



City of McMinnville
Planning Department
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McMinnville, OR 97128
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www.mcminnvilleoregon.gov

MINUTES

September 1, 2022
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Gary Langenwalter, Sylla McClellan, Brian Randall, Matt Deppe, Beth Rankin, Lori Schanche, Dan Tucholsky, and Sidonie Winfield

Members Absent:

Staff Present: Heather Richards – Planning Director, Tom Schauer – Senior Planner, and Adam Tate – Associate Planner

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- June 2, 2022
- June 16, 2022
- July 21, 2022

Commissioner Tucholsky moved to approve the June 2, June 16, and July 21, 2022 minutes. The motion was seconded by Commissioner Langenwalter and passed 8-0.

4. Public Hearings:

A. Quasi-Judicial Hearing: Short-Term Rental (STR 7-22)

Request: Request for approval of a permit to use the existing dwelling as a Short-Term Rental.

Location: 790 NW 21st Street (Tax Lot R4417AC 02344)

Application: Emily (Joyce) LaGow

Disclosures: Chair Winfield opened the public hearing and 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.

Chair Winfield said she was acquainted with people in the neighborhood, but it would not affect her decision.

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.

Commissioners Schanche and McClellan had visited the site.

Staff Report: Associate Planner Tate presented the staff report. This was a request to approve a permit to use the existing dwelling at 790 NW 21st Street as a short term rental. He discussed the subject site, applicant's site plan, project summary, applicable review criteria, summary of findings, testimony received, and recommended conditions. The applicant stated the property was operating as a short term rental before the application was approved, which was a mistake by the property management company. Staff recommended approval of the application.

Questions: Commissioner Langenwaller asked for clarification on how many days a guest would be allowed to stay. Planning Director Richards said prior to permit approval, the applicant was renting the house out for 30-plus days, but once they got their permit, they planned to use it as a short term rental and rent it for less than 30 days.

Commissioner Deppe asked about the parking. Planning Director Richards said they were supposed to provide one off street parking space per guest room. Anyone was allowed to park on the public street.

Commissioner Schanche asked about a local contact person. Planning Director Richards said they had a local address in the application.

Applicant's Testimony: Emily LaGow read a statement discussing her background, management of the house, code violation on July 4, 2022, parking, and benefits of the rental to the community.

Commissioner Tucholsky asked about the number of bedrooms that would be rented. Ms. LaGow said there would be four bedrooms, with a maximum of eight guests. She would amend the parking rules that they could not park on the street.

Commissioner Schanche asked why the property owner was not contacted about the rental on July 4 and if the management company was local. Corey Tigner, iTrip Vacations, said they were located in Portland. He explained a family was in a different home where the air conditioning had gone out and they moved the family to this home unaware that it had not received approval yet.

Chair Winfield asked why it was in the rental pool when it had not been approved yet. Mr. Tigner said it was in the 30-plus day rental pool. His company had 24 hour phone support to answer calls at any time.

Melissa Wright, property manager, clarified the listing was live for a 30-plus day rental, which was a long term rental situation and was listed as 5 bedroom. This would shift when it went down to a short term rental and would be listed as 4 bedrooms.

Chair Winfield asked about letters mailed to the neighbors. Ms. Wright said letters were mailed to the addresses the City provided.

Chair Winfield asked who the local emergency contact would be. She was concerned about the public testimony that there was not a local emergency contact. Mr. Tigner said that person was listed in the paperwork.

Public Testimony:

Proponents: Emily Smith, Beaverton resident, had decorated this property and spoke about the integrity of the management company. She thought they were responsive at all hours.

Opponents: Mark Fitz, McMinnville resident, said it was a requirement to have a local contact who could make decisions that needed to be made. He said the house was still being advertised without approval. He thought the application should be denied.

Commissioner McClellan had also looked them up, and the house was listed as a long term rental currently.

Nick Grinich, McMinnville resident, agreed about the need for a local contact. He discussed the July 4 incident and how the applicant failed to get the permit before advertising the property. He thought it was willfully operated as a short term rental without a permit and the application should be denied.

Commissioner Langenwalter asked how long the property had been advertised as a short term rental. Planning Director Richards said she had tried it on July 4, and she was able to book it as a short term rental for the next weekend. She had recently tried it again, and it was no longer being advertised as a short term rental.

Kelly Grinich, McMinnville resident, said for two weeks after July 4 she was able to book the house as a short term rental.

Rebuttal: Ms. LaGow said there would be someone on call 24 hours a day, 7 days a week. Ms. Wright asked if they tested the local contact as part of the process and if a listing could exist before the permit, but they could not accept guests into the home.

Planning Director Richards said they did not test local contacts. There had been complaints from neighbors and the neighbors raised the issue that they tried to contact somebody and that person was not available. They did not look at all the listings, but if they got a complaint, they did tests within the system. In this case, they received a complaint and she was able to book the house for two nights when it did not have a short term permit.

Mr. Tigner said the July 4 incident was a combination of factors and rare circumstance. Once they found out about it, they removed it.

Commissioner Tucholsky said there was testimony that it was up for two weeks. Mr. Tigner said they did not go far enough in the booking system. If they had, they would have found it was not available.

There was discussion regarding short term rental code update, upcoming short term rental applications, and options for Commission action.

Chair Winfield closed the public hearing.

The applicant did not waive the 7 day period for submitting final written arguments. The applicant would have until September 9 at 5 p.m. to submit their arguments. The Commission would deliberate and make a decision on this agenda item on October 6, 2022.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

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

Application: Kimco McMinnville LLC, c/o Michael Strahs

Disclosures: Chair Winfield opened the public hearing and 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.

Commissioner Langenwaller MOVED to CONTINUE the hearing for CPA 2-20/ZC 3-20 to October 20, 2022. The motion was seconded by Commissioner McClellan and PASSED 8-0.

C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. Representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and 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.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 1-21/ZC 2-21 to October 20, 2022. The motion was seconded by Commissioner Rankin and PASSED 8-0.

D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and 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.

Commissioner Deppe MOVED to CONTINUE the hearing for CPA 2-21/ZC 3-21 to October 20, 2022. The motion was seconded by Commissioner Tucholsky and PASSED 8-0.

E. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)

(Continued from July 21, 2022 PC Meeting).

Applicant has requested a continuance to February 16, 2023

Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville’s Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the nonfloodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County’s Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Applicant: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

Disclosures: Chair Winfield opened the public hearing and 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.

Commissioner Rankin MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to February 16, 2023. The motion was seconded by Commissioner Tucholsky and PASSED 8-0.

5. Action Items

None

6. Commissioner Comments

None

7. Staff Comments

Planning Director Richards discussed the reasons for the continued public hearings. Senior Planner Bilodeau had left the City for a different job. She announced the American Planning Association Conference on October 27-29 if any Commissioner wanted to attend. She then discussed upcoming meetings.

8. Adjournment

Chair Winfield adjourned the meeting at 9:15 p.m.

Heather Richards
Secretary