

AGENDA 3 - 14

1. **Approval of Minutes:** January 16, 2014

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

◆ **Docket CU 1-14**

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

Location: 317 NE 9th Street, and more specifically described as Tax Lot 4700, Section 21BB, T. 4 S., R. 4 W., W.M.

Applicant: Jerod Harney

3. **Old/New Business**

4. **Adjournment**

# Notification Map



CU 1-14

Jerod Harney is requesting approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.

Recorded Owner:

Jerod & Sinell Harney  
 317 NE 9th Street  
 McMinnville, OR 97128

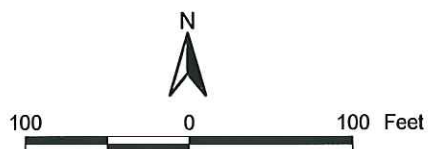


Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: \_\_\_\_\_



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

- Request: Approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence.
- Location: The subject site is located at 317 NE 9<sup>th</sup> Street and is more specifically described as Tax Lot 4700, Section 21BB, T. 4 S., R. 4 W., W.M.
- Applicant: Jerod Harney

## EXHIBITS

1. Staff Report
2. CU 1-14 Application and Fact Sheets
3. Plot plan submitted by applicant
4. Email dated March 5, 2014, submitted by the applicant
5. List of property owners to whom notice was sent
6. Affidavit of Publication
7. Referrals
8. Vicinity Sketch

## SUBJECT SITE

The subject site is located along the north side of NE 9<sup>th</sup> Street between Cows and Davis Streets and is approximately 6,000 square feet (0.14 acres) in size. The property is located some five blocks north of McMinnville's downtown historic district. The McMinnville Community Center is located about four blocks to the southeast and the McMinnville public parking structure three blocks to the south. One block to the east is located the First Church of Christ Scientist. There are curbs, planting strips, and sidewalks along the site's street frontage.

This rectangularly shaped parcel is zoned R-3 (Two-Family Residential) as are the adjacent properties to the north, east, and west. Properties to the south across NE 9<sup>th</sup> Street are zoned R-4 (Multiple-Family Residential). All adjacent lots are residentially developed. The topography of this site and the surrounding area, is virtually flat. This site is improved with a 2,665-square-foot, two-story, three-bedroom residence. A single-car garage (with a small shop in the rear portion) is connected by a breezeway and is located adjacent to the east side of the residence. Access to this parcel is provided by an approximately 16-foot-wide, 42-foot-long paved driveway extending northward from 9<sup>th</sup> Street (a Local Street as identified in the 2010 Transportation System Plan). Since the driveway crosses a public planter strip and public sidewalk, the effective length of the driveway that is usable for vehicle parking is some 26 feet. Together, the usable portion of the driveway and garage provide paved parking to accommodate two vehicles.

As can be seen in the screen image reproduced from Google Earth (below), the yard is beautifully landscaped, well maintained and is augmented by a streetlamp-style yard light and a basalt rock feature, both located along the west edge of the driveway. There are two chimneys visible from the street; one centrally located and one that extends up the exterior of the west side of the home.



## OBSERVATIONS

- The Planning Commission's responsibility regarding this type of land-use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the request for a conditional use permit.
- The applicant is requesting approval of a conditional use permit to allow a vacation home rental business within an existing 2,665-square-foot, two-story, three-bedroom residence that, according to the Yamhill County Tax Assessor records, was constructed in 1938. This home is not referenced within the McMinnville Historic Resources Inventory and is therefore not afforded an historic inventory classification. A single-car garage (with a small shop in the rear portion) is connected to the east side of the house by a breezeway. This residence is of a Minimal Traditional style that became popular near the end of the depression. This architectural style is sometimes referred to as Colonial but derives its more accurate name from its traditional style and minimal decoration; e.g., the minimal eaves and roof overhangs, small chimney(s), clapboard siding and the one front-facing gable. This general style is also sometimes referred to as Minimal Transitional or Minimal Modern.
- In the responses submitted to the questions on the conditional use application form, the applicant indicates that this home is located six blocks from the downtown historic district along 3<sup>rd</sup> Street. Additionally this site is located within an area already presenting an

established mix of residential, religious, and recreational uses; four public tennis courts are located only two blocks to the north. The location of this residence is ideally suited for walking to downtown McMinnville's various stores, restaurants, and services.

- As the home has been most recently used as a single-family residence, the applicant indicates that the proposed use will be very much the same and will not result in a noticeable impact on the surrounding neighborhood.
- This home is intended to remain the property owner's personal residence. When traveling out of the area, the applicant plans to make two of the three bedrooms available for vacation home rental use; the third bedroom would remain the owner's private space and would remain locked during VHR use. The property owner has contracted with Wildhaven Property Management to oversee the property when the owner is out of town and the property is in vacation home rental use. Wildhaven Property Management will have a key to the residence and will be the local emergency contact during these times.
- The two bedrooms that would be available for vacation home rental use would require the provision of two off-street vehicle parking spaces (one space per vacation home rental bedroom). These two vehicle spaces could be provided on-site in that one vehicle could park in the single-wide garage and other vehicle could park in the single-car driveway.
- To operate a vacation home rental business in McMinnville at this location, the applicant must meet the requirements as referenced in Section 17.18.020 (P) of the McMinnville Zoning Ordinance. Through the applicant's narrative several of these requirements appear to have already been met. For instance, the house is designed and operated as a single-family residence and, in staff's opinion, is functionally and architecturally compatible with the surrounding residential development located to the north, south, east, and west. While the applicant is not proposing any signage for the proposed use at this time, signage on the property would be limited to one non-illuminated or indirectly illuminated wooden sign not exceeding three (3) square feet of face area.
- While the applicant has not stated specifically if smoke detectors are in place, this is a requirement for operating a vacation home rental business and would need to be installed prior to use for this purpose.
- This residence appears to be very well kept and the applicant indicates that this home is well maintained both inside and out. As it is the applicant's intent to utilize this residence as a part-time business venture, it would not serve the owner to allow the exterior to fall to disrepair or acquire an unkempt appearance. The owner has indicated to staff that the property and residence will continue to be maintained to an acceptable neighborhood standard.
- As the Planning Commission is aware, vacation home rental businesses have been regulated since 2008 following the adoption of Ordinance No. 4902 which was codified into the McMinnville Zoning Ordinance and can be found at Section 17.12.020 (R). Through this ordinance, vacation home rental businesses are regulated in a fashion similar to bed and breakfast establishments. More specifically, vacation home rentals are subject to limits on the size and type of signs that may be placed at the business location, the number of consecutive days that a guest may stay, availability of adequate off-street parking, and having owner residency within the McMinnville city limits. Operation of this proposed vacation rental would be subject to these conditions, if approved.

The vacation home rental ordinance also provides a process for reviewing complaints from neighbors to the proposed use, and the ability of the Planning Commission to void a prior approval upon finding that the vacation rental has been operating in violation of its

permit. To date, staff has not received a complaint on any of the vacation home rental businesses currently in operation.

- To date, the Planning Commission has approved 12 conditional use permits allowing for the operation of vacation home rentals; 11 of which are still in operation. In addition, staff is aware of one other such business that began operating prior to the adoption of the regulatory standards. The vacation home rental nearest the site of the current proposal is located at 407 NE 7<sup>th</sup> Street; some 500 feet away from the subject site "as the crow flies" (about two city blocks).
- In November, 2013, the McMinnville City Council approved the Local Transient Lodging Tax ordinance (ORD. No. 4979) which put in place a tax of eight percent (8%) of the rent charged by the transient lodging provider; which is then later transferred to the City. The ordinance defines transient lodging provider as the person who is the proprietor of a lodging in any capacity. This definition applies, in part, to the owner of a vacation home rental. Should this application be approved, the applicant will need to participate in this program.
- The City of McMinnville Fire Department, Engineering Department, Building Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable; and Northwest Natural Gas were provided opportunity to review this request and provide comment. As of the drafting of this staff report, no comments were received from public agencies
- Notice of this request was mailed to property owners located within 200 feet of the subject site. As of the date this report was written, no comments in opposition to the applicant's request had been received by the Planning Department from those who were notified.
- The findings of fact and conclusionary findings are attached as Exhibit "A" to this report and are by this reference herein incorporated.

## RECOMMENDATION

Staff believes that use of the subject property for a vacation home rental business is compatible with surrounding development and with development within the R-3 (Two-Family Residential) zone. The use of the residence as a vacation home rental business will ensure (through ongoing maintenance) that the property will remain an asset to the neighborhood in addition to allowing for the ongoing preservation of an older home. It is staff's opinion that use of the subject site for this proposed use is reasonable and is consistent with both the goals and policies of Volume II of the Comprehensive Plan, and the requirements of the McMinnville Zoning Ordinance as they relate to development in the R-3 (Two-Family Residential) zone. We further believe that the requirements that exist in the City's zoning ordinance relative to operating a vacation home rental business will ensure ongoing compatibility.

For these reasons, staff recommends that based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the applicant, that CU 1-14 be approved subject to one condition of approval, below:

That prior to use of the subject property for vacation home rental purposes, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.

**MOTION**

The Planning Department recommends the Commission make the following motion for approval:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 1-14 SUBJECT TO ONE CONDITION OF APPROVAL AS PROVIDED IN THE STAFF REPORT.**

RP:pjk

**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONARY FINDINGS**  
**DOCKET CU 1-14**

**FINDINGS OF FACT**

1. The applicant is requesting approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence. The subject site and existing residence are located at 317 NE 9<sup>th</sup> Street.
2. The subject site is designated Residential on the McMinnville Comprehensive Plan Map, 1980, and is zoned R-3 (Two-Family Residential) and is more specifically described as Tax Lot 4700, Section 21BB, T. 4 S., R. 4 W., W.M.
3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Police Department; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Frontier; ComCast Cable, and Northwest Natural Gas. As of the date of this report, no comments in opposition to this application have been received from these agencies.
4. Goals and policies from Volume II of the McMinnville Comprehensive Plan which are applicable to this request include:

Parking:

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

Sanitary Sewer System:

- 136.00            The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Storm Drainage:

- 142.00            The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Water System:

- 144.00            The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00            The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.



178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

5. The following sections of the McMinnville Zoning Ordinance (ORD 3380) are applicable to this request:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

Section 17.18.020 of the McMinnville Zoning Ordinance states:

"Conditional uses. In an R-3 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.74.030:"

[...] P. Vacation home rentals, subject to the provisions of Section 17.12.020 (R):

Section 17.12.020 (R) of the McMinnville Zoning Ordinance states:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.
2. That a minimum of one off-street parking space be provided for each guest room.
3. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
4. That the duration of each guest's stay at the residence be limited to less than 21 (twenty one) consecutive days.
5. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3397.
6. That the property owner shall live within the city limits or shall provide contact information of a person living within the city limits who shall be available to respond immediately to any emergency or complaint related to the vacation home rental.
7. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020 (S)(8) below.
8. Complaints on conditions 1 through 7 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the vacation home rental is found to be in violation of the criteria, the Planning Commission may terminate the use. (Ord. 4902 §1(b), 2008; Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(b), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Section 17.60.060 (C)(22) provides requirements for off-street parking for a vacation home rental business at a ratio of one space for each guest room.

Section 17.74.030 of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

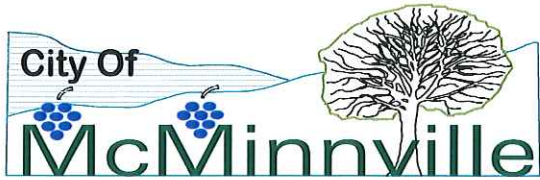
"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

## CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 4) as follows:
  - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map.
  - b. Policy 126.00 is satisfied in that provision of adequate, paved, off-street parking sufficient to support the proposed use is currently available.
  - c. Policies 136.00, 142.00, 144.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently serve the site. Additionally, the Water Reclamation Facility has adequate capacity to continue to sufficiently serve the proposed use of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency cooperation to insure the coordinated provision of utilities to developing and redeveloping areas.
  - d. Policy 178.00 is satisfied in that approval of this request encourages a pattern of urban development that is energy efficient in that the subject site is within close proximity to downtown McMinnville and the use of this property as a vacation home rental would be anticipated to add commercial activity in the area.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 5) as follows:
  - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
  - b. The proposal complies with the requirements of Section 17.18.020 (P) as a vacation home rental business is a conditional use allowed under the provisions of Chapter 17.12.020 (R) and the procedure defined in Chapter 17.74.030 (Review Criteria) of the McMinnville Zoning Ordinance. The applicant has met or will meet these requirements for the operation of a vacation home rental business in an R-3 (Two-Family Residential) zone. The structure is currently designed and will be operated as a single-family residence. The applicant has stated that the local Wildhaven Property Management company, located at 619 NE 3<sup>rd</sup> Street (503.474.4520), will be the property owner's representative to respond to an emergency or complaint should such a situation arise when the property owner is out of town. This contact information will be kept on file.
  - c. The proposal complies with the requirements of Section 17.60.060 (C)(22) as the subject residence proposes to make available no more than two bedrooms for lodging and the required two off-street parking spaces can be provided within the existing driveway and single-car garage.
3. The proposal complies with the requirements of Section 17.74.030 as follows:
  - a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map 1980, respectively. A vacation home rental is a conditional use allowed in the R-3 zone as stated in Section 17.18.020 (P).

- b. Use of this property as a vacation home rental business will have little or no impact on the livability or appropriate development of the surrounding properties and neighborhood when compared to the impact of any single-family residence or other uses permitted in the R-3 zone. The impacts of the proposed use will be similar or less when compared to uses that are permitted outright in this zone. Vehicular access to and from the parking area will be provided by a residential single-wide driveway intersecting NE 9<sup>th</sup> Street (a Local Residential street) which is designed to accommodate the traffic generated by this use. Adequate public facilities and services necessary to serve the proposed use are available to the site.
  - c. Operation of the proposed facility will be compatible with the surrounding neighborhood and is not anticipated to cause any significant adverse impact on the livability, value, or appropriate development or use of abutting properties.
  - d. The proposed facility is presently designed, landscaped, and situated in a manner that is complementary to existing development, and will not visually detract from the surrounding area.
  - e. The subject site has no environmental assets of particular interest to the community; therefore, subsection E of Section 17.74.030 is not applicable to the subject request.
  - f. The applicant has a bona fide intent and capability to use the land as proposed. There is no known inappropriate purpose for submitting the proposal.
4. Section 17.74.040 allows additional conditions to be imposed on a new conditional use. In this instance, in addition to those requirements provided in the McMinnville Zoning Ordinance and building, fire, life, and safety codes, the City has determined that there is no detrimental environmental impact to the best interest of the surrounding area or community as a whole that necessitate the attachment of conditions to an approval of this request.

RP:pjk



Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311 Office  
(503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

## CONDITIONAL USE APPLICATION

### APPLICANT/OWNER INFORMATION

Name of Applicant Jerod Harney Phone (Hm) 515-720-5323  
Address 317 NE 9th St Phone (Wk) \_\_\_\_\_  
City, State, Zip McMinnville, OR 97128  
Email jerodharney@gmail.com

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

Name of Property Owner \_\_\_\_\_ Phone (Hm) \_\_\_\_\_  
*(If different than above)*  
Street Address \_\_\_\_\_ Phone (Wk) \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Email \_\_\_\_\_

### LEGAL DESCRIPTION OF PROPERTY

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

Property Address 317 NE 9th St  
Assessor Map No. R4421 - BB - 04700 Total Lot Size 6,000  
Subdivision John's Addition Block 14 Lot 6  
Comprehensive Plan Designation ~~residential~~ Zoning Designation A-3  
residential

**Office Use Only:**  
File No. CV 1-14 Date Received 1-30-14 Fee \$1000.00 Receipt No. 14mcolx Staff RJK

State nature of the request in detail: I am requesting this Conditional Use Permit to be able to rent out my home at 317 NE 9th St while I am not there to interested vacationers of McMinnville. The home is in great condition and will comfortably ~~can~~ accommodate patrons. It also is in compliance with two off-street parking spaces available, a garage and driveway.

Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: The use of this property is consistent with the intent of the zone it resides. This request supports the development of downtown McMinnville since it resides only 6 blocks from 3rd St. Vacationers will easily be able to find themselves downtown frequenting the businesses there.

Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:

The limited existence of a vacation rental should have no impact on the neighborhood that otherwise exists. The property will be maintained just as it is now in terms of appearance and safety for its guests. Only 6 blocks from downtown makes this ~~an~~ easy walking distance for those who stay here. We plan on only renting this house out as only a two bedroom so those that stay there should not be large parties but rather families of 2 to 6 or 2 couples.

Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:

In order for us to compete with the vacation homes that are in our area we will need to keep the residence in top working order and attractive to future patrons. Our neighbors shall see change in the way the home is kept. If anything more may be done to improve on its attractiveness.

Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:

We plan on keeping the home consistent with the way it all ready appears and functions. We plan on occupying the home ourselves when it isn't being used for vacation rental so it will always meet the standard set for single family dwellings.

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

There is no special design or topography with this site. All trees (2) and vegetation will be upkept or replaced if necessary by myself or a qualified landscape business.

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

This plan does not support any inappropriate purposes and remains compliant with existing zoning and the comprehensive plan.

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

- ✓ One (1) site plan drawn to scale indicating all required information as shown on page one of the information sheet. If the size of the site plans are larger than 11x17 inches 20 (twenty) copies will be required to be submitted with the application.
- ✓ A legal description of the property, preferably taken from deed.
- ✓ Payment of the applicable review fee.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Jonel Harney  
Applicant's Signature

1/27/14  
Date

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

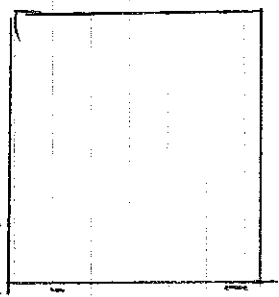
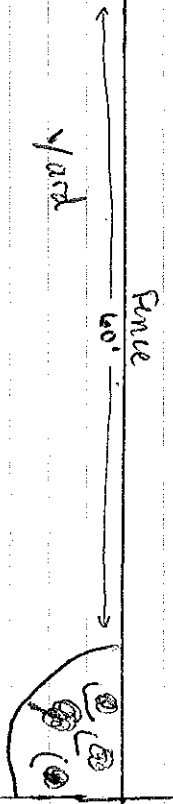
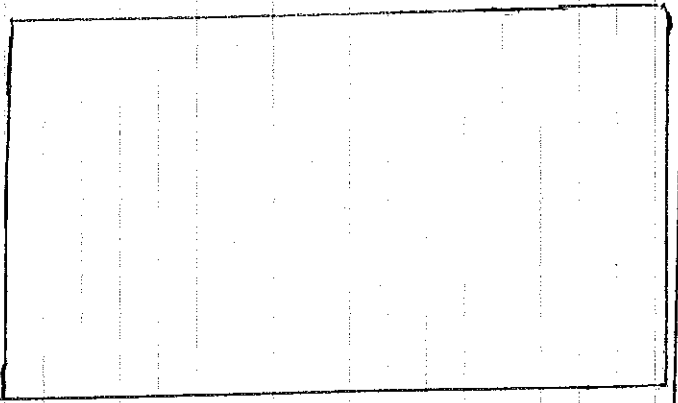
\_\_\_\_\_  
Date



Lot: 6,000<sup>2</sup> ft  
306 NE 16th St

316 NE 10th St  
Lot 6,000<sup>2</sup> ft

Lot: 5,280<sup>2</sup> ft



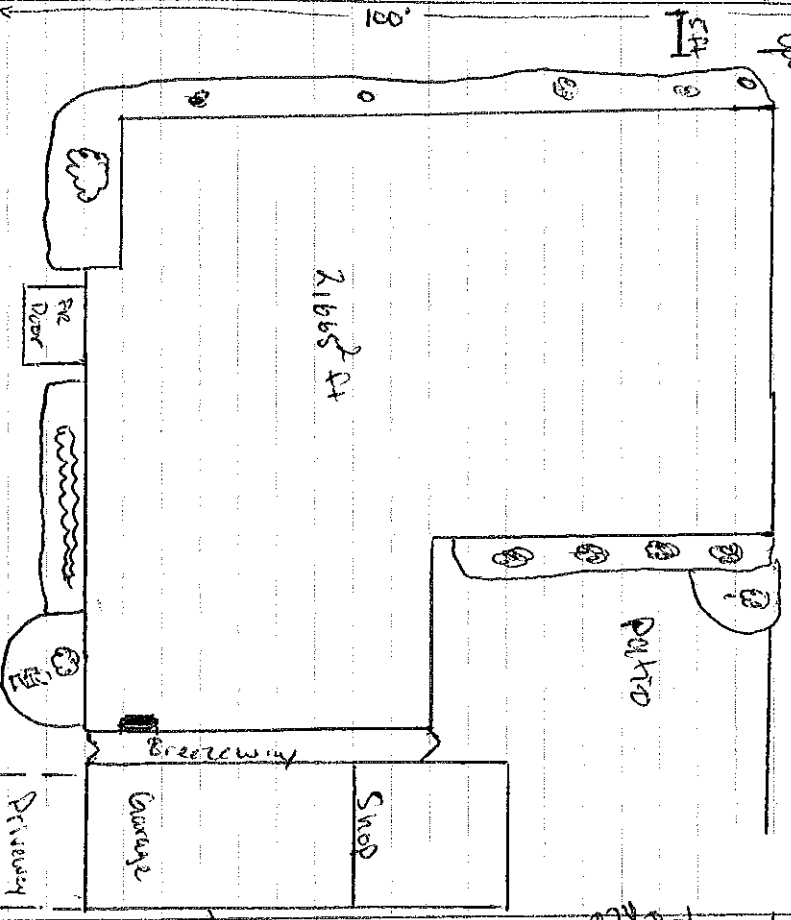
Coalis St

Lot size 6,000<sup>2</sup> ft  
Yard  
916 NE Coalis St

Lot size: 6,000<sup>2</sup> ft

317 NE 9th St

Side Walk



Lot size: 6,720<sup>2</sup> ft

907 NE Davis St

Davis St

9th St

<b>Grantor</b>
Nathan L. Zook Dana J. Zook 317 NE 9th McMinnville, OR 97128
<b>Grantee</b>
Jerod Harney Sinell Harney 317 NE 9th St McMinnville, OR 97128
Until a change is requested, all tax statements shall be sent to the following address:
Jerod Harney Sinell Harney 317 NE 9th St McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS 201309481  
BRIAN VAN BERGEN, COUNTY CLERK



\$36.00

06/20/2013 03:20:35 PM

DMR-DMR Cnt=1 SIn=3 SUSE  
\$5.00 \$5.00 \$11.00 \$15.00

**STATUTORY WARRANTY DEED**

Nathan L. Zook and Dana J. Zook, as tenants by the entirety Grantor(s) convey and warrant to Jerod Harney and Sinell Harney, as tenants by the entirety, Grantees the following described real property free of encumbrances except as specifically set forth herein:

**Lot 6, Block 14, JOHN'S ADDITION, City of McMinnville, Yamhill County, Oregon.**

Account: 158091  
Map & Tax Lot: R44-21-BB-04700

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$210,000.00. (Here comply with requirements of ORS 93.030.)

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.

Executed this 7<sup>th</sup> day of June, 2013

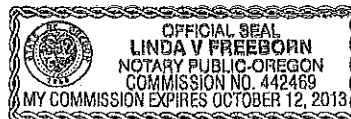
Nathan L. Zook

Dana J. Zook

State of Oregon, County of Yamhill ) ss.

This instrument was acknowledged before me on this 7 day of June, 2013 by Nathan L. Zook and Dana J. Zook

Notary Public for the State of Oregon  
My commission expires: 6/12/13



WESTERN TITLE & ESCROW 74222

## Ron Pomeroy

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**From:** Jerod Harney [mailto:jerodharney@gmail.com]

**Sent:** Wednesday, March 05, 2014 3:54 PM

**To:** Ron Pomeroy

**Subject:** Conditional Use Application

Wildhaven Property Management company will be overseeing the property while I'm not at the home or in McMinnville. They will have a key to the residence and all parties staying at our home will have their contact information including an after hours emergency number.

Wildhaven's address: 619 NE 3rd St, McMinnville, OR 97128  
phone: (503) 474-4520

# NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 20<sup>th</sup> day of March, 2014, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET  
NUMBER

CU 1-14 Jerod Harney is requesting approval of a conditional use permit to allow for the operation of a vacation home rental business within an existing residence. The subject site is located at 317 NE 9<sup>th</sup> Street and is more specifically described as Tax Lot 4700, Section 21BB, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (Zoning Ordinance) with particular emphasis on Chapter 17.03.020 (Purpose), Chapter 17.18 (R-3 Two - Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

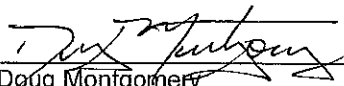
Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the City Council on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours.

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

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

  
\_\_\_\_\_  
Doug Montgomery  
Planning Director

(Map of area on back)

# Vicinity Map



Geographic Information System



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
2	R4421BB02700	307 NE 10TH ST	HIGGINS ROBERT	HIGGINS ROBERT G	1330 NW MEADOWS DR	MCMINNVILLE OR	97128
3	R4421BB02800	317 NE 10TH ST	BROWN JANENE	BROWN JANENE E H	PO BOX 613	MCMINNVILLE OR	97128
4	R4421BB02900	331 NE 10TH ST	BLANKENSHIP DELORES	JENSEN RODNEY H	2070 NW DORAL ST	MCMINNVILLE OR	97128
5	R4421BB03000	343 NE 10TH ST	BLATTNER CHRISTOPHER	BLATTNER CHRISTOPHER	117 SW TAYLOR #200	PORTLAND OR	97204
6	R4421BB03800	935 NE COWLS ST	VORM CHARLES	VORM CHARLES F JR & RENEE S	935 N COWLS ST	MCMINNVILLE OR	97128
7	R4421BB04600	306 NE 10TH ST	BURCH KAITLYN	BURCH KAITLYN A 50% &	306 NE 10TH ST	MCMINNVILLE OR	97128
8	R4421BB04500	316 NE 10TH ST	REDMOND EDWARD	REDMOND EDWARD J & KAYE	316 NE 10TH ST	MCMINNVILLE OR	97128
9	R4421BB04400	939 NE DAVIS ST	BURCHAM BRIAN	BURCHAM CAROLE	637 SW KECK DR SUITE 214	MCMINNVILLE OR	97128
10	R4421BB05100	934 NE DAVIS ST	WINTER GORDON	WINTER GORDON L & RACHEAL N	934 NE DAVIS ST	MCMINNVILLE OR	97128
11	R4421BB10600	816 NE COWLS ST	WILLIAMS BETHANY	FORD BETHANY G	935 RIVERBEND RD NW	SALEM OR	97304
12	R4421BB10900	329 NE 8TH ST	BIORLIN STEPHEN	BIORLIN STEPHEN D & DOMINIQUE	329 NE 8TH ST	MCMINNVILLE OR	97128
13	R4421BB04401	929 NE DAVIS ST	BURCHAM BRIAN	BURCHAM BRIAN L & CAROLE	637 SW KECK DR SUITE 214	MCMINNVILLE OR	97128
14	R4421BB04300	911 NE COWLS ST	BURGESS JEFFREY	BURGESS JEFFREY C & TIFFANY K	911 NE COWLS ST	MCMINNVILLE OR	97128
15	R4421BB05200	926 NE DAVIS ST	MCCANDLIS DEWEY	MCCANDLIS DEWEY W & LINDALEE J	3509 SHORE AVE	EVERETT WA	98203
16	R4421BB04790	908 NE COWLS ST	SNOW JEFFERY	SNOW JEFFERY W & MARIANNE L	450 SE MORGAN LN	MCMINNVILLE OR	97128
18	R4421BB04800	909 NE DAVIS ST	WICHERT FRANK	WICHERT FAMILY TRUST	541 NW EVANS ST	SHERIDAN OR	97378
19	R4421BB05400	920 NE DAVIS ST	PARTIDA AGUSTIN	PARTIDA AGUSTIN & MARIA A	920 N DAVIS ST	MCMINNVILLE OR	97128
20	R4421BB05500	906 NE DAVIS ST	CONKLIN MATTHEW	CONKLIN MATTHEW R & LINDSEY A	906 NE DAVIS ST	MCMINNVILLE OR	97128
21	R4421BB04900	907 NE DAVIS ST	GRANGER HERBERT	GRANGER HERBERT & BEVERLY A	907 N DAVIS	MCMINNVILLE OR	97128
22	R4421BB11200	230 NE 9TH ST	MATZINGER ANNA	DAVIES MICHAEL J	230 NE 9TH ST	MCMINNVILLE OR	97128
23	R4421BB11100	835 NE COWLS ST	OSTRAND KAREN	OSTRAND KAREN	835 NE COWLS ST	MCMINNVILLE OR	97128
24	R4421BB10500	836 NE COWLS ST	DUNN RODNEY	DUNN ANNETTE B	836 NE COWLS ST	MCMINNVILLE OR	97128
25	R4421BB10400	322 NE 9TH ST	LESSES WILLIAM	LESSES WILLIAM J	322 NE 9TH ST	MCMINNVILLE OR	97128
26	R4421BB10300	350 NE 9TH ST	WALLACE ANDREW	WALLACE FAMILY TRUST	807 NW BIRCH ST	MCMINNVILLE OR	97128
27	R4421BB09800	826 NE DAVIS ST	FIRST CHURCH	FIRST CHURCH OF CHRIST SCIENTIST	806 N DAVIS ST	MCMINNVILLE OR	97128
28	R4421BB10200	827 NE DAVIS ST	BURCHAM BRIAN	BUSHART CARLEY M	725 NE 7TH ST	MCMINNVILLE OR	97128
29	R4421BB11000	343 NE 8TH ST	WINANS DANIEL	WINANS DANIEL C & JOANNE	343 E 8TH ST	MCMINNVILLE OR	97128
Owner	R4421BB04700	317 NE 9TH ST	HARNEY JEROD	HARNEY JEROD & SINELL	317 NE 9TH ST	MCMINNVILLE OR	97128

Date Sent 3/26/14  
Sent By SPA