over the public right-of-way, but has agreed to request guests park in the garage or driveway, as set forth in the amended application.

Final comments included that neighbors were against the short term rental because they were worried about the precedent it set, and that the neighborhood would lose its family character and safe feeling. Two letters were read out loud, which are to be included in the application.

The meeting was adjourned at approximately 7:15 PM PST.

- MATERIALS PROVIDED 7/27/23 -



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. \_\_\_\_\_  
Date Received \_\_\_\_\_  
Fee \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Received by \_\_\_\_\_

## Short Term Rental Application

### Applicant Information

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

Applicant Name Naseem Momtazi Phone \_\_\_\_\_

Contact Name Katherine Gowell Phone 503-472-5141  
(If different than above)

Address PO Box 480; 620 NE 5th Street

City, State, Zip McMinnville, OR 97128

Contact Email kgowell@hrglawyers.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 1036 NW Baker Crest Court, McMinnville, OR 97128

Assessor Map No. R4 17 BA 02700 Total Site Area 0.3391 acres

Subdivision Crestbrook First Addition Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Residential Zoning Designation R-1

1. Please describe the residence and its proposed use. The dwelling is approx. 4,718 sq. ft. with 4 bedrooms and 3.5 bathrooms. The proposed use is a short term vacation rental of the entire dwelling.
2. How many guest rooms will be provided? 4  
What is the maximum number of guests that can be accommodated? 8
3. How many off-street parking spaces are available? 4 on driveway; 4 in garage  
Are the parking spaces paved? Yes ☒ No ☐
4. Are there smoke detectors in the residence? Yes ☒ No ☐  
If so, where are they located? One in basement; Two on main level; one on top floor
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 Drew Rutschman Phone 503-435-9839  
Address 2625 NW Pinehurst Dr. Phone \_\_\_\_\_  
City, State, Zip McMinnville, OR 97128  
Contact Email \_\_\_\_\_
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.***

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## City of McMinnville

### Short Term Rental Application Criteria

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

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.

**Response:** The subject property is located at 1036 NW Baker Crest Court in McMinnville, Oregon. There is not another short term vacation rental located within 200 feet of another short term rental as shown on the Short Term Rentals map from the City of McMinnville.

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

**Response:** The dwelling on the subject property is a single family dwelling and there are no changes to the dwelling proposed for the short term vacation rental.

3. That a minimum of one off-street parking space be provided for each bedroom in the dwelling in which the short-term rental is located. Required off-street parking shall be provided on the same property as the short-term rental, not on a different property through a parking agreement.

**Response:** The dwelling on the subject property has four bedrooms. There are four parking spots in the paved driveway and the garage has four spots for tandem parking. There are a total of 8 off-street parking spots on the subject property. The parking area is shown on the attached site plan.

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

**Response:** Any signage for the short term vacation rental shall comply with the above requirements.

5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days. The residence shall be subject to residential regulations when occupied or rented for more than 30 consecutive days.

**Response:** Future use of the short term vacation rental shall comply with this maximum duration requirement.

6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997. A CO2 alarm must also be installed.

**Response:** There are several smoke detectors and a CO2 alarm installed in the dwelling on the Subject Property, as required under applicable law.

7. That the property owner or owner's appointed agent shall live within the geographic area of the 97128 zip code and shall be available 24 hours a day, 7

12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.

**Response:** Applicant shall include the permit number assigned by the Planning Department in any listing or advertisements for the short term vacation rental.

13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.

**Response:** The dwelling on the Subject Property has four bedrooms and four bedrooms will be used for sleeping for the short term vacation rental.

14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.

**Response:** Applicant understands the remedies for enforcement action for short term vacation rentals in the City of McMinnville.

15. 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 in effect at the time of application.

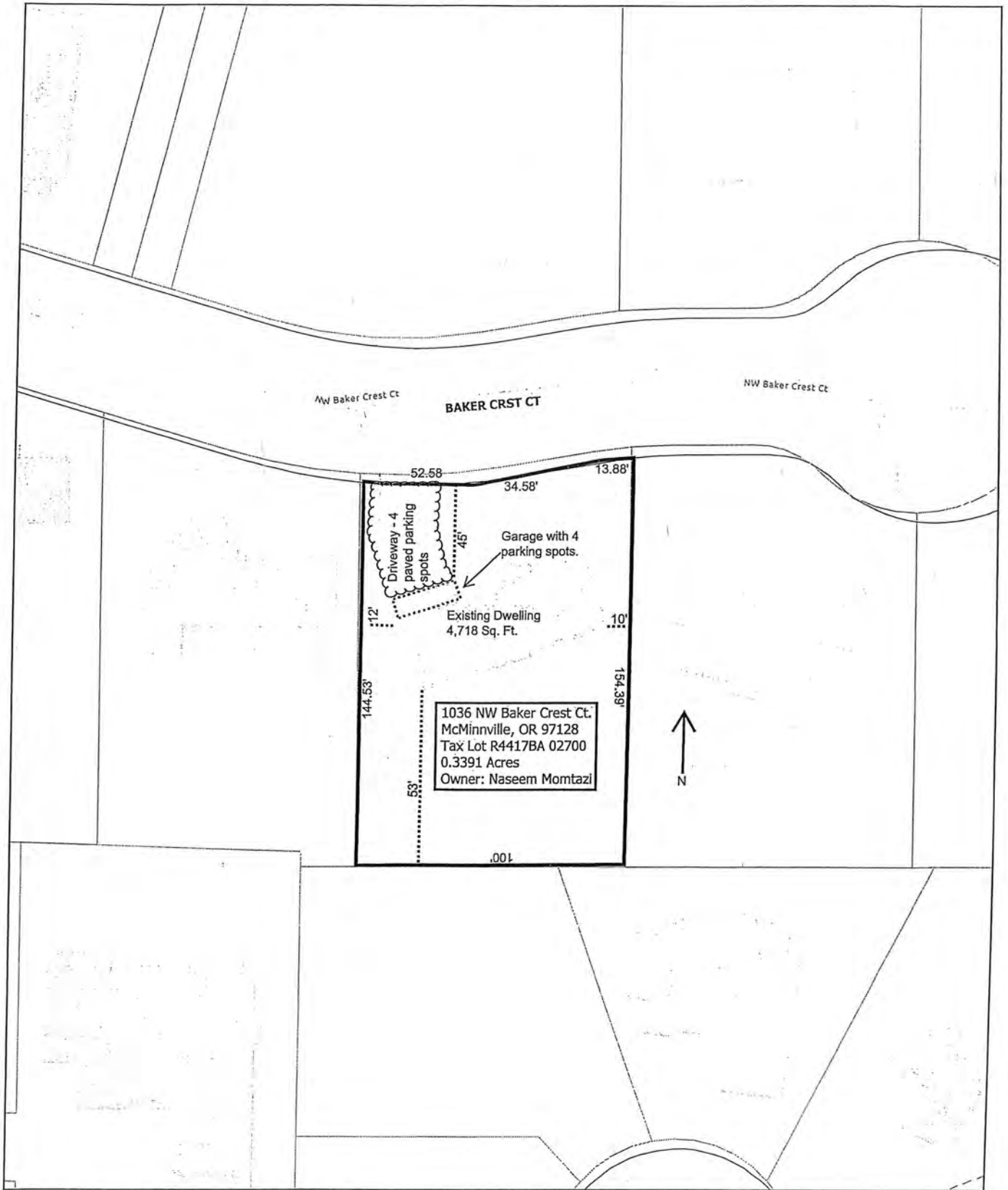
**Response:** Applicant understands annual renewal of a short term vacation rental permit is required and will renew annually as required.

16. Complaints on conditions 1 through 13 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.

**Response:** Applicant understands complaints based on the above criteria will be heard at a public hearing by the Planning Commission.



# City of McMinnville Interactive Map – Site Plan



7/3/2023, 12:20:21 PM

Taxlots

City Limits

City

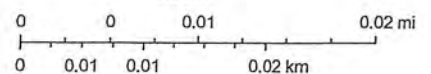
Urban Growth Boundary

Street Names

Streets

Subject Property

1:564



Esri Community Maps Contributors, City of McMinnville, Oregon Metro, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Page 88 of 812



ASSESSMENT & TAX  
CARTOGRAPHY

N.E. 1/4 N.W. 1/4 SEC. 17 T. 4S. R. 4W. W.  
YAMHILL COUNTY OREGON  
1" = 100'



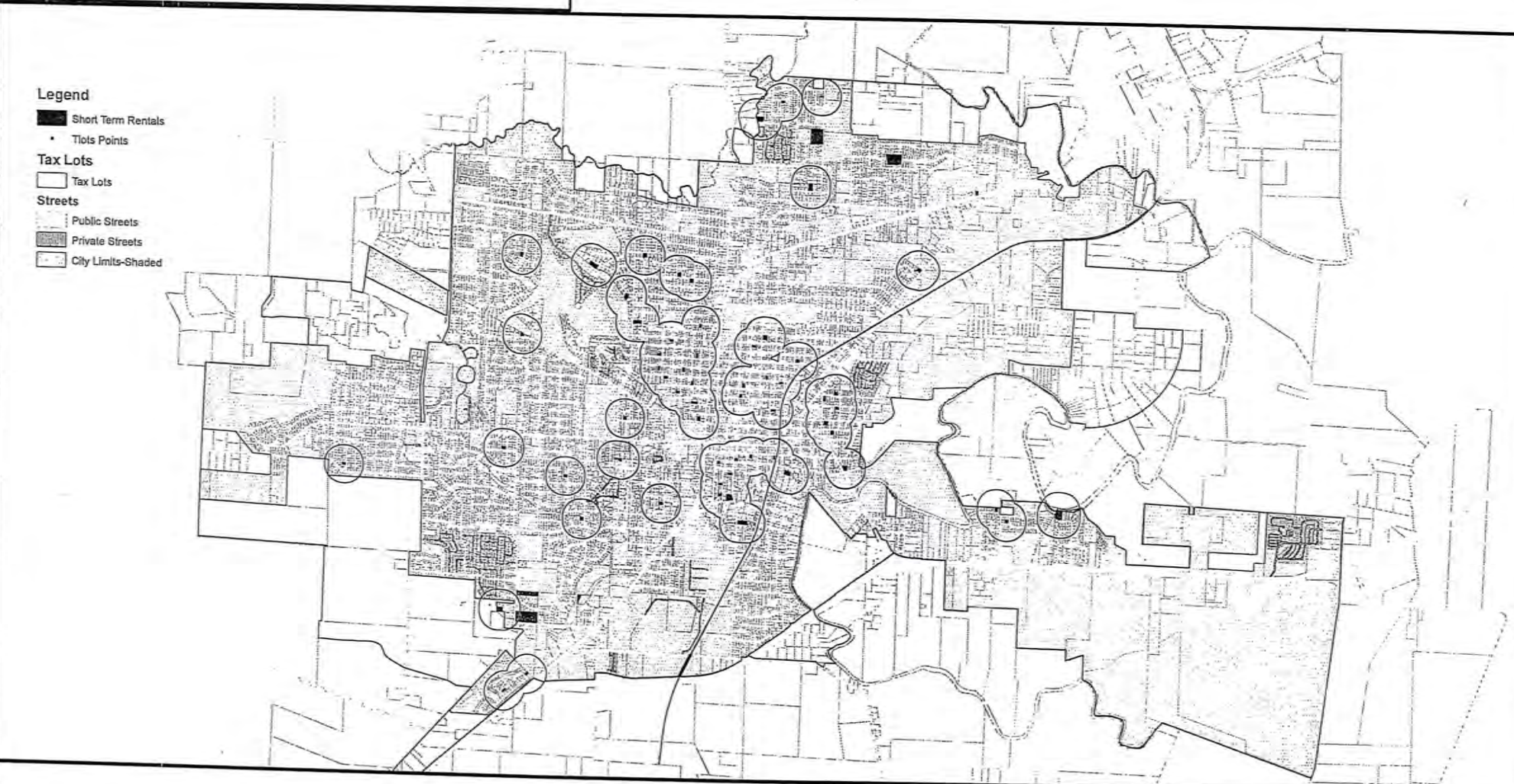
CANCELLED TAXLOTS:  
8400  
1400  
8300  
8500

DATE PRINTED: 3/31/2022

Page 89 of 812  
This map is for assessment and tax purposes only. It is not to be used for legal, engineering, surveying or any purposes other than assessment and taxation.



# Short Term Rentals



GRANTOR:  
Mahmood Momtazi and Flora Momtazi

GRANTEE:  
Naseem Momtazi

SEND TAX STATEMENTS TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

AFTER RECORDING RETURN TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

Escrow No: 471815045336-TTMIDWIL36

Yamhill County Official Records **201520202**  
DMR-DDMR  
Stn=6 SUTTONS 12/31/2015 02:25:02 PM  
1Pgs \$5.00 \$11.00 \$5.00 \$20.00 \$41.00  
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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Mahmood Momtazi and Flora Momtazi, Grantor, conveys and warrants to Naseem Momtazi, 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:

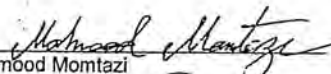
Lot 4, Block 4, CRESTBROOK FIRST ADDITION, in the City of McMinnville, Yamhill County, Oregon.


THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$250,000.00. (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: December 31, 2015

  
Mahmood Momtazi

  
Flora Momtazi

State of OREGON  
COUNTY of YAMHILL

This instrument was acknowledged before me on 31 Dec., 2015  
by Mahmood and Flora Momtazi

  
Notary Public - State of Oregon

My commission expires: 21 June 2017

471815045336-TTMIDWIL36  
Deed (Warranty-Statutory)





## AQualityMeasurement.com Real Estate Sketch



### LOCATED AT

1036 NW Baker Crest Ct  
McMinnville, OR 97128

### FOR

Naseem Momtazi

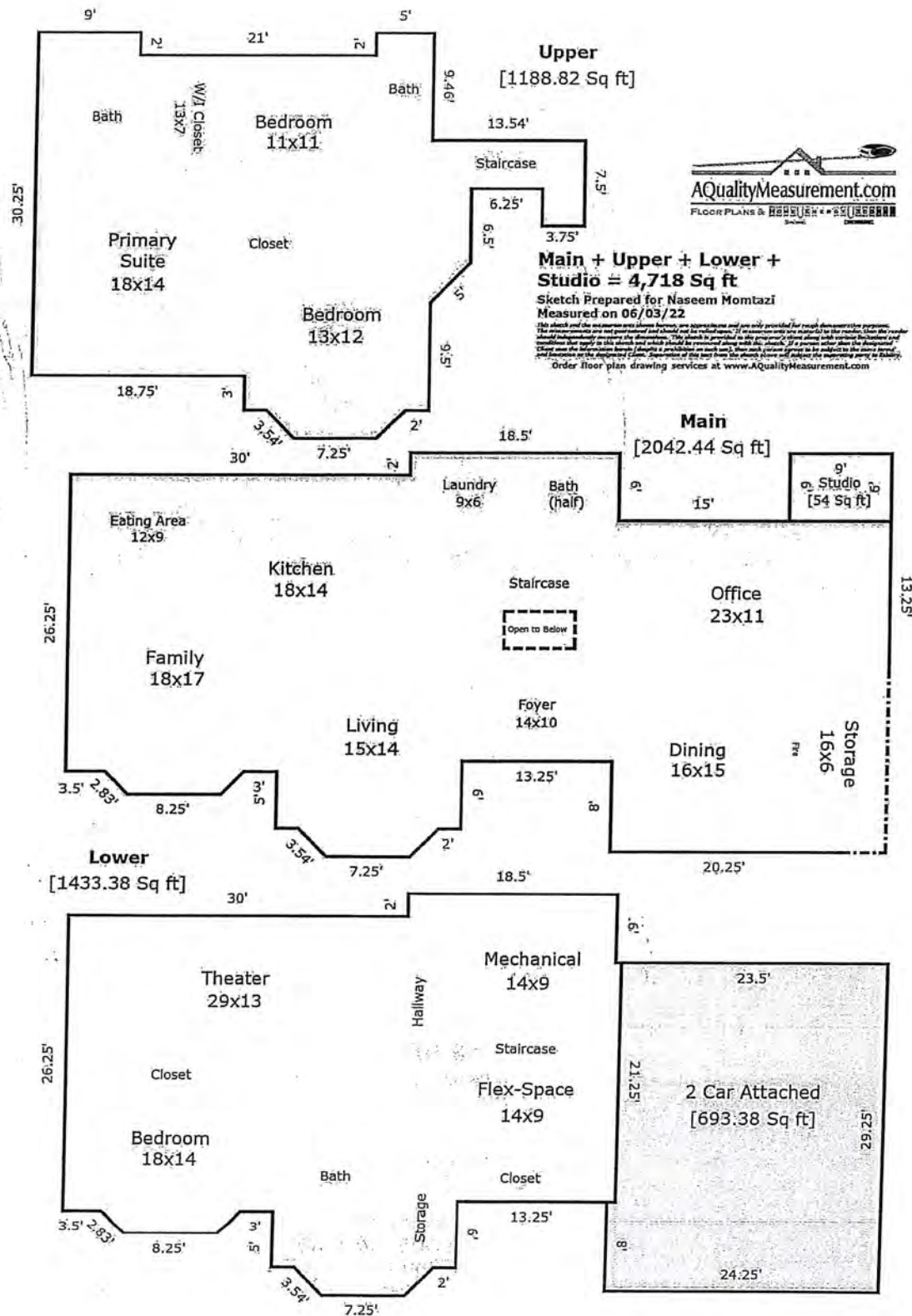
### AS OF

06/03/2022

### BY

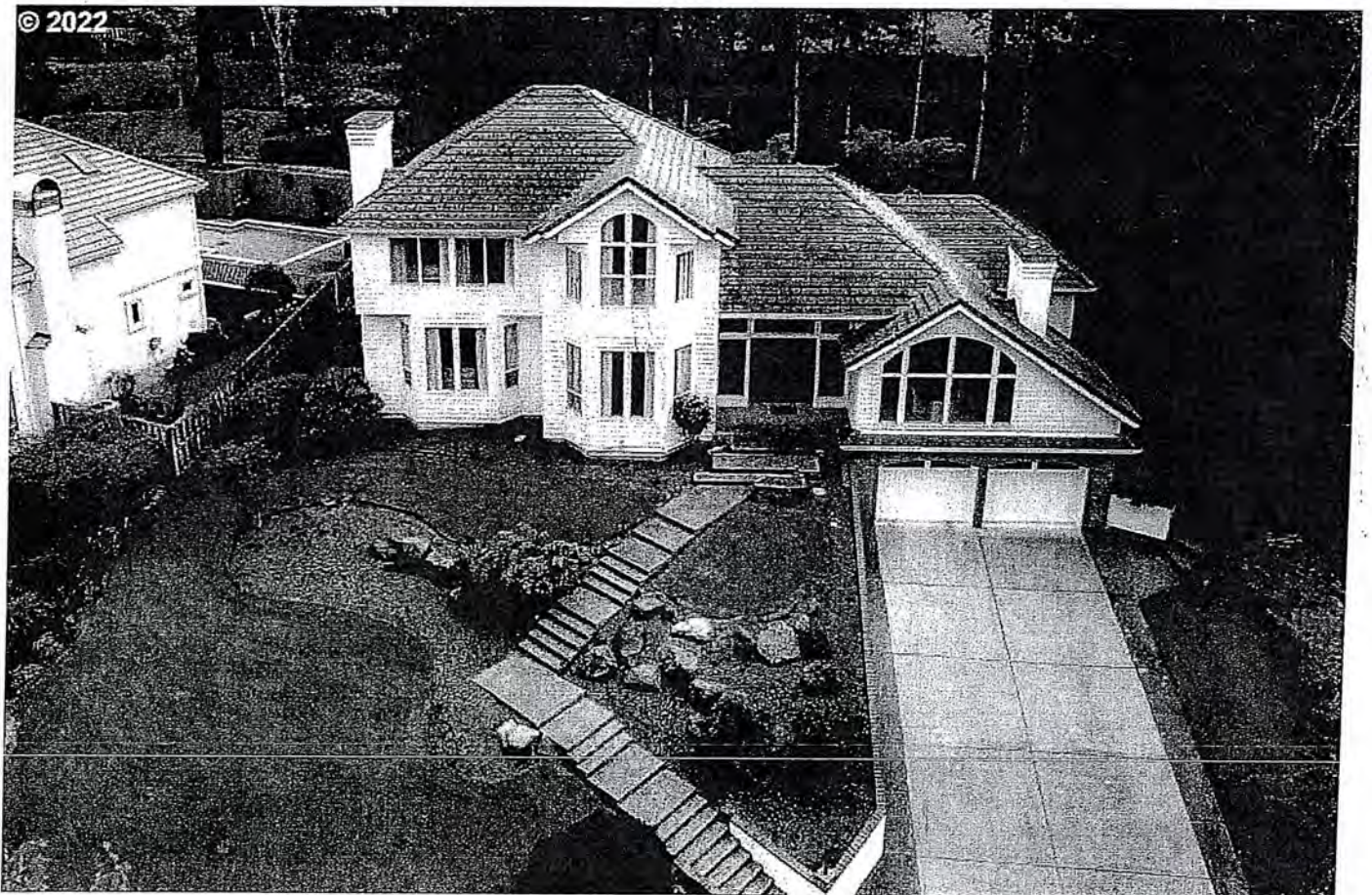
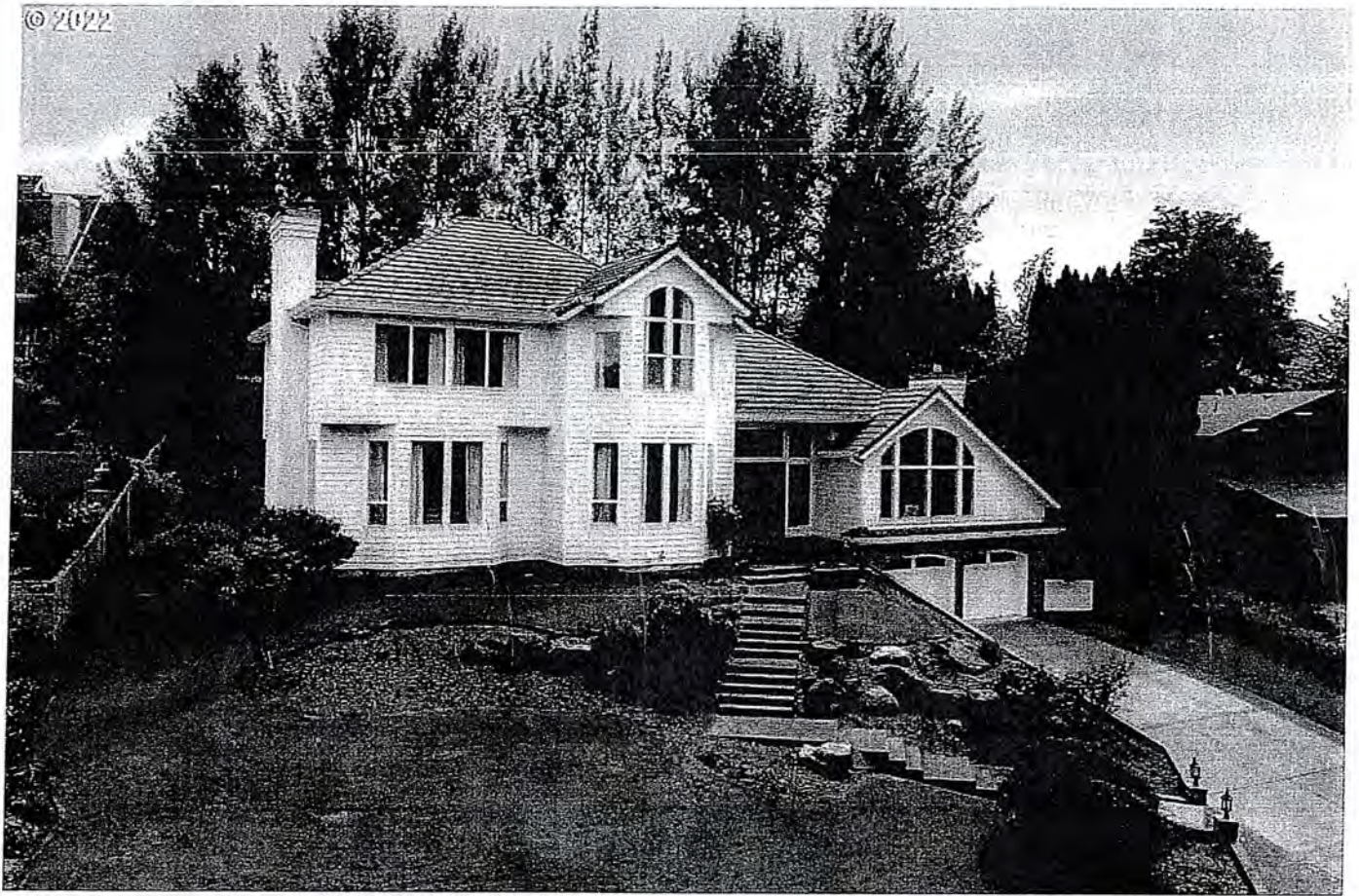
A Quality Measurement  
10117 SE Sunnyside Rd. Ste. F-1254  
Clackamas, OR 97015  
503-781-5646  
Team@AQualityMeasurement.com  
www.AQualityMeasurement.com

## 1036 NW Baker Crest Ct, McMinnville, OR 97128



TOTAL Sketch by a la mode, Inc.







# NEIGHBORHOOD MEETING

OPEN PUBLIC MEETING  
Future Land Use Application:

SHORT TERM RENTAL  
1036 NW BAKER CREST CT

DATE:

8/7/23

TIME:

6:00 PM

Meeting Location:

620 NE 5TH Street  
McMinnville, OR 97128

Contact Name: KATE BOWELL, ESQ

Contact Number: 503-472 5141



City of McMinnville

Short Term Vacation Rental Application Neighborhood Meeting  
August 7, 2023 at 6:00 PM at 620 NE Fifth Street, McMinnville, OR

Attendee Name:	Attendee Address:
KAREN NICHOLS	2579 NW PINEHURST DR MAC
Larry Tool	1025 NW Baker Crest Ct.
Joann Tool	
Lan Carpenter	2463 NW Pinehurst Dr
Buck Carpenter	
John Shaw	2685 NW Pinehurst Dr.
Krista Merlier	2660 NW Pinehurst Dr.
Florent Merlier	"

Short Term Vacation Rental Application Neighborhood Meeting  
August 7, 2023  
6:00 PM PST  
620 NE 5<sup>th</sup> Street, McMinnville, OR 97128

The meeting was posted and open to the public. The meeting was started at approximately 6:00 PM PST by applicant's attorney, Katherine L. Gowell. The following individuals were in attendance: John Shaw, Rick Carpenter, Lan Carpenter, Karen Nichols, Larry Tool, Joann Tool, Krista Merlier, and Florent Merlier.

The revised application was reviewed with attendees.

Concerns were raised regarding congestion and safety on the street if an event and/or party was at the house. Of note, neighbors were worried that parked cars would impede driveways, or prohibit access for safety vehicles. Right of way access versus private drives were discussed. One neighbor asked what the plan was for limiting parked car congestion. It was agreed that the applicant would request guests to park in the garage or on the driveway when possible. It was noted that there are twice as many off-street parking spaces as required under the short term rental standards.

In addition, language in the restrictive covenants was reviewed regarding applicant's position that short term rental was not a "commercial business", but a permitted residential use. Other types of businesses requiring permits were discussed. Karen Nichols mentioned that she thought that the standards under the residential zoning ordinance and the requirement to remit transient lodging tax was inconsistent.

Concerns regarding noise were brought up. It was reiterated that the applicant intended to create restrictions on use for the house, which include reasonable quiet hours. Neighbors requested a copy of such rules, if and when created. The applicant, through her attorney, acknowledged the request and would pass it along to the applicant. It was noted however, that if such rules were created, the applicant would likely be willing to share those with interested neighbors. It was also mentioned that applicant had surveillance cameras located outside the house, so she would be able to monitor guest behavior.

Larry Tool updated the group that he had received 40 signatures on his petition.

Joann Tool mentioned that she had read there was a limit on the number of non-family members who could use a short term rental. Applicant could not find any additional information on this restriction, but would comply if there was one.

The meeting ended at approximately 6:45 PM PST.

- MATERIALS PROVIDED 8/7/23

## Short Term Rental Information & Submittal Requirements



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

### Overview

In order to operate a vacation home rental in any of the residential zones of the City of McMinnville, a property owner must first submit an application and meet a specific set of standards as set forth in Section 17.12.010(O) (Permitted Uses) of the Zoning Ordinance, and also listed below. [Vacation home rentals located in commercial zones are exempt from these requirements; however, *all* such establishments are subject to the requirements of the *Transient Lodging Tax* program, which is administered by the City's Finance Department.]

Please note that occupancy of a vacation home rental in McMinnville is limited to a single family, as that term is defined by the McMinnville Zoning Ordinance.

### Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- ☐ A completed Short Term Rental application form.
- ☐ A site plan (drawn to scale, with 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
- ☐ Payment of the applicable review fee.

### Review Process

An application for a vacation home rental permit is subject to review by the Planning Director as stated in Section 17.72.110 (Director's Review with Notification) of the Zoning Ordinance, after notification of the application has been provided to property owners within 100-feet of the subject site. The decision made by the Planning Director may be appealed to the Planning Commission as outlined in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.



The Director may approve, approve with conditions, or deny the application, based on the following criteria:

1. Short term rentals shall not be located within 500 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.



**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. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee \_\_\_\_\_

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

Received by \_\_\_\_\_

## Short Term Rental Application

### **Applicant Information**

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

Applicant Name Naseem Momtazi Phone \_\_\_\_\_

Contact Name Katherine Gowell Phone 503-472-5141  
(If different than above)

Address PO Box 480; 620 NE 5th Street

City, State, Zip McMinnville, OR 97128

Contact Email kgowell@hrglawyers.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 1036 NW Baker Crest Court, McMinnville, OR 97128

Assessor Map No. R4 17 - BA - 02700 Total Site Area 0.3391 acres

Subdivision Crestbrook First Addition Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Residential Zoning Designation R-1

1. Please describe the residence and its proposed use. The dwelling is approx. 4,718 sq. ft. with 4 bedrooms and 3.5 bathrooms. The proposed use is a short term vacation rental of the entire dwelling.
2. How many guest rooms will be provided? 4  
What is the maximum number of guests that can be accommodated? 8
3. How many off-street parking spaces are available? 4 on driveway; 4 in garage  
Are the parking spaces paved? Yes ☒ No ☐
4. Are there smoke detectors in the residence? Yes ☒ No ☐  
If so, where are they located? One in basement; Two on main level; one on top floor
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 Mahmood Momtazi Phone 503-545-9166  
Address 390 NW Mt Bachelor Street Phone \_\_\_\_\_  
City, State, Zip McMinnville, OR 97128  
Contact Email moe@maysara.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.***

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## City of McMinnville

### Short Term Rental Application Criteria

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

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 500 feet of another short term rental, or on the same property as another short term rental.

**Response:** The subject property is located at 1036 NW Baker Crest Court in McMinnville, Oregon. There is not another short term vacation rental located within 500 feet of another short term rental as shown on the Short Term Rentals map from the City of McMinnville.

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

**Response:** The dwelling on the subject property is a single family dwelling and there are no changes to the dwelling proposed for the short term vacation rental.

3. That a minimum of one off-street parking space be provided for each bedroom in the dwelling in which the short-term rental is located. Required off-street parking shall be provided on the same property as the short-term rental, not on a different property through a parking agreement.

**Response:** The dwelling on the subject property has four bedrooms. There are four parking spots in the paved driveway and the garage has four spots for tandem parking. There are a total of 8 off-street parking spots on the subject property. The parking area is shown on the attached site plan.

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

**Response:** Any signage for the short term vacation rental shall comply with the above requirements.

5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days. The residence shall be subject to residential regulations when occupied or rented for more than 30 consecutive days.

**Response:** Future use of the short term vacation rental shall comply with this maximum duration requirement.

6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997. A CO2 alarm must also be installed.

**Response:** There are several smoke detectors and a CO2 alarm installed in the dwelling on the Subject Property, as required under applicable law.

7. That the property owner or owner's appointed agent shall live within the geographic area of the 97128 zip code and shall be available 24 hours a day, 7

days a week to respond immediately to any emergency or complaint related to the short term rental. Prior to commencing the use as a Short-Term Rental, the contact information for the property owner or owner's appointed agent shall be mailed to the property owners and street addresses of the adjacent properties, Yamhill Communication Agency (YCOM), and the McMinnville Community Development Department. Any change in the contact information for the property owner or owner's appointed agent shall also be mailed to the adjacent property owners and street addresses, YCOM, and the Community Development Department prior to the change. The mailing shall include the address and the Short-Term Rental permit number assigned by the Planning Department.

**Response:** The property owners appointed agent, Drew Rutschman, lives within the city of McMinnville at 2625 NW Pinehurst Drive, McMinnville, OR 97128. Applicant shall mail contact information for owner's appointed agent to the required parties with the required information. As requested at the neighborhood meeting, Applicant will provide two additional contacts. This includes the Applicant's contact information (although she resides outside of the 97128 zip code) and an additional contact, Mahmood Momtazi, who lives within the 97128 zip code at 390 NW Mt Bachelor Street, McMinnville OR 97128.

**Mahmood Momtazi**  
390 NW Mt Bachelor Street  
McMinnville OR 97128  
503-545-9166

**Naseem Momtazi**  
1036 NW Baker Crest Court  
McMinnville, OR 97128  
971-241-7326

**Drew Rutschman**  
10350 NW Donnelly Lane  
McMinnville, OR 97128

Mailing:

**2625 NW Pinehurst Drive**  
McMinnville, OR 97128  
503-435-9839

8. Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.

**Response:** Applicant understands that responses to emergencies and complaints is required for the operation of a short term vacation rental in the city of McMinnville.

9. 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.

**Response:** In the event the subject property is sold, Applicant understands the short term vacation rental permit is not transferrable.

10. All city and state taxes shall be remitted in a timely manner.

**Response:** Applicant shall pay all city and state taxes timely.

11. Prior to any advertising or operating the property for short-term rental use, 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 Chapter 5.10 of the McMinnville Municipal Code.

**Response:** Applicant shall register with the McMinnville Finance Department as a transient lodging provider.

12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.

**Response:** Applicant shall include the permit number assigned by the Planning Department in any listing or advertisements for the short term vacation rental.

13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.

**Response:** The dwelling on the Subject Property has four bedrooms and four bedrooms will be used for sleeping for the short term vacation rental.

14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.

**Response:** Applicant understands the remedies for enforcement action for short term vacation rentals in the City of McMinnville.

15. 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 in effect at the time of application.

**Response:** Applicant understands annual renewal of a short term vacation rental permit is required and will renew annually as required.

16. Complaints on conditions 1 through 13 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.

**Response:** Applicant understands complaints based on the above criteria will be heard at a public hearing by the Planning Commission.

17. Neighbors discussed whether the Crestbrook First Addition Declaration of Protective Covenants prohibited short term rentals.

**Response:** Under Section (T), the Declaration states (attached), that “no commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gain approval from appropriate zoning authority”. Short term rentals are a permitted residential use under the applicable zone, and not a commercial business. However, even if considered a commercial business, it is allowable, provided that a permit is obtained (the subject of this application).

18. Neighbors cited concerns regarding traffic, parking, and safety on adjacent streets next to the subject property.

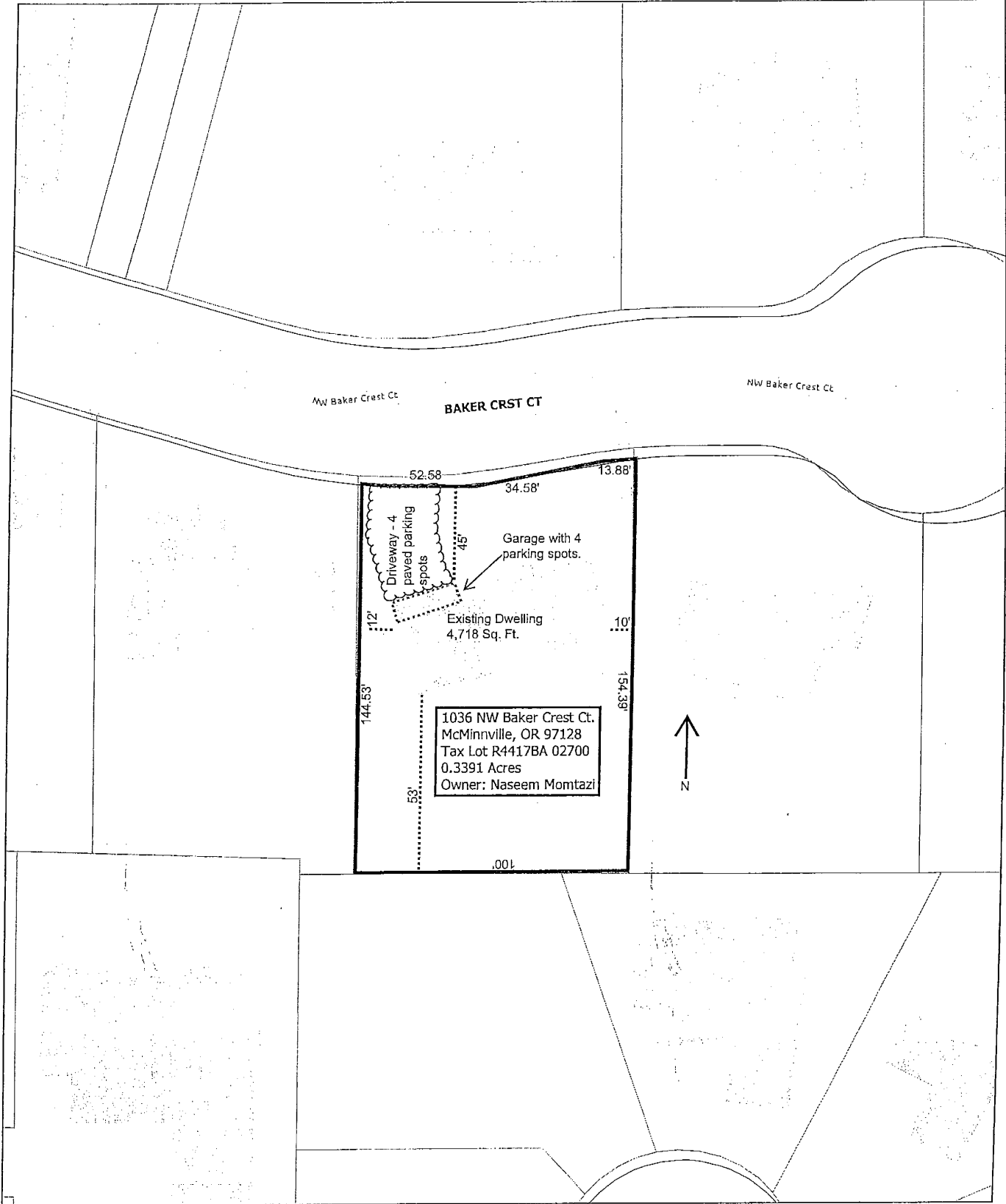
**Response:** Many of the concerns raised by the neighbors pertained to the public right-of-way. Applicant will request guests park in the garage or on the driveway. However, Applicant does not have control over the public right-of-way and enforcement of rules subject thereto.

19. Neighbors mentioned concerns regarding noise.

**Response:** Applicant intends to screen guests appropriately in an effort to ensure quality guests that will not create unreasonable disturbances in the neighborhood. Applicant intends to include reasonable quiet hours for use of the home. The house’s situs and landscaping allow for noise and view privacy for the neighbors.

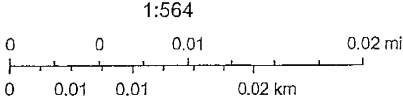


City of McMinnville Interactive Map – Site Plan

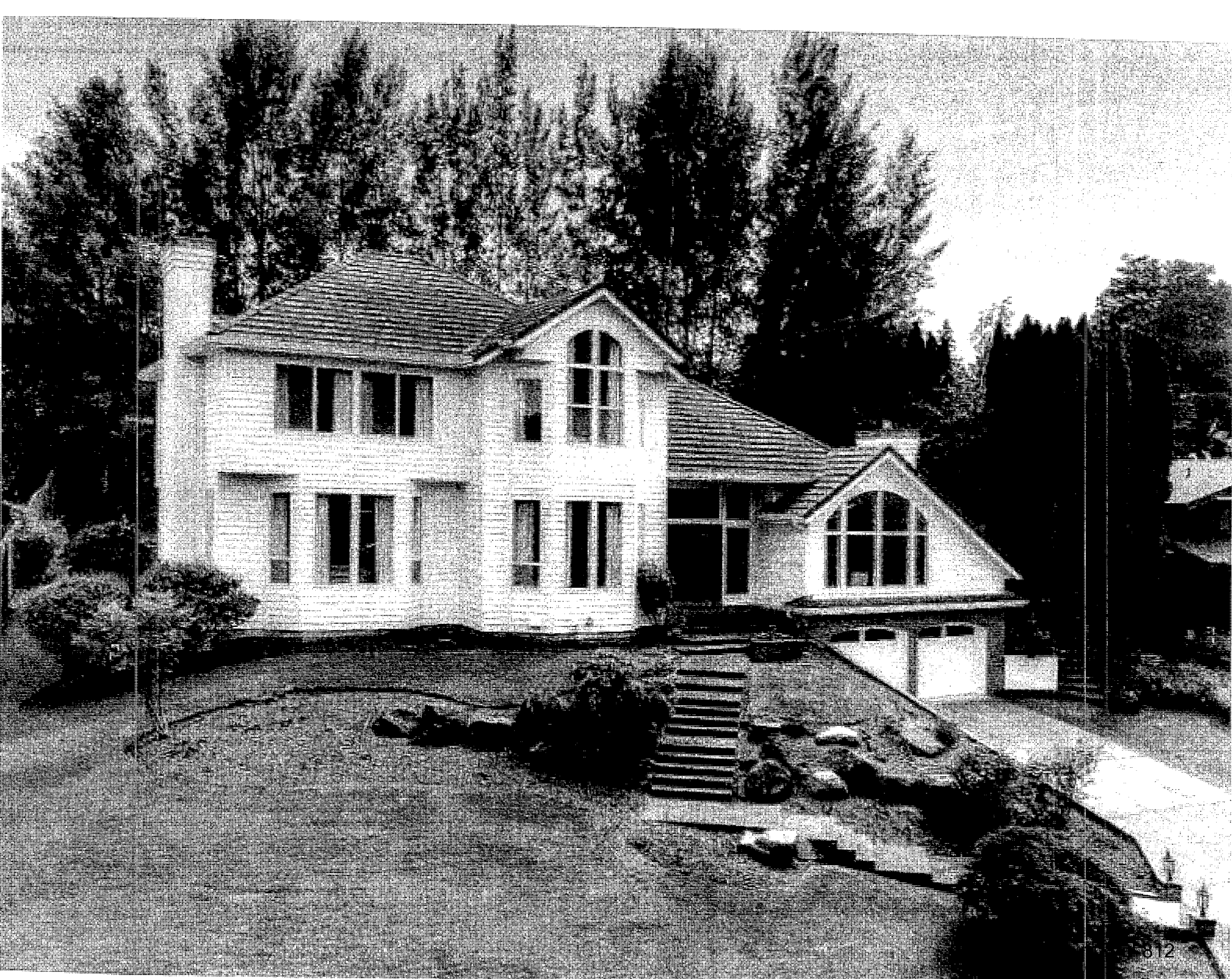


7/3/2023, 12:20:21 PM

- Taxlots
- City Limits
- City
- Urban Growth Boundary
- Street Names
- Streets
- Subject Property



Esri Community Maps Contributors, City of McMinnville, Oregon Metro, Oregon State Parks, State of Oregon GEO, © OpenStreetMap contributors, Esri, HERE, DeLorme, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS,









## AQualityMeasurement.com Real Estate Sketch



### LOCATED AT

1036 NW Baker Crest Ct  
McMinnville, OR 97128

### FOR

Naseem Montazi

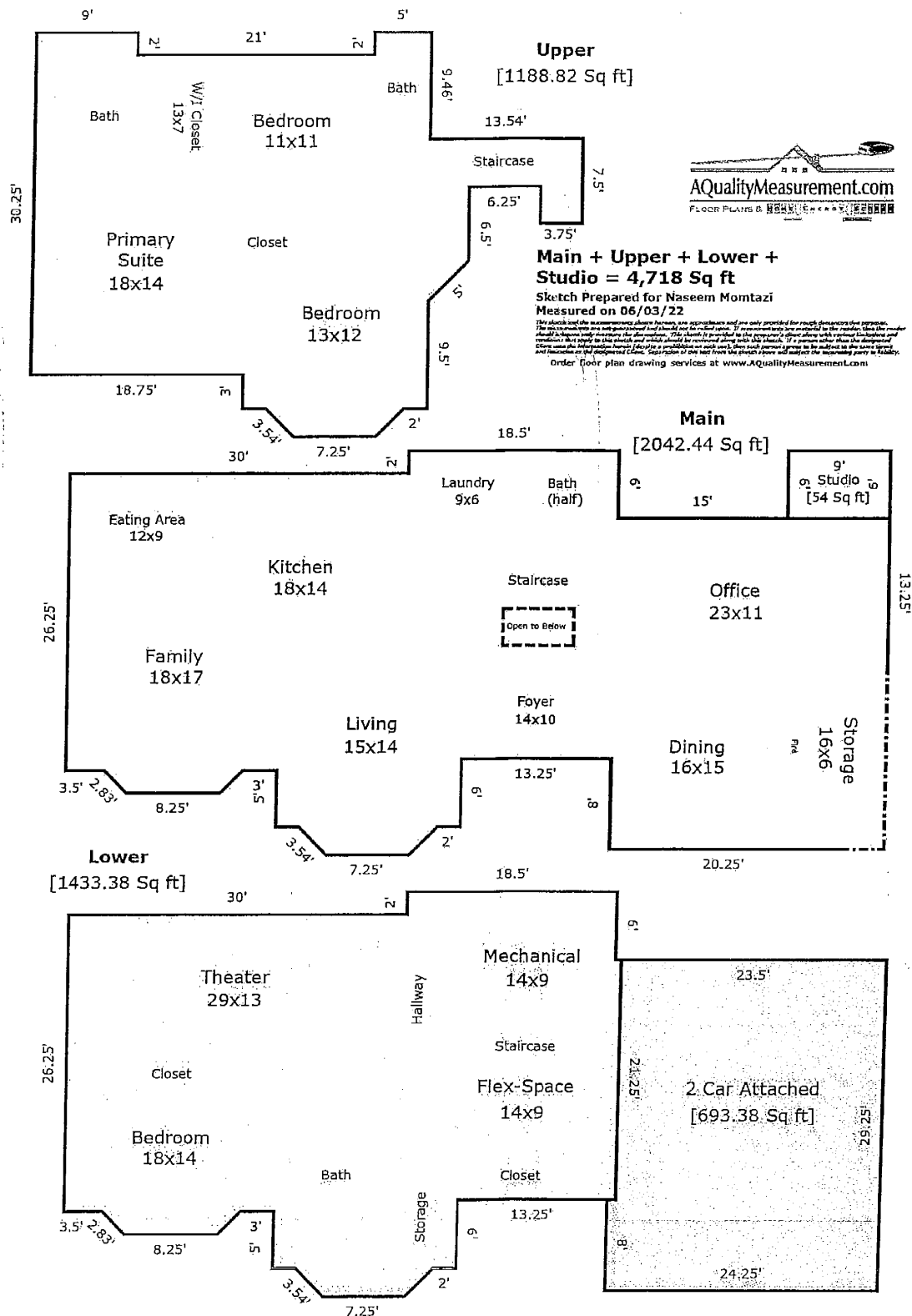
### AS OF

06/03/2022

### BY

A Quality Measurement  
10117 SE Sunnyside Rd. Ste. F-1254  
Clackamas, OR 97015  
503-781-5646  
Team@AQualityMeasurement.com  
www.AQualityMeasurement.com

# 1036 NW Baker Crest Ct, McMinnville, OR 97128



# Short Term Rentals

## Legend

Short Term Rentals

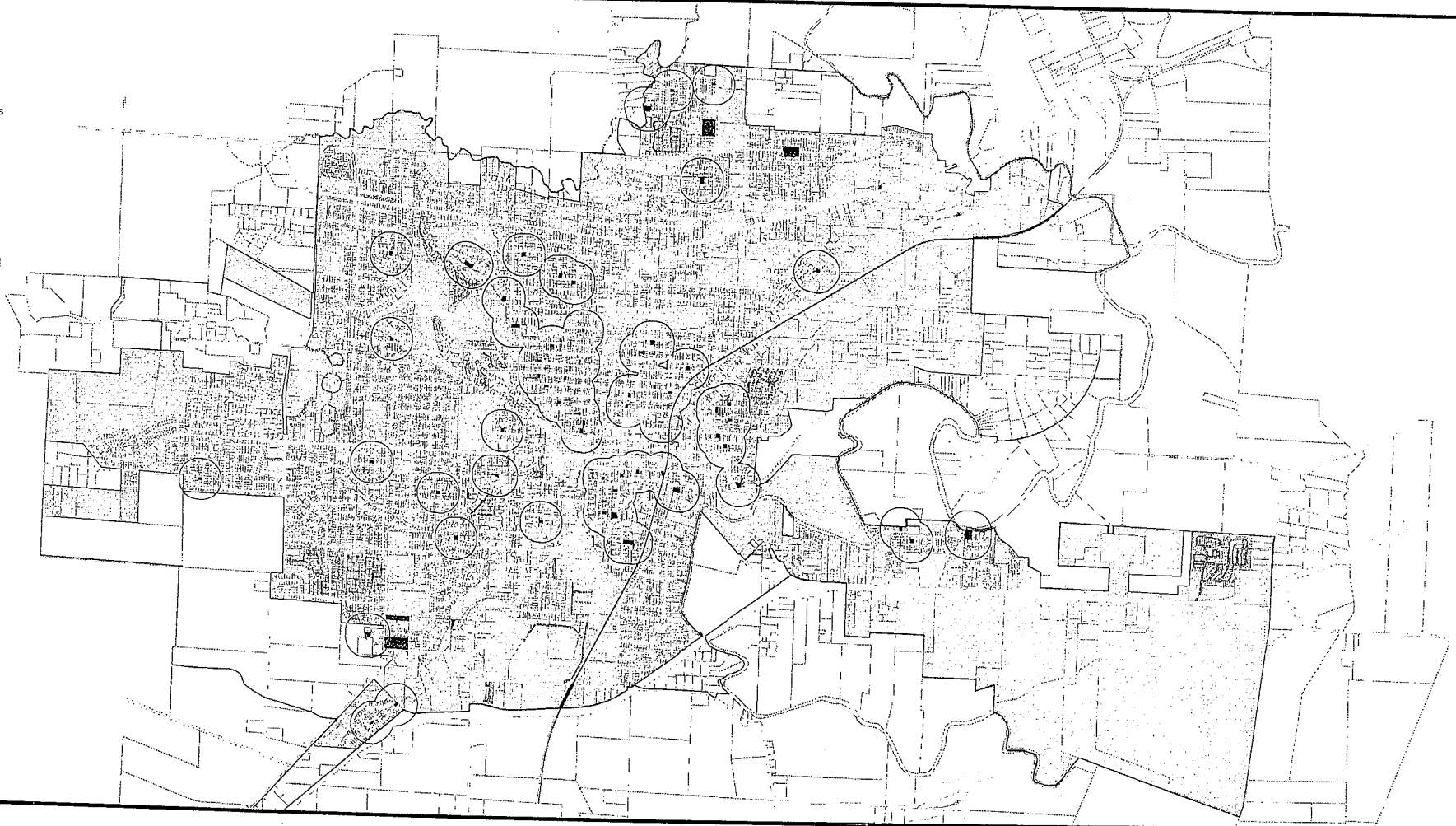
Tlots Points

Tax Lots

Public Streets

Private Streets

City Limits-Shaded



City of  
**McMinnville**

Geographic Information System



0 2,300 4,600 9,200  
Feet

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



ASSESSMENT & TAX  
CARTOGRAPHY

N.E. 1/4 N.W. 1/4 SEC. 17 T. 4S. R. 4W. W.  
YAMHILL COUNTY OREGON  
1" = 100'



CANCELLED TAXLOTS:  
8400  
1400  
8300  
8500

DATE PRINTED: 3/31/2022

This product is for assessment and taxation (A&T) purposes only.  
It is not to be used for any other purpose, including engineering,  
surveying or any purposes other than assessment and taxation.

Page 114 of 112



GRANTOR:  
Mahmood Momtazi and Flora Momtazi

GRANTEE:  
Naseem Momtazi

SEND TAX STATEMENTS TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

AFTER RECORDING RETURN TO:  
Naseem Momtazi  
1036 NW Baker Crest Court  
McMinnville, OR 97128

Escrow No: 471815045336-TTMIDWIL36

Yamhill County Official Records	201520202
DMR-DDMR	
Stn=6 SUTTONS	12/31/2015 02:25:02 PM
1Pgs \$5.00 \$11.00 \$5.00 \$20.00	\$41.00
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	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Mahmood Momtazi and Flora Momtazi, Grantor, conveys and warrants to Naseem Momtazi, 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:

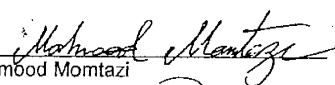
Lot 4, Block 4, CRESTBROOK FIRST ADDITION, in the City of McMinnville, Yamhill County, Oregon.

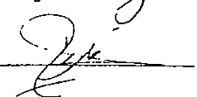
THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$250,000.00. (See ORS 93.030)

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.

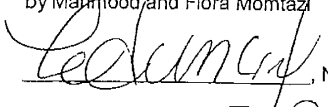
DATED: December 31, 2015

  
Mahmood Momtazi

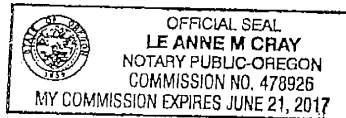
  
Flora Momtazi

State of OREGON  
COUNTY of YAMHILL

This instrument was acknowledged before me on 31 Dec., 2015  
by Mahmood and Flora Momtazi

  
Notary Public - State of Oregon

My commission expires: 21 June 2017  
471815045336-TTMIDWIL36  
Deed (Warranty-Statutory)



1992 AUG 11 PM 4: 43

F273P0575

DECLARATION OF PROTECTIVE COVENANTS

FOR

CRESTBROOK FIRST ADDITION, A SUBDIVISION

APPROVED

CITY OF MC MINNVILLE  
PLANNING DIRECTOR

5-28-92

This Declaration of Protective Covenants is applicable to Lot 1 Block 3, Lots 1 through 5, Block 4, and Lots 1 through 7, Block 5, CRESTBROOK FIRST ADDITION, a Subdivision, in the City of McMinnville, Oregon.

WHEREAS, Declarant is the owner of certain real property located in the City of McMinnville, County of Yamhill and State of Oregon, known as CRESTBROOK FIRST ADDITION, a Subdivision, a duly recorded plat.

WHEREAS, the Declarant desires to declare of public record its intentions to create certain restrictive conditions and covenants to the ownership of said property.

YCTE  
THEREFORE, the Declarant does hereby certify that the following reservations, conditions and covenants shall become and are hereby made a part of the conveyances of Lot 1 Block 3, Lots 1 through 5, Block 4, and Lots 1 through 7, Block 5, within the plat of CRESTBROOK FIRST ADDITION, a Subdivision, recorded August 11, 1992, in FV 3 Page 264+265, of the Plat Records of Yamhill County, Oregon, and the following reservations and covenants shall by reference become a part of any such conveyances and shall apply thereto as fully and with the same effect as if set forth at large therein.

ARTICLE I.

Property Subject to These Covenants

(A) Initial Development.

Declarant hereby declares that, subject to paragraph (W) hereunder, all of the real property described above is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to these covenants. The above property, together with other real property, from time to time annexed thereto and made subject to these covenants shall constitute CRESTBROOK FIRST ADDITION, a Subdivision.

8-12-92

1992 AUG 11 PM 4:43

F273P0576

ARTICLE II.

Residential Covenants

(A) Land Use and Building Type.

No lot shall be used except for single family residence. The lots shall not be partitioned. No more than one (1) family shall be allowed to dwell in a single unit family dwelling. This does not apply to overnight guests, temporary visitors, or in-house domestic employees.

(B) Dwelling Size.

All houses will be single family dwellings and shall have a minimum area of 2,000 square feet, exclusive of open porches and garages. The peak of the roof of the dwelling shall be of a height not in excess of 35 feet.

(C) Restrictions on Carports.

No carport shall be allowed. Parking shall be provided by means of an entirely closed parking facility or garage. There is a two car minimum requirement for any such parking facility or garage.

(D) Roofs.

Roof shall be cedar shake, cedar shingle, or tile. Any other type of roofing must be of similar quality and must be approved by Declarant.

(E) Siding.

All buildings shall have siding materials on all sides of every structure or improvement placed on the premises; however, under no circumstances shall plywood, T-111-303, or any other panel-type siding be used.

(F) Detached Buildings.

All detached buildings must be fully enclosed and may not exceed 16 feet in height. No pole buildings are allowed. All detached buildings shall have siding and roof materials, which siding and roof materials shall be of the same materials utilized in construction of the residence located on the premises.

(G) Off Site Manufactured Homes and Temporary Structures.

No mobile homes or manufactured homes, whether permanent or temporary structures, shall be allowed in the development, with the exception of a construction supervision type mobile

8-12-92

home to be used by the contractor, only during the period of construction.

(H) Campers, Motor Homes, Boats, Travel Trailers, and Other Such Vehicles.

No campers, motor homes, boats, travel trailers, utility trailers, or non-operable vehicles shall be permitted to be left where they shall be visible from the street or from contiguous property within Crestbrook First Addition, a Subdivision, for a period in excess of seven (7) days. If any such vehicle or boats are permanently stored on the premises, they shall be stored either inside a garage or detached structure or shall be physically obscured from horizontal view from the street or contiguous parcels by means of a fence or hedge-type landscaping.

(I) Antennas.

No unconcealed satellite dishes will be permitted in the development. No television, radio aerials, or rotary beams shall be erected or placed on any lot where such device is more than 6 feet in height above the highest point (exclusive of chimneys) on the building or structure on which it is erected.

(J) Sidewalks and Driveways.

- (1) Sidewalks and paved or concrete driveways are required to be installed and maintained (on all lots) by lot owners at the lot owner's expense not later than completion of construction of the dwelling. They shall be constructed adjacent to the curb and shall meet all municipal or other ordinances or laws. Lot owners shall match the sidewalk in color, texture and scoring pattern to the sidewalks already constructed in the subdivision.
- (2) The driveway serving Lots 3 and 4, Block 5, CRESTBROOK FIRST ADDITION, a Subdivision, shall be a paved surface and, the unimproved portion of the access strip shall be planted in lawn or landscaped and maintained by the owners of Lots 3 and 4, Block 5. No gravel shoulders shall be installed along a driveway defined in this subsection. A buried sprinkler system shall be provided on both sides of the driveway with sufficient numbers of sprinklers to adequately water the unpaved portions. The landscaped portion along the foregoing lots shall be considered as a part of the front yard of the lot and shall be designed consistent with the landscaping of adjacent lots at the time of installation and shall be maintained to the same standards as the adjacent lots. Landscape design shall be approved by the Landscape Committee provided for in subsection (J)(3) hereof. The

8-12-92



1992 AUG 11 PM 4:43

F273P0578

Committee may waive the sprinkler requirements if it finds that the proposed landscaping does not need watering in the summer months and meets the requirements of this section (J).

- (3) The Landscape Committee, hereinafter called "Committee", shall at all times consist of not less than five persons, who shall be selected annually in January of each year by the lot owners in CRESTBROOK FIRST ADDITION, a Subdivision, and shall perform the functions required of by these Covenants and Restrictions. The Committee shall cooperate with the Landscape Committee established by the Declaration of Protective Covenants For CRESTBROOK, a Subdivision, in the performance of the maintenance requirements of landscaping provided in paragraph (S) (Planting Islands) hereof.

(K) Obnoxious and Offensive Activities.

No obnoxious or offensive noises shall be made or activities carried on upon any lot, which may become an annoyance or nuisance to neighbors or to the neighborhood, or which interferes with the use of any adjacent lot by its property owners.

(L) Lot Maintenance.

In the event that any lot owner does not commence construction of a residence on said lot upon completion of all site improvements, the lot owner shall maintain the lot in such a manner as to keep the lot free from weeds, briars and other types of vegetation which would infiltrate lawns and landscaping of other lot owners and shall plant and maintain grass on the lot and not allow the grass to exceed 4 inches in height. With respect to Lots 3, 4, 6 and 7 of Block 5, the maintenance requirement of this paragraph (L) only applies to that portion of the lot which will reasonably be expected to constitute the homesite portion of the lot, "homesite" being defined to mean that area reasonably necessary for the construction of a residence structure, attached garage, lawn and landscaping. In the event that the owner does not maintain a lot in accordance with this section, the lot owner agrees to pay the Landscape Committee provided for in Section (J) (3) hereof an amount per month which is reasonably necessary to provide such maintenance service.

(M) Water Runoff.

Lot owners shall comply with all local, state and federal laws and regulations regarding storm water drainage and quality.

(N) Fences and Hedges.

On all lots plantings or site obscuring fences shall not exceed 2-1/2 feet in height in the front yard or on the side

8-12-92

lot lines forward of the building line with the greatest setback on the lot or the adjoining residential lot or on corner lots on the side abutting the street within the subdivision. All fences shall be well constructed of suitable fencing material and shall be constructed so as to have an identical appearance on both sides in order to not detract from the appearance of the dwelling located upon the lot, or detract from the appearance of adjacent dwellings.

(O) Landscaping Time Frames and Prohibited Foliage Types.

Landscaping must be in place no later than 120 days after completion of construction, or occupancy of dwelling whichever comes first. Exceptions to this may be granted by the Landscape Committee because of adverse weather or ground conditions. No Poplar trees, Quaking Aspen trees, or Sumac trees or bushes shall be planted within the Subdivision.

(P) Livestock and Poultry.

Except as otherwise herein provided, no animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for commercial purposes, and that all applicable city and county ordinances pertaining to such pets are strictly complied with. Subject to city and county ordinances and state law, owners of lots 3, 4, 6 and 7 of Block 5 may keep their own livestock on that portion of the foregoing lots that lies within the flood plain and may construct and locate a building to house such livestock outside the floodplain but as close as reasonably possible to such floodplain.

(Q) Signs

No sign shall be erected on any lot or attached to any improvement except that not more than one "For Sale" or "For Rent" sign not exceeding 18 inches high by 24 inches wide may be placed by the owner, the Declarant, or by a licensed real estate agent. This restriction shall not prohibit the temporary placement of "political" signs on any lot by the owner or the placement of a professional sign by the developer.

(R) Building Setbacks.

No building shall be located on any lot nearer than 20 feet to the front lot line; nearer than 20 feet to the rear lot line; or nearer than 10 feet to the side lot line. On corner lots, the side yard shall be a minimum of 20 feet on the side abutting the street. A detached outbuilding of less than 100 square feet in area may be located not less than 10 feet from the rear lot line of all lots.

8-12-92

(S) Planting Islands.

All lot owners of CRESTBROOK FIRST ADDITION, a Subdivision, shall be responsible along with all lot owners of CRESTBROOK, a Subdivision, for the maintenance (which maintenance includes, but is not limited to, landscape care, maintenance of water and electrical lines, and water and electrical charges) of the planting islands and areas as follows:

- (1) The islands in the middle of Pinehurst Drive.
- (2) The Southerly tip of Lot 1, Block 2 of CRESTBROOK, a Subdivision.
- (3) That portion of Lots 1 through 4, Block 1 of CRESTBROOK, a Subdivision, lying between the existing concrete fence and Baker Creek Road.
- (4) The Southeast corner portion of Lot 1, Block 1 of CRESTBROOK, a Subdivision, lying between the existing concrete fence and Pinehurst Drive.

Should they fail to do so, the Landscape Committee provided for in Section (J)(3) hereof may do so and the costs thereof shall be paid proportionally by all lot owners of CRESTBROOK FIRST ADDITION, a Subdivision, as well as CRESTBROOK, a Subdivision, which costs shall be a lien against those lots in the subdivision for which a proportionate payment has not been made. Should lot owners and the Landscape Committee fail to maintain the planting islands, the City shall have the authority to maintain the islands and to charge the lot owners for any costs incurred. Such charges shall be a lien against all the lots in the subdivision.

Should lot owners of CRESTBROOK, a Subdivision, fail to participate in the maintenance of the planting island located in CRESTBROOK FIRST ADDITION, then CRESTBROOK FIRST ADDITION, a Subdivision, shall do so, and deduct the cost thereof from its proportionate share of total landscape costs required and then apply the remainder of the funds to landscape maintenance in CRESTBROOK, a Subdivision.

(T) Commercial Business.

No commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gained approval from appropriate zoning authorities.

(U) Nonoperable Motor Vehicles.

There shall not be stored, parked or kept upon said lots or tracts in open and plain view any motor vehicles which is in a rusted, wrecked, junked or partially dismantled or

8-12-92

inoperative or abandoned condition, whether attended or not, unless it is completely enclosed within a building. Any such motor vehicles shall constitute a condition tending to reduce the value of the property; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; and to be a nuisance; and it shall be the duty of the owner of the property or of the lessee or other person in possession of the property upon which such vehicle is located, either to remove the same or have the same housed in a building where it will not be visible from the street or other property.

(V) Trash or Refuse.

No open air trash burning will be allowed at any time on any property included in this development. No garbage, trash or refuse will be allowed to accumulate on any property contained in this development.

(W) Grandfather Clause.

Improvements located within the Subdivision which were constructed or installed prior to the recordation of these Protective Covenants shall not be required to be reconstructed, remodeled or reformed to conform to these Protective Covenants; provided, however, that any future construction other than repairs and normal maintenance, shall conform to the terms and provisions set forth in these Protective Covenants.

(X) Existing Trees.

No existing tree shall be cut down without the prior written consent of the Declarant until the lot has been fully developed, including construction of the residence and installation of landscaping, at which time this provision shall terminate as to that lot.

ARTICLE III

General Provisions

(A) Duration.

The covenants, easements and restrictions contained herein are to run with the land for the benefit of each owner of land and such subdivision shall inure to and pass with each and every parcel of such subdivision, and shall bind the respective successors in interest of the present owner thereof. These covenants, easements, and restrictions shall remain in full force and effect until amended or revoked in the manner provided herein.

8-12-92



1992 AUG 11 PH 4: 43

F273P0582

(B) Enforcement.

Any owner, or the owner of any recorded mortgage or recorded trust deed on any part of said property shall have the right to enforce by any proceeding at law or in equity, all the restrictions, conditions, covenants, reservations, easements, means and charges now or hereafter imposed by the provisions of this declaration. The failure by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

(C) Severability.

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions herein which shall remain in full force and effect.

(D) Amendments.

The covenants and restrictions of this declaration may be amended or terminated by an instrument signed by not less than 80% of the lot owners. Any amendment must be properly recorded.

(E) Attorney's Fees.

In the case a suit or action is instituted to enforce any of the provisions hereof, the losing party agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed the prevailing party in said suit or action, and if an appeal is taken from any judgment or decree of such trial court, the losing party further promises to pay such sum as the appellate court may adjudge reasonable as prevailing party's attorney fees on such appeal.

DATED this 27<sup>th</sup> day of May, 1992.

CRESTBROOK, an Oregon Partnership

By:

Lester M. Cushman  
LESTER M. CUSHMAN, Partner

Claudia F. Huwaldt  
CLAUDIA F. HUWALDT, Partner

Sidney A. Huwaldt  
SIDNEY A. HUWALDT

INDEXED

009322

STATE OF OREGON )  
COUNTY OF YAMHILL )

45.00  
I hereby certify that this instrument  
was recorded and duly recorded  
by me in the public records.  
Instrument No. 009322  
JUNE 11 1992  
CLERK OF COUNTY

CHARLES STERN,  
COUNTY CLERK.

PAGE 8 - DECLARATION OF PROTECTIVE COVENANTS  
FOR CRESTBROOK FIRST ADDITION, A SUBDIVISION

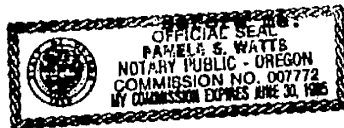
1992 AUG 11 PM 4: 43

F273P0583

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named LESTER M. CUSHMAN, Partner of CRESTBROOK, an Oregon Partnership, and acknowledged the foregoing instrument to be his voluntary act and deed.

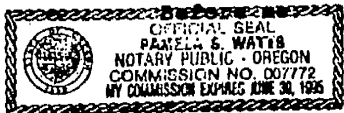


Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named CLAUDIA F. HUWALDT, Partner of CRESTBROOK, an Oregon Partnership, and acknowledged the foregoing instrument to be her voluntary act and deed.

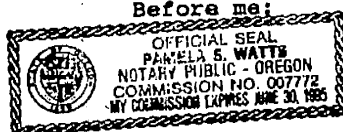


Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

STATE OF OREGON )  
County of Yamhill ) ss.

May 29, 1992

Personally appeared the above-named SIDNEY A. HUWALDT and acknowledged the foregoing instrument to be his voluntary act and deed.



Pamela S. Watts  
Notary Public for Oregon  
My Commission Expires: 6/30/95

c:\wp51\huwaldt\crestboo.dec\5-27

8-12-92

Short Term Vacation Rental Application Neighborhood Meeting  
July 27, 2023  
6:00 PM PST  
620 NE 5<sup>th</sup> Street, McMinnville, OR 97128

The meeting posted and open to the public. The meeting was started at approximately 6:00 PM PST by applicant's attorney, Katherine L. Gowell. The following individuals were in attendance: John Shaw, Rick Carpenter, Ian Carpenter, Karen Nichols, Larry Tool, Joann Tool, Terry Dolan, Eddy Jovel, Cathie Blosser, and Ryan Carlson.

Everyone was provided an opportunity to voice their concerns.

The first matter mentioned was a concern that the applicant's emergency contact and agent, Drew Rutschman, would not be available to respond immediately to complaints. It was discussed that Drew has a full-time job outside of monitoring this property. Most issues arise between 10 PM and 2 AM. That said, the applicant, through her attorney, agreed to name an additional emergency contact, although not required under applicable regulations (please see updated narrative). In addition, some neighbors thought that the address listed was that of his parents, not Drew's residence. It was agreed that this address would be updated as necessary in the application. However, it was agreed that Drew's actual residence was in the City of McMinnville.

Another issue was that some neighbors felt that operating a short term rental was in violation of the Conditions, Covenants, and Restrictions application to the property. If a short term rental is defined as a "commercial business", neighbors thought that was prohibited by the CCRs. It was mentioned that a short term rental was a permitted use in the zone, even if it was considered a "commercial business". Applicant disagrees that renting the property is considered a "commercial business" and is a residential use. After the meeting, the CCRs were reviewed. The applicable provision is in Section (T), stating "No commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gained approval from appropriate zoning authorities." Here, even if considered a commercial business, the applicant is applying for such approval. In addition, protective covenants are enforced through property owners, and has not bearing on issuance of a permit. The narrative to the application was updated to reflect this response.

Larry Tool mentioned that he had formed a petition, and gathered approximately 35 signatures against a short term rental in the neighborhood. In addition, he asked why some neighbors received notice, while others did not. Application criteria was reviewed.

Further, it was asked what type of individuals would be permitted to rent. It is the intention of the applicant to property to screen potential guests in order to limit unreasonable disturbances to the area. However, it was acknowledged that the permit did not limit the types of parties that could be rented to.

Noise also was raised as a concern. The applicant agreed to institute reasonable quiet hours. It was noted that previous guests (who stayed for free) have not caused any nuisances.

Additionally, safety was discussed. It was questioned whether the house would need to become ADA compliant. Also, it was noted that the stairs and driveway leading up to the house were steep and may cause a safety concern for guests and children, especially in winter. The applicant would address code violations, if any, and intends to maintain adequate property insurance alleviating these worries.

Vehicular traffic was addressed. It was thought that guests may park on the street. It was a concern that guests may park to block driveways, impeded street sweeping, or block mailboxes. In addition, it was noticed that the street was on a hill that could be dangerous in inclement weather. Finally, some were concerned about safety in the neighborhood if drivers were speeding. The applicant does not have control over the public right-of-way, but has agreed to request guests park in the garage or driveway, as set forth in the amended application.

Final comments included that neighbors were against the short term rental because they were worried about the precedent it set, and that the neighborhood would lose its family character and safe feeling. Two letters were read out loud, which are to be included in the application.

The meeting was adjourned at approximately 7:15 PM PST.



7/27/2023

I would like to begin by expressing my deep admiration and affection for the entire Momtazzi family. My concerns regarding the proposed short term vacation rental are absolutely separate from my respect for each member of their family.

We have lived in Crestbrook for almost 31 years. We have cherished the close connections that we have fostered over the years in this beautiful community. When we built our home, we were given a covenant agreement that stated no businesses would be allowed in our neighborhood. Part of keeping a neighborhood intact as a community is through fostering connections over a long period of time with our neighbors, as opposed to multiple strangers renting a house for a short period of time.

We have seen other neighborhoods lose their sense of identify and also the feeling of safety that can come from knowing and consistently communicating with neighbors.

My husband and I are very opposed to the idea of creating a short term rental in our neighborhood and are devastated to think of this decision setting a precedent for even more short term rentals to be developed.

We respectfully ask this request for a short term rental to be denied.

Sincerely,

Rick & Lan Carpenter  
2463 NW Pinehurst Drive  
McMinnville, OR 97128

971-237-4237  
Lancarpenter@msn.com

Krista and Florent Merlier  
2660 NW Pinehurst Dr  
McMinnville, OR 97128

July 22, 2023

Re: Land Use Application for a short-term vacation rental in the Crestbrook neighborhood at the address of 1036 NW Baker Crest Ct, McMinnville OR 97128

To Whom it May Concern:

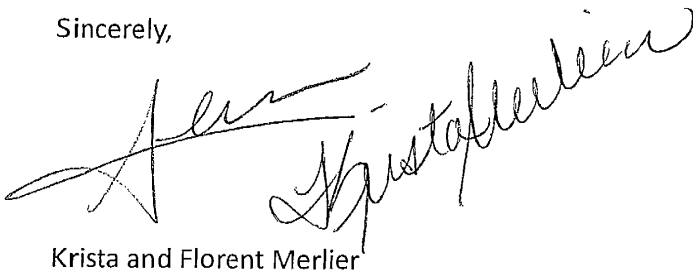
We, Krista and Florent Merlier, are writing this letter because we will be out of town for the neighborhood meeting on July 27, 2023 to discuss the proposed short term vacation rental in our neighborhood and we would like to vocalize our concerns.

First and foremost, we would be against any property in the Crestbrook neighborhood being used as a vacation rental no matter our friendship or relationship with the owner(s). We have only had a friendly rapport with the Momtazi family. According to the Protective Covenants for the Crestbrook Addition, Division 1, Article II, Section A: "No lot shall be used except for single family residence." We purchased our home in 2011 under the impression this was to be a neighborhood of homeowners with no businesses allowed. Going against these protective covenants could negatively affect the value of our properties as well as the peaceful qualities of where we live.

Short term vacation rentals in our neighborhood would bring more traffic into a neighborhood with only one entrance and exit. Traffic that moves too quickly in an area where kids are playing, families are walking and pets are roaming is another major concern we have. Short term vacation rentals also often bring noise disturbance for the adjoining property owners. This has already been the case in several neighborhoods in McMinnville with the addition of short-term rentals.

Thank you for holding the neighborhood discussion about this proposal. A short-term vacation rental has no place in the Crestbrook neighborhood.

Sincerely,

Handwritten signatures of Krista and Florent Merlier. The signature on the left is 'Krista' and the signature on the right is 'Florent'.

Krista and Florent Merlier

klfm21@gmail.com/fmerlier1@gmail.com

**From:** [Adam Tate](#)  
**To:** [Joann Tool](#)  
**Cc:** [Heather Richards](#)  
**Subject:** RE: STR application comments - 1036 NW Baker Crest Ct.  
**Date:** Friday, September 22, 2023 10:00:00 AM

---

Thank you for your letter and petition Joann,

I will talk with Director Richards on when we can schedule the public hearing before the Planning Commission and then let you know the date once it is scheduled.

Thank you,

---

**From:** Joann Tool <joann.tool@gmail.com>  
**Sent:** Thursday, September 21, 2023 11:15 AM  
**To:** Adam Tate <Adam.Tate@mcminnvilleoregon.gov>  
**Cc:** Heather Richards <Heather.Richards@mcminnvilleoregon.gov>  
**Subject:** STR application comments - 1036 NW Baker Crest Ct.

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.**

---

Dr. Laurence A. Tool  
Joann de Graef Tool  
1025 NW Baker Crest Ct  
McMinnville, OR 97128

September 21, 2023

Mr. Adam Tate  
City of McMinnville

RE: Pending STR permit for 1036 NW Baker Crest Ct.

We are submitting this email along with our original letter dated July 28, 2023, sent to Ms. Heather Richards; as well as a new copy of the petition generated and signed by the residents of the Crestbrook and Norwegian Woods subdivisions. An additional signature was added.

We have added our additional concerns in this cover email:

To begin, we must say it is very disappointing that Ms. Momtazi has told her immediate neighbor that the permit has already been approved. Statements like this help to degrade the reputation for process in the City; and reinforce the belief that public input is just an exercise in futility.

Despite the City's good efforts in drafting the new STR ordinance, it is inherently flawed. The ordinance neglects to address the condition of the residence seeking a permit. It is implied by issuance of a City permit that the safety of the STR would be inspected by a representative of the City. However, this does not appear to be the case at all.

Several of the residents, including us, have pointed out obvious safety concerns regarding 1036 NW Baker Crest Ct. Apparently, this has fallen on deaf ears. Is the City prepared to incur the liability that may arise should a renter of this STR become injured?

The permit application requires smoke detectors yet no inspections take place. Isn't the City again in jeopardy if a fire would break out in a permitted STR and it is found that the smoke detectors were never placed and had never passed inspection by the City?

The current ordinance expands the space/feet that must exist between STR's. It should also address other venues that also exist in the neighborhood that contribute to traffic and parking situations that impact the area. Clearly this has been ignored with regard to this permit.

Lastly, we would like to state that the permit does not limit the number of people that could attend functions at the STR while it is rented. The response to this inquiry by the attorney holding the required application meeting was to say that it was not required to be addressed by the permit. Likewise, Ms. Gowell said that parking on public streets is not limited by the permit.

There are many outstanding issues that we as neighbors will face if this STR is permitted. We hope it is not true that we are wasting our time because the permit has already been approved.

We again request a hearing before the Planning Commission to address not only our concerns, but to hear the many other concerns brought up by our neighbors. If what Ms. Momtazi told her neighbor is true, then the administrative process has been tainted.

Thank you for your time in reviewing this email and the attached information.

Dr. Laurence A. Tool  
Joann de Graef Tool

CC: Heather Richards

Attachments



Dr. Laurence A. Tool  
Joann de Graef Tool  
1025 NW Baker Crest Ct  
McMinnville, OR 97128

July 28, 2023

Heather Richards, Community Development Director  
Planning Department  
231 NE 5th St.  
McMinnville, OR. 97128

Dear Ms. Richards:

We are the owners of 1025 NW Baker Crest Ct, McMinnville which is located directly across the street from 1036 NW Baker Crest Ct, whose property owner is to submit an application today for a short term rental. We request that your department address a major safety concern regarding this property. One that has the potential for injury to any potential user of said short term rental.

Reading through the STR regulations, 5134 amending code Title 17, it is obvious that safety of renters is important to the City.

We attended the neighborhood meeting regarding 1036 NW Baker Crest Ct at the law offices of Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C. The meeting was hosted by one of their attorneys, Catherine Gowell. Unfortunately the owner of the residence was not in attendance. Two additional concerns were brought to our attention: The intention of use and by whom (Momtazi wineries) and the countless number of people who may actually use the house.

According to the hosting attorney, the application for the permit will be submitted to the City today. We therefore would like to address the issues of renter safety, Occupancy, renters rights as outlined by the attorney, outside business control, and fire safety.

### **Renter safety**

This issue is of concern to us as we have witnessed folks who have stayed at the property attempting to safely move large items and luggage down the front steps without causing injury to themselves. Thankfully they managed, but it appeared to be an extremely strenuous chore. We cannot help but notice use of the

property as we live directly across the street. We do not wish to see anyone hurt.

We were unable to measure the exact slope of these stairs as we have no legal access to the property. We have included a photograph of the stairs in question that was available on a local real estate site. As can be seen, there are no railings on the stairs and they are on quite a slope. We have witnessed young UPS drivers struggle with packages during the winter when the stairs were covered in ice/snow.

We believe that these stairs are not compliant with current code and should not be allowed to be grandfathered in as the STR is a new use that was not anticipated when the original residence was constructed. Entering and exiting the residence should be done safely with railings.

### **Occupancy, fire safety.**

Another concern arose when we received the map that was sent with the second meeting notification on July 17, 2023 (we have included a copy of this map). This map outlines a total of eight parking places, four inside the garage and four on the sloped driveway. If indeed four cars are allowed to park on the driveway in the outlined fashion, they will block safe access to the front stairs in question. Slopes, cars and lack of rails could be disastrous in a fire.

All this leads to the question of occupancy. Ordinance 5134 clearly states that there shall be no more than five unrelated occupants and no more than one car per bedroom. Why then, is the STR application map showing eight parking places? According to the advertisement on Forbes Global Real Estate, the listing agent, Naseem Momtazi, lists the property as 4,718 square feet with only four bedrooms. It seems reasonable to assume that this residence could potentially house more than five people. Is the intent to accommodate larger groups?

Our question above was answered by Ms. Gowell last evening. She claims that it is the right of whoever rents the STR to have parties of any size as long as the parties are over by 10 p.m. and only five unrelated people sleep in the house. Our fear will become reality.

### **Business Control**

The true use of the residence in question was revealed by Ms. Gowell when she explained that the rental of 1036 NW Baker Crest Ct. would be included with wedding packages sold at the the Momtazi Wineries. Please explain how this use

conforms with the criteria for a residential STR. The attorney could not adequately explain how the outside business could actually be in control of the rentals. Will the City be charging the TOT to both the winery and the property owner?

Please expect a petition that strongly opposes the approval of the STR at 1036 NW Baker Crest Ct to be submitted to your office in the next few days.

We adamantly oppose the permitting of 1036 NW Baker Crest Ct. as an STR. At the meeting last evening, there was not one person in favor of the permit; and the lawyer did not believe that there would be a need to hold the second neighborhood meeting on 8/7/2023 as advertised.

We hereby request that this permit forgo the administrative approval/disapproval and be heard by both the Planning Commission and the City Council so that the concerns of the neighborhood can be heard in public. Several letters of dissent were given to the attorney last evening and are to be included in the application packet.

We thank you for your time in reviewing our concerns. Please do not hesitate to contact us with any questions.

Sincerely,



Dr. Laurence A. Tool



Joann de Graef Tool

Cc: Planning Commission  
City Council

Attachments

# PETITION

①

We, the undersigned neighbors of 1036 NW Baker Crest Court McMinnville, **strongly oppose** the "land use application for a short term vacation rental" being submitted by Naseem Momtazi, the owner of said property.

Name	Address	Phone
------	---------	-------

John Shaw	2685 NW Pinehurst	(503) 435-8552
John Jool	1025 NW Baker Crest Ct	503-435-0803
John Zou	1025 NW Baker Crest Ct.	503 435-0803
Maryann Walle	1037 NW Baker Crest Ct	503-407-1815
Jim Lee	965 NW Baker Crest Ct	971-237-2134
Jim Lee	965 NW Baker Crest Ct	971-237-2135
Jim Sinclair	934 NW Baker Crest Ct	503-593-9016
James Sinclair	934 NW Baker Crest	503-702-3204
Eddy Jove	1020 NW Baker Crest Ct	971-237-5670
Leslie P. Thompson	10911 NW Baker Crest Ct	503-550-6839
Carl Shroyer	" "	" "
Margaret Roberts	1069 NW Baker Crest Ct	503-472-3898
Wendy Roberts	" "	" "



(2)

## PETITION

We, the undersigned neighbors of 1036 NW Baker Crest Court McMinnville, **strongly oppose** the "land use application for a short term vacation rental" being submitted by Naseem Momtazi, the owner of said property.

Name	Address	Phone
<del>Alvin W. Clark</del>	<del>929 NW Baker Crest Ct</del>	<del></del>
Karen Nichols	2579 NW PINEHURST DR	503.857.0110
KAREN NICHOLS	2579 NW PINEHURST DR	503.857.0110
PETER VON KLARGAAR	2579 NW PINEHURST DR	503 857 0110
Lynnda Phillippi	1078 NW Baker Crest Ct	503-566-7425
Rick Pugh	2463 NW PINEHURST DR	503-478-6600
Della Carpenter	2463 NW Pinehurst Dr	971 237 4237
Virginia A. Brown	2441 NW PINEHURST DR	971.241.0308
Ross Ucolano	2520 NW PINEHURST DR	541-961-5808
Jose M Contreras	997 NW Baker Crest Ct	971-237-0472
Paula Rodriguez	997 NW Baker Crest Ct	971 241 1082
Krista Merlier	2660 NW Pinehurst Dr.	503 857 2746
Florent Merlier	2660 NW PINEHURST DR	503 857 2745
Fran Collier	2632 NW Pinehurst Dr	503-472-2000
Jan Hartzell	1023 NW BAKER CREST CT	503-435-7400

③

# PETITION

We, the undersigned neighbors of 1036 NW Baker Crest Court McMinnville, **strongly oppose** the "land use application for a short term vacation rental" being submitted by Naseem Momtazi, the owner of said property.

Name	Address	Phone
Randy Hartzell	1093 NW Baker Crest Ct	503 435 7404
Ralph Auda	2576 Pinehurst	503-472-9569
Marilyn MacGregor	1020 NW Crestbrook Ct	503 857-0930
David Wilson	2517 NW Pinehurst Dr.	503-367-5249
Curtis Clugston	2517 NW Pinehurst Dr	503-830-9050
Fynn	2485 NW Pinehurst Dr	503-560-0861
Kelly Carlson	2485 NW Pinehurst Dr	503-860-0861
John Crane	2417 NW Pinehurst Dr.	503-434-5092
Robert Bell	1020 NW Crestbrook Ct	503-857-0930
Dominic C. Zachary	2482 N.W. Pinehurst Dr.	971-237-4100
Dana Fitzpatrick	1035 NW Crestbrook Ct	503-472-3738
Doug Friedrichs	1040 NW Crestbrook Ct.	503-472-5786
Jerry	Baker Crest Ct 1050 NW <del>Crestbrook</del> Ct	503-367-0193
Carleen	1050 NW Baker Crest Ct.	502-780-6788

To: McMinnville Planning Department

Regarding: Short Term Rental Application Docket # STR 3-23 at 1036 NW Baker Crest Court, McMinnville  
under the ownership of Naseem Momtazi

Date: July 27, 2023 (originally submitted to lawyer for applicant). Revised September 13, 2023

We are writing in response to the Short Term Rental (STR) application for the above property. We have lived next door to this property for five years and have maintained an excellent relationship with Naseem Momtazi. Ms. Momtazi and her family have been exemplary neighbors. Because of our personal experience with Naseem, we are writing this reluctantly for several reasons. We hold Naseem in the utmost esteem, not only for her long-term commitment to this Crestbrook neighborhood but also because she has always been honest and has acted with the best intentions.

With this in mind, we have been inclined to “see what happens.” However, we see issues that would preclude this application being granted or rescinded. Our reservations include:

a). This application may very well go against the CC&R that stipulates that there shall be no businesses within the Crestbrook neighborhood. A STR is a “business” in the sense that transient lodging taxes will be collected for the city, and the owner is charging a rental fee. This alone would preclude the granting of this application. Specific language from the Crestbrook CC&Rs states:

(S) Commercial Business.

No commercial business of any type shall be allowed to be established on or operated from this development unless such business activity shall have gained approval from appropriate zoning authorities.

b). “Best intentions” to only rent to quiet, non-partying entities and limiting the number of cars cannot be guaranteed or easily monitored without this surveillance falling on those of us living within the proximity of the property. This places an undue burden on neighbors to call the 24/7 person and/or the non-emergency police number, creating an adverse impact. What guarantee is there that the 24/7 person would be able to handle any disturbance or be available when called?

Best intentions may be realized by the owner, but not shared by any number of renters who occupy the house. It only takes one individual to disturb neighboring homeowners who have every reason to expect respect, peace, and safety. The Crestbrook CC&Rs state:

(K) Obnoxious and Offensive Activities.

No obnoxious or offensive noises shall be made or activities carried on upon any lot, which may become an annoyance or nuisance to neighbors or to the neighborhood, or which interferes with the use of any adjacent lot by its property owners.

c). With discussions in front of the Planning Division about increasing the Urban Growth Boundary because of the need for family residences, to grant a STR for a large family-sized home in a residential neighborhood, is incompatible as a solution to the larger problem. It does, in fact, remove another residential property from being available for long-term occupancy.

d). At best, when other homeowners have parties, both sides of the street are full of cars. This makes transiting an issue and poses a concern about ingress and egress for emergency vehicles. There is a neighbor across the street from Naseem's that at least several times a year has needed EMT services. There is only one way into and out of the Crestbrook neighborhood on NW Baker Crest Court. The addition of 4 or more cars using on-street parking directly across the street from this neighbor's property, could complicate emergency accessibility if the conditions stated in f) and g) below are met.

e). Naseem's property will be associated with wedding events that typically occur 14 miles from this home. It is entirely feasible that there will be some renters who drive to the house after consuming more alcohol than they should have. In the last several months, two cars have missed the turn onto Baker Crest Court and ended up in the planted traffic divider at night; one crashed into the caution sign. Costs to repair damage is born by the entire Crestbrook neighborhood. The safety of residents and property would be of concern.

f). Should the property be rented during inclement weather involving ice or snow, the owner currently always pulls into the garage. Guests always park on the street due to the steepness of the driveway. According to the application criteria, street parking for renters is not allowed. During inclement weather it is doubtful that residents would park on the driveway and the burden would again fall on neighbors to monitor the property when it is rented.

g). The garage holds four cars, but they are in two lines of two cars bumper to bumper; the same with the driveway. To expect the juggling of several cars to get even one car out of the garage is unreasonable and automatically sets up the use of on-street parking for the convenience of the renters. Again, this sets up a condition for non-compliance by renters and puts the burden of monitoring them on neighbors.

We respectfully submit these concerns to the Planning Department. It is not in the best interests of the neighborhood to grant this application, even if the current intention is not to turn it into a broad-based market rental.

Terry Dolan and Catherine Blosser  
1050 NW Baker Crest Court  
McMinnville, OR 97128





Regarding: McMinnville Planning Commission Review of a Short Term Rental Permit for 1036 NW Baker Crest Court (STR 3-23)

Approving this Short Term Rental (STR) application essentially places a mini-boutique hotel within a quiet single-family residential neighborhood two miles from the city center. According to **Visit McMinnville** (2023) the following statistics\* are offered as an indication that there is not a need for the addition of another STR in McMinnville:

1. Total Available Short Term Rental Listings reached a new all time high in August 2023, with 168 listings available on Airbnb and/or Vrbo during the month.
2. This increase in Supply was not matched by an increase in Demand, causing Occupancy to decline 9.7% Year-over-Year.

**Comment:** At a time when there are ongoing discussions by the Planning Department of needing to expand the Urban Growth Boundary because of a lack of housing for long-term residents, granting short term rentals is going in directly the opposite direction.

Another study by the **Economic Policy Institute** (2019) noted the following:

1. Short term rentals end up increasing rental rates all over a city, since an STR removes a potential long-term rental from the market, increasing rental rates for these scarier long term rentals (Barron et al, 2020).
2. The economic costs of STRs likely outweigh the benefits. While the introduction and expansion of STRS, such as Airbnb, into U.S. cities and cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.

**Comments:** Granting a Short Term Rental license to this property would result in radically changing the dynamics of the currently-occupied 17 homes, a distinct sub-unit of the larger Crestbrook neighborhood. It would require permanent residents to monitor and tolerate an increase in activity by transient renters with no ties or investment in a neighborhood with an ongoing history of watching, caring for, and cooperating with each other on a daily basis. The dead-end street means twice the traffic from renters coming and going. The vacant home already is described as a “sad hole,” akin to a missing front tooth in an otherwise fetching smile.

I respectfully request that the Planning Department deny this Short Term Rental application in recognition of the value of maintaining the integrity of single family “neighborhoods-that-work” and add to the viability and attractiveness of living in McMinnville.

Respectfully submitted,

Catherine Blosser

1050 NW Baker Crest Court, McMinnville

503-780-6788

*Visit McMinnville Monthly Research Update, August 2023 Review.* Available from Visit McMinnville

Barron, Kung & Proserpio: *The Effect of home-sharing on house prices and rents: evidence from Airbnb*, March 2020. Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3006832](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3006832).

Economic Policy Institute, *The Economic costs and benefits of Airbnb*. Updated March 2019. Available at <https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/>. The Economic Policy Institute (EPI) conducts research and analysis on the economic status of working America. EPI proposes public policies that protect and improve the economic conditions of low- and middle-income workers and assesses policies with respect to how they affect those workers.

October 25, 2023

Heather Richards,  
Community Development Director  
City of McMinnville  
231 NE 5<sup>th</sup> St.  
McMinnville, OR 97128  
[Heather.richards@mcminnvilleoregon.gov](mailto:Heather.richards@mcminnvilleoregon.gov)

Re: Written Submittal on behalf of Naseem Momtazi for STR 3-23

Dear Planning Commission:

This letter is submitted on behalf of applicant, Naseem Momtazi, for the short-term vacation rental permit STR 3-23 in the City of McMinnville for a dwelling located at 1036 NW Baker Crest Court (herein the "Property"). This office represents applicant regarding the application at issue and is submitting this letter in response to opposition comments received by the City of McMinnville. The Property is zoned R-1 and the permitted uses in this zone are contained in McMinnville City Code section 17.12.010.

Various concerns have been raised about the short-term vacation rental application. However, none of the opposition comments have cited specific criteria contained in the McMinnville City Code (the "Code") that is applicable to this application. All criteria set forth in the Code have been satisfied. The applicant has met all requirements under the code for short term vacation rentals in zone R-1 that are contained in Code section 17.12.010(O). There is no basis in the code to deny this application and the opposition comments submitted only point to general concerns that do not speak to the actual approval criteria.

Specifically, the opposition comments received by Applicant as of the date of this letter raise the following general concerns, which will be addressed in turn below:

1. Homeowner's Association CC&Rs.
2. Safety of future renters.
3. Relationship of Property to Other Momtazi businesses.
4. McMinnville Short Term Vacation Rental Code.
5. Parking, Traffic, and Occupancy.
6. General Disturbance of Peace of Neighborhood.



### **Homeowner's Association CC&Rs**

The Property is subject to private recorded Covenants, Conditions and Restrictions (CC&Rs). These CC&Rs were written with the intent of a Homeowner's Association forming and having authority to enforce the CC&Rs. Currently, it is our understanding that there is no active Homeowner's Association. Without the Homeowner's Association with authority to enforce the CC&Rs, the only enforcement mechanism for alleged violations of the CC&Rs is a private lawsuit. The CC&Rs and compliance therewith is not a criterion for this Application under the Code. Any enforcement action of the CC&Rs against the applicant is a separate issue, not under the authority of the City of McMinnville to decide.

Further, this application complies with the requirement in the CC&Rs regarding commercial business, restated below:

“No commercial business of any type shall be allowed to be established on or operated from this development **unless such business activity shall have gained approval from appropriate zoning authorities.**”

The Property is located in the City of McMinnville and the appropriate zoning authority is the City. This application complies with the requirements under the Code for a short-term vacation rental in that Applicant has met the criteria under the Code. So long as the City approves this application by the City, Applicant complies with the above CC&R requirement.

Opposition comments also asserted that the CC&Rs provide “no lot shall be used except for single family residence.” Similarly, to the above, compliance with the CC&Rs is not an approval criterion. However, the Property is in use as a single-family residence, and rentals (including short term rentals) are a permitted use in the zone for single family residences. Generally, dwelling type limitations in CC&Rs go to the type of dwelling that can be built, for example in this case, a duplex could not be built on this Property.

The issues raised by opposition regarding the C&Rs do not go to any approval criteria under the Code and as such, cannot be a basis for denial of this application.

### **Safety of Future Renters**

Concerns were raised by opposition regarding the safety of renters at the Property as well as the safety of the neighborhood. Comments asserted concern regarding driving under the influence, access to the neighborhood by emergency services, and entryway access to the dwelling by future renters. These concerns are noted but would be present whether the Property was used as a short-term vacation rental or occupied by the owner of the Property. Property Owners may invite guests to their property and need those guests to park on the street. There is no prohibition on street parking for passenger vehicles in this neighborhood. The steep entrance to the dwelling is a function of geography and cannot be changed by applicant. Many homes have this same steep entryway and any accidents that occur will be covered by applicant's insurance. Lastly, driving under the influence occurs in a variety of circumstances and it is pure speculation that this application will have any effect on the amount of driving under the influence occurring in this area.

None of these concerns regarding safety raise issue with an approval criterion for this application and as such, cannot be a basis for denial.

### **Relationship of Property to Other Momtazi Family Businesses**

In the event this application is approved, association of the Property with any other Momtazi Family businesses is not prohibited under the Code. The applicant is the titled property owner and as such is the rightful party to submit this application. Applicant's decision to utilize the Property in association with any other Momtazi businesses is not relevant to the approval criterion for this Application.

### **McMinnville Short Term Vacation Rental Code.**

A number of opposition comments raised issue with the City allowing short-term vacation rentals and concerns about the provisions of the Code regarding approval of short-term vacation rentals. This application is not the proper venue to raise these concerns. The Code is not up for debate or changes as part of this application. Applicant only has to demonstrate compliance with the existing Code requirements and opposition to those requirements is irrelevant to the current proceeding. As such, any comments opposing the Code provisions should be disregarded.

### **Parking, Traffic, and Occupancy.**

A number of concerns have been raised about parking at the Property. The Property has a large garage and driveway, suitable for parking numerous vehicles. The minimum parking requirements in the Code for this Application are one off-street space for each bedroom in the dwelling under section 17.12.010(3). There are four bedrooms in the dwelling and there are more than four off-street parking spaces at the Property. Further, this code provision does not require any short-term rental occupants to park in the off-street parking areas. This is a logical option for parking, however, it is not prohibited under the Code for occupants at the Property to park on the street/public right-of-way.

Opposition comments asserted that the Code requires no more than five unrelated occupants are allowed to occupy a short-term vacation rental. This is not a requirement under the Code. The occupancy requirements for the short-term vacation rental are based on bedrooms in the dwelling, not the relationship of individuals occupying the dwelling.

The parking requirements under the Code have been met. The opposition comments regarding parking, traffic and occupancy do not raise issue with the applicable approval criteria and cannot be a basis for denial of this application.

### **General Disturbance of Peace of Neighborhood.**

Opposition comments generally asserted concern for added noise and overall disturbance of the neighborhood based on the short-term vacation rental at the Property. Any future occupants of the Property will have to abide by City requirements for quiet hours and noise control. In the event there is a disturbance due to noise after 10:00 PM, those affected can contact the person designated

for 24/7 contact for this Application, and there are several individuals to contact. However general concern regarding noise is not an approval criterion, and as such, the application cannot be denied on this basis.

Sincerely,

s/ Katherine L. Gowell  
Attorney for Applicant

October 23, 2023

Adam Tate  
Community Development Dept  
McMinnville, Oregon

Ref STR 3.23 application for Short-Term Rental at 1036 NW Baker Crest Court

Members of the McMinnville Planning Commission:

My next-door neighbor, Naseem Momtazi grew up in the house she now proposes to make available as a short-term rental. I know she would not knowingly do anything to upset the livability of the neighborhood she has enjoyed all her life. If awarded the permit she has applied for, she has stated her intention to be attentive and responsive to unwelcome issues as they emerge.

However, Ms Momtazi has entered a common conflict zone, as has the City of McMinnville – to what extent do personal property rights prevail over community values? The City wants to provide property owners the option to rent their single-family residences on a short-term basis. Once a permit is granted, a precedent is set whereby that house could be sold as a short-term rental, or others could apply for the same, turning a quiet single-residential neighborhood into a transient one. The City's restriction requires a distribution of such rentals, but I am concerned that the City's effort to prevent crowding of rentals will be both insufficient and unsupportable.

At an administrative scale, the neighborhood I share with Ms Momtazi is the Crestbrook subdivision with a small addition at the east end. At the scale of a functioning community, the neighborhood we share is Baker Crest Court, a single, short dead-end on the north bank of Baker Creek. It is lowland, below the high ground that constitutes the rest of the subdivision and most of NW McMinnville, and it is more isolated than most residential streets in the city. It has recently grown from 16 to 19 homes. We travel the neighborhood frequently on foot, as well as by bicycle and scooter. We know each other, look for each other, and watch out for each other.

A short-term rental creates a void in the neighborhood. A neighbor is missing. I submit that on Crestbrook Court, with its relative isolation and small population, that void is substantial and significant. The gain for the owner of the property to be rented is a loss for the neighborhood, a loss for the sense of society, comfort, and safety. Those are values that my neighbors have, in fact, invested in.

Accompanying this letter is an aerial view from Google Maps of NW Baker Crest Ct. Please note how NW Pinehurst Drive curves to the west before sharply turning due East to become NW Baker Crest Ct. In that curve, under the trees, NW Pinehurst divides into two narrow lanes around a traffic island that supports a mature Red Cedar and a mature White Oak. Roses and other small shrubs fill the understory. The earth in the island is not level with the road.

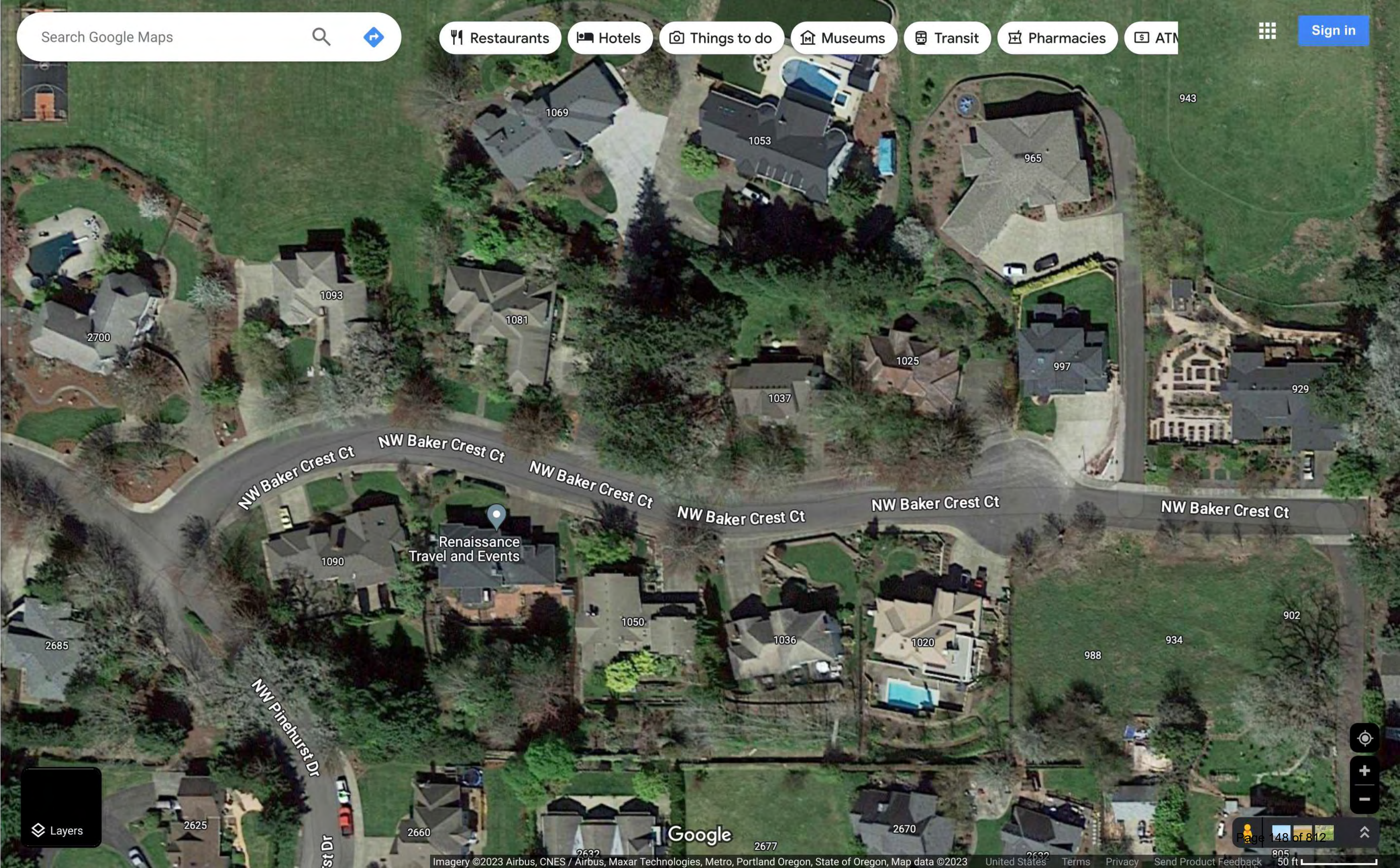
There is a substantial dip in grade within the island. Our neighborhood supports a sprinkler system to nourish the plants and signage and lighting to alert drivers to the obvious hazards this traffic island presents to the uninformed or inattentive driver. Last year we paid over \$2000 to have lighting and sprinklers replaced after damage incurred by intrusions by motor vehicles. Many of the prospective occupants of a short-term rental on NW Baker Crest Ct will undoubtedly enjoy the fine food and drink our area has to offer. Many will drive unfamiliar streets in the dark. It takes only one driver in one moment to crash into that island. My neighbors and I will incur the costs of repair once again.

I ask that decision makers deliberate carefully to consider the local landscape and social dynamics when they pursue a decision to allocate each and every short-term rental.

Sincerely

Terry Dolan  
1050 NW Baker Crest Ct  
McMinnville, Oregon 97128  
tmdolan01@gmail.com  
503.367.0193







7/27/2023

I would like to begin by expressing my deep admiration and affection for the entire Momtazzi family. My concerns regarding the proposed short term vacation rental are absolutely separate from my respect for each member of their family.

We have lived in Crestbrook for almost 31 years. We have cherished the close connections that we have fostered over the years in this beautiful community. When we built our home, we were given a covenant agreement that stated no businesses would be allowed in our neighborhood. Part of keeping a neighborhood intact as a community is through fostering connections over a long period of time with our neighbors, as opposed to multiple strangers renting a house for a short period of time.

We have seen other neighborhoods lose their sense of identity and also the feeling of safety that can come from knowing and consistently communicating with neighbors.

My husband and I are very opposed to the idea of creating a short term rental in our neighborhood and are devastated to think of this decision setting a precedent for even more short term rentals to be developed.

We respectfully ask this request for a short term rental to be denied.

Sincerely,

Rick & Lan Carpenter  
2463 NW Pinehurst  
Drive McMinnville, OR  
97128

971-237-4237  
Lancarpenter@msn.com

Krista and Florent Merlier  
2660 NW Pinehurst Dr  
McMinnville, OR 97128

July 22, 2023

Re: Land Use Application for a short-term vacation rental in the Crestbrook neighborhood at the address of 1036 NW Baker Crest Ct, McMinnville OR 97128

To Whom it May Concern:

We, Krista and Florent Merlier, are writing this letter because we will be out of town for the neighborhood meeting on July 27, 2023 to discuss the proposed short term vacation rental in our neighborhood and we would like to vocalize our concerns.

First and foremost, we would be against any property in the Crestbrook neighborhood being used as a vacation rental no matter our friendship or relationship with the owner(s). We have only had a friendly rapport with the Momtazi family. According to the Protective Covenants for the Crestbrook Addition, Division 1, Article II, Section A: "No lot shall be used except for single family residence." We purchased our home in 2011 under the impression this was to be a neighborhood of homeowners with no businesses allowed. Going against these protective covenants could negatively affect the value of our properties as well as the peaceful qualities of where we live.

Short term vacation rentals in our neighborhood would bring more traffic into a neighborhood with only one entrance and exit. Traffic that moves too quickly in an area where kids are playing, families are walking and pets are roaming is another major concern we have. Short term vacation rentals also often bring noise disturbance for the adjoining property owners. This has already been the case in several neighborhoods in McMinnville with the addition of short-term rentals.

Thank you for holding the neighborhood discussion about this proposal. A short-term vacation rental has no place in the Crestbrook neighborhood.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Krista and Florent Merlier', written in a cursive style. The signature is positioned above the printed name of the signatories.

Krista and Florent Merlier

klfm21@gmail.com/fmerlier1@gmail.com