

MINUTES

**November 2, 2023
Planning Commission
Regular Meeting**

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

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

Members Absent: Sylla McClellan and Gary Langenwalter

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Adam Tate – Associate Planner, David Ligtenberg – City Attorney, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

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

2. Citizen Comments

Mark Davis, McMinnville resident, supported the conversation at the last meeting about the Housing Needs Analysis and the need for the community to work together for affordable housing and parks.

3. Minutes

- August 18, 2023
- September 7, 2023
- September 21, 2023

Commissioners MOVED to APPROVE the August 18, September 7 and 21, 2023 minutes. The motion was passed 7-0.

4. Public Hearings

A. Quasi - Judicial Hearing: Short Term Rental Permit, 1036 NW Baker Crest Court (Docket STR 3-23)

Requests: Approval of a short term rental permit for the residential property at 1036 NW Baker Crest Court. Tax Lot R4417BA 02700.

Applicant: Naseem Momtazi

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 Murray was friends with the applicant, but it would not have an affect on her decision.

Commissioner Rankin visited the site and took a photo of the basement bedroom window.

Commissioners Tucholsky and Winfield had also 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: Associate Planner Tate said this was a request for a short-term rental permit on NW Baker Crest Court. He described the subject site, short term rental map and buffers, project summary, public testimony received, agency comments, applicable review criteria, and amended conditions of approval. Staff recommended approval with conditions.

There was discussion regarding CO2 and smoke detectors, being limited to the criteria, and outdated language on occupancy.

Applicant's Testimony: Naseem Momtazi, applicant, thought the opposition from the neighbors to the application was due to a desire to maintain the status quo in the community and a general disapproval of the criteria for short term rentals. Their concerns were unrelated to her particular application. She wanted to use the home as an investment property, which was within her rights as a property owner. A short term rental was permitted in this zone and this application met all of the criteria. She did not intend to disturb the neighbors' peace and explained the parameters she had put in place to limit the concerns about parking on the street, activity and noise level, and drinking and driving. Her property and those in the neighborhood were not candidates for affordable housing.

Katherine Gowell, legal counsel for the applicant, discussed the amended conditions regarding occupancy, concerns posed by neighbors at the neighborhood meeting about the rental being open to the family's winery clients, how the CC&R's for the neighborhood did not prohibit this use, how the complaints about people driving under the influence or damaging or disturbing the neighborhood was speculation, and general opposition to short term rentals. She thought the application met all the criteria.

Proponents: None

Opponents: Larry Tool, McMinnville resident, lived across the street from the home. He had circulated a petition in opposition and most of the neighbors signed it. He was concerned about the quality of life, physical safety, and City liability. He thought there would be partyers staying at the home, it would impact traffic and parking, thought the home should be inspected to make sure they were meeting code, and questioned who would address problems after business hours. He thought the neighbors' safety and well-being should be priority over tourists.

There was discussion regarding other businesses and events in the area as well as inspections. Community Development Director Richards said inspections were not required, but it could be an added condition of approval.

Rebuttal: Ms. Gowell noted many of the complaints were personal opposition to changing the dynamics of the neighborhood. This was a permitted use in the R-1 zone. It would not be rented out through the winery and visitors would have to comply with City rules related to noise and night hours.

Commissioner Tucholsky asked if they had worked with the neighbors to assure them this use would be a good neighbor.

Ms. Gowell said there had been two neighborhood meetings and a lot of complaints were out of the applicant's control.

Ms. Momtazi said she was willing to have multiple people available to contact after hours. Ms. Gowell pointed out only one contact was required, but Ms. Momtazi had three.

Commissioner Tucholsky wanted to make sure YCOM had the numbers. Community Development Director said they would submit the numbers to YCOM after approval.

Ms. Momtazi also had an essential monitoring system for fire that would alert her or her husband. Ms. Gowell said they would be open to an inspection if that was an added condition.

Commissioner Tucholsky asked if she had considered putting in a handrail in the front. Ms. Momtazi was planning to put one in.

Commissioner Deppe MOVED to CLOSE the public hearing. SECONDED by Commissioner Flores. The motion PASSED 7-0.

Chair Winfield closed the public hearing.

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

Commissioner Murray MOVED to APPROVE Short Term Rental Permit, 1036 NW Baker Crest Court (Docket STR 3-23) with the amended conditions. SECONDED by Commissioner Randall. The motion PASSED 7-0.

Chair Winfield explained how they had worked on new short term rental guidelines for the last several years. It was a contentious issue and the Commission could only make a decision based on the criteria.

B. 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)

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

Applicant: Reiter Design Architect Incorporated c/o Scott Reiter, on behalf of property owner KWDS, LLC c/o Chad Juranek.

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.

*****The screen was on screen-share so I could not see who raised their hand for a site visit.**

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 to approve four applications for Norton Landing, a 138-unit residential development. He entered additional information into the record that was received after the packet had been distributed. He described the subject site, zoning, proposed site plan, landscape plan, elevations, and site details. He then reviewed the separate applications: Planned Development Amendment to adopt a master plan and request flexibility regarding certain standards, Three Mile Lane review, Landscape Plan review, and Variance to the roof height. He also discussed the applicable criteria and conditions. Staff recommended approval with conditions.

There was discussion regarding traffic impact analysis, addressing the height variance requests for PDAs by creating a blanket variance for this style of development, requirement for permeable surfaces, adding an address map at the entrance for emergency responders, landscaping and building design to reflect the Three Mile Lane Area Plan, and having only one entrance to this development.

Applicant's Testimony:

Kim McAvoy of KWDS, LLC, applicant, gave a background on her organization. They owned and managed their properties and built them as well to control costs, quality, and maintenance. They had on-site managers to assist residents, a full-time maintenance team, and professional landscaping team. They were committed to customer service and creating a positive resident experience.

Scott Reiter, architect representing the applicant, said they had looked at different options for site access, and putting in two driveways did not function with traffic issues and driveway separation distances. They had an adequate fire truck turn-around at the rear of the site and the drive aisles were wide enough for a fire truck to access. They had also added fire protection systems to the buildings, such as sprinklers in the attics. Regarding the project, there would be seven buildings and 138 units in total. There would be one, two, and three bedroom units. He thought they had addressed all the criteria. He showed photos of other properties owned by KWDS. The plan was to create workforce housing. Regarding the signage, all the buildings and unit numbers would be identified and there would be a mounted map of the site that would be visible in the dark. There would be a ten-foot landscape buffer from the parking along the west to the mobile home property. He then discussed the wheel overhang proposed over the landscape bed so the buffer would not be reduced. Bike parking was included at each building. The units had decks with a storage closet where bikes could be stored as well. They had proposed a six-foot site obscuring fence around the perimeter of the property, or they could use the existing fence.

Commissioner Randall suggested adding a tot lot or climbing facility for young kids. Ms. McAvoy said they put these facilities in when required. In her experience they became a garbage dump, possible liability, and a place people were destructive with. There were green spaces for people to use in this proposal.

Chair Winfield asked about a response to Mr. Bridge's comments. Mr. Reiter said they would not be affecting the driveway and access to the Altimus Plaza.

Community Development Director Richards clarified through this land use process the proximity of the two accesses were not identified as an issue.

Chair Winfield asked about the Three Mile Lane design standards. She did not think the project fit those requirements to show the uniqueness and heritage of McMinnville.

Commissioner Randall thought this complex would be mostly out of public view and he was not as worried about complying with that requirement. The applicant was providing a lot of open space.

Chair Winfield was concerned about setting precedent. There needed to be at least some nod to the area. Ms. McAvoy asked if the color choices for the buildings or artwork would meet the requirement. Chair Winfield thought it would.

Commissioner Deppe discussed the parking requirements compared to other cities. Mr. Reiter thought McMinnville's requirements were reasonable and typical to other cities.

Commissioner Deppe asked about the shape of the entrance to slow down vehicles. Mr. Reiter agreed it was traffic calming.

Proponents: Mark Davis, McMinnville resident, supported the application. They needed the housing; however, this was not a good area for apartments because there was not access across Highway 18. They also needed a park in this area. He noted there were discussions about a monthly stormwater charge based on square footage of impervious surfaces, although nothing had been put in place yet.

Drew Milligan, McMinnville resident, also supported the project. He agreed with Mr. Davis about the location due to access and being a food desert area. He liked the idea of creating a blanket variance for height limits on Planned Developments to allow more creativity for projects.

Opponents: None

Rebuttal: Mr. Reiter asked for clarification on the Three Mile Lane design requirements.

Community Development Director Richards pointed to where they were in the requirements. She gave the Commission options for moving forward.

Mr. Reiter agreed to continue the hearing to bring back a design that met the requirements.

Commissioner Deppe MOVED to CONTINUE 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) to November 16, 2023. SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

5. Commissioner Comments

Commissioner Rankin reported on the Statewide Planning meeting.

Commissioner Randall announced a Veterans Day concert on November 12.

6. Staff Comments

Community Development Director Richards discussed upcoming staffing recruitment. There would be a holiday dinner/work session before the Commission's next regular meeting. She introduced new City Attorney Ligtenberg.

7. Adjournment

Chair Winfield adjourned the meeting at 9:21 p.m.