



Planning Commission Minutes

October 16th, 2017

Members of the Planning Commission met this day in regular session at City Hall, Brownsville, Oregon at 7:00 p.m.

Present: Commissioners Bryan Wyant, Don Andrews, Gary Compton, Tricia Thompson, Josh Kometz, Rob Wingren, Mike McDaniel, & Administrative Assistant Elizabeth Coleman.

Absent: None.

Public: Gian Mercurio, Max Peschel, Brianna Richter, Marilyn Grimes, Linda Chambers, Alan Buzzard, Cheryl Haworth.

Presiding: Gary Compton.

The Pledge of Allegiance was recited.

The meeting was called to order at 7:00 p.m.

PUBLIC HEARINGS

620 Oak Street – Conditional Use Permit Airbnb & Ayurvedic Treatment Room as a Home Occupation

September 25th, 2017 Minutes

Commissioner McDaniel moved to approve the minutes, Commissioner Andrews seconded, and the motion passed unanimously.

Chair Compton explained the required statutory statement regarding appeals. Commission Chair Compton asked if there were any conflicts of interest, biases, or ex parte contact. There were none.

Mr. Alan Buzzard of 220 School Avenue, a member of the public, raised a Point of Order, stating one commissioner should excuse herself for a conflict of interest because she is a member of Airbnb Service. Commissioner Thompson stated that she did not have a bias. Mrs. Coleman explained that having the same home occupation as the applicant does not provide a basis for recusal because of bias or conflict of interest. However, stating at the onset of Chair Compton's required statutory statement that she does not have a bias would have been appropriate. Chair Compton proceeded with the hearing.

Mrs. Coleman provided a summary for the staff report. The applicant, Ms. Erica Harms would like to operate an Ayurvedic treatment room and provide an Airbnb Service as a home occupation at her residence of 620 Oak St. One letter of opposition was received and was entered into the public record.



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Commissioner McDaniel asked if off-street parking is a requirement under conditional uses; Mrs. Coleman explained that although it is not a requirement the applicant requested approval from the City to remove a curb and install a driveway on the south side of her property to provide off-street parking due to the extremely narrow S. Oak St. Public Works Superintendent Karl Frink reviewed and approved the request; curb removal and driveway approach must meet Public Works Standards. Additionally, Mr. Frink said the previous owners of 620 Oak St. were approved for a driveway several years ago. The driveway will accommodate two cars in tandem, reducing the number of vehicles parked along S. Oak St. Discussion ensued.

Commissioner McDaniel asked if signage will be regulated; the Brownsville Municipal Code does have sign requirements for residential and commercial business that the applicant will follow. Discussion ensued.

Chair Compton provided the applicant an opportunity to present her proposal. Ms. Harms currently travels for workshops across the U.S. and would like to provide an Airbnb service while she is not at her residence. Ms. Harms has completed her certifications for Ayurvedic treatment (a traditional medicine from India used for chronic conditions and individuals who don't do well with antibiotics) and would like to transition from constant travel to working with her current patients in Los Angeles and establishing a home base in Brownsville.

Commissioner Andrews asked where the applicant considers home; her family lives in this area and her permanent residence is Brownsville. She plans to rent out her home in Los Angeles but will have to manage it to a certain extent. Commissioner Compton asked how many clients she may see in a day, Ms. Harms said not more than 3-4 patients, up to 4 days a week as each appointment takes 1.5 hours and is mentally & physically draining.

Chair Compton asked if the applicant plans to continue the Airbnb when she is here full time; as the home is her primary residence, she does not want to provide the Airbnb service when at home. If finances allow, she would prefer to keep the house empty while she is away.

Chair Compton gave the applicant an opportunity for rebuttal regarding the letter of opposition to the application. The applicant said that she addressed the parking concern by putting in a driveway for off-street parking. If a patient was having a treatment she would require them to park off the street. The letter referred to panchakarma, where treatments last up to seven days, the applicant will not be providing that treatment.

Chair Compton provided an opportunity for opponents and proponents to speak about the application.

Mr. Alan Buzzard of 220 School Avenue, who is an Airbnb host, spoke in favor of the application. Mr. Buzzard has seen the property and said the applicant has fully mitigated the concerns about parking with a new curb and off-street parking. He cannot



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accommodate all the guests that request his Airbnb and welcomes another Airbnb in a historic area of Brownsville.

Mrs. Chambers of 707 Oak Street spoke in opposition of the application saying, "Oak Street is an established neighborhood. The neighbor across the street has seven small children. Oak Street is one of the few areas in town where children still play in the street. There is no parking." Mrs. Chambers was concerned about chemicals and who would be managing the property when the applicant is away. She did not think that the application would bring anything positive to the neighborhood.

Mrs. Grimes of 721 Oak Street spoke in opposition of the application saying, "Oak Street is one lane and her driveway is regularly blocked. People across the street can barely get out of their driveways. Parking issues in the summer caused the police to be called." Chair Compton asked that Mrs. Grimes address the Commission rather than the applicant. Mrs. Grimes asked what types of treatments and chemicals will be used. Grimes continued, "there are a lot of Airbnb's in town and this is a rural area with chickens, cats, dogs, and some of the events in town don't support the businesses." She didn't see that this would be very good for the community.

Ms. Mercurio of 627 Oak Street spoke in opposition of the application. She was concerned that no one has lived in the house for a couple of weeks and there is very little furniture in the home. Ms. Mercurio indicated that she had looked in Ms. Harms' windows while attempting to reach Ms. Harms. Ms. Mercurio read her submitted letter of opposition, where her primary concern was the safety of children in the neighborhood. Mercurio said, "Kids have ramps in the road for their bicycles... it is a general area of play." Ms. Mercurio did not think Brownsville could support an Ayurvedic practice or that one should be allowed in a residential zone.

Mrs. Richter of 628 Oak Street is a mother and foster parent and what she loves most about the area is that it is a quiet street where kids can play right in front of the house. She is concerned about parking and that a business may impact the ability for kids to continue their play.

Ms. Haworth of 302 School Avenue owns a rental at 627 Oak. She is concerned about how the Airbnb will be managed when the owner is not there and who will be contacted if things get out of control.

The applicant was given the opportunity to respond to the concerns. Ms. Harms explained escrow closed in April of 2017, but it wasn't livable until August when she moved in. She prefers her home to be spartanly furnished, it has beds, couches & a television. Ms. Harms is a Superhost with Airbnb in L.A. and has never had any problems, she can choose who she allows in her home. The home has two bedrooms; her demographic is couples or couples with a small child. She has parents, a sister and brother who live within about a 15-mile radius that can check on the home, she has also spoken with someone in Brownsville about managing the property if needed. The applicant uses treatments that use medicated oils, clarified butter & dough. Also, part of treatments is lifestyle diet planning and herbal recommendations.



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The applicant felt she addressed the parking concern by providing a driveway that accommodates two cars. An Ayurvedic treatment and Airbnb will not be conducted at the same time, and Airbnb service will not be provided when she is there. The applicant said she appreciates the fact that children can play safely and freely in the neighborhood. She is only one person with a dog; she has family in the area and there will be times that she will stay with them for that reason.

Chair Compton closed the public portion of the hearing for Commission discussion. Commissioner Thompson mentioned there is a sign on Holloway Heights that says Careful Children Playing and asked if there is any signage the City can provide on the two blocks to help protect the kids in this neighborhood. Commissioner Kometz, who is also on the Public Works crew with the City of Brownsville, mentioned there are signs of this nature all over town and in the five years that he has worked here none have been installed by the City. Mrs. Coleman said she would research whether the signs were installed by the City or by a private citizen but did not think the City could enforce protection of children when they are playing in the street.

Commissioner Andrews decided to recuse himself from the rest of the process. He had no bias but felt that since he and Cheryl Haworth have been in a relationship for 25 years, he didn't think it appropriate for him to make a decision on a property that is affecting one of her properties. He asked that the record show he came with no bias but wished to eliminate the appearance of a bias.

Chair Compton said Brownsville has historically supported home occupations and mentioned several that have come before the Planning Commission, for example, dog grooming, hairdresser, auto mechanic, coffee roaster. When concerns have come up, the Planning Commission has encouraged mitigation of those concerns and have placed conditions of approval on those uses.

Commissioner Wyant said the main concern seems to be parking and it appears the applicant has gone to great lengths to alleviate that issue. He understands backing onto the street could be an issue but three to four cars a day would seem to create a low impact on the neighborhood. Chair Compton mentioned if a single family with teenagers moved into that area, it would be likely that they would bring 3 -4 cars, and park them on the street. The neighborhood may benefit from the proposal in terms of parking, because there will be less cars on the street.

Commissioner Wingren agreed that the standard house has at least two vehicles; A family of four could impact the residential area more than an Airbnb in terms of parking. Commissioner Wingren was concerned about the Ayurvedic use. He did not feel that type of business was related to a residential area.

Commissioner Kometz agreed that the impact would be lower with 3 – 4 cars per day than if a family with several cars lived there. He said the businesses seem intimate and quiet, a wood shop or welding shop in that area would be more difficult to consider.



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Commissioner Wyant said some residences in his neighborhood have six cars and children play in the street often. Cars drive 40-50 miles per hour down his street. Kids playing in the streets anywhere is an issue. The home occupation fits with what has been approved in the past.

Commissioner McDaniel said the criteria of the zoning and ordinance code have been met.

The Commission discussed the concern about management of the Airbnb service when the applicant isn't home and who to call if guests create problems. Mrs. Coleman reminded the Commission that when neighbors have issues that cannot be resolved or feel that health and safety are threatened, law enforcement is called. The same would be in this case.

Commissioner McDaniel made a motion to grant the Conditional Use permit application for Erica Harms, subject to conditions of approval, and to adopt the Findings of Fact and conclusions in the staff report dated October 9th, 2017, Commissioner Wyant seconded and the motion passed with a vote of 5 in favor, 1 opposed.

The Next Planning Commission hearing is scheduled for November 13th, 2017.

There being no further business to discuss, the meeting was adjourned at 8:23 pm.

ATTEST:

Elizabeth E. Coleman
Administrative Assistant

Gary Compton
Commission Chair