# DEVELOPMENT REVIEW BOARD MEETING JANUARY 8, 2024 6:30 PM

# **Public Hearing:**

4. **Resolution No. 424.** Short Term Rental Home **Business.** The applicant is requesting approval of a Conditional Use Permit for the use of a residential property as a short term rental home business.

Case Files:

DB23-0013 Short Term Rental Home Business -Conditional Use Permit (CUP23-0002)

# DEVELOPMENT REVIEW BOARD RESOLUTION NO. 424

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF A RESIDENTIAL PROPERTY AS A SHORT TERM RENTAL HOME BUSINESS.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Robert and Noelle Craddock – Owners/Applicants in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 10925 SW Wilsonville Road on Tax Lot 100, Section 22AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated December 28, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on January 8, 2024, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated December 28, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB23-0013 10925 SW Wilsonville Road Short Term Rental: Conditional Use Permit (CUP23-0002).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of January, 2024, and filed with the Planning Administrative Assistant on \_\_\_\_\_\_\_. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the Council in accordance with WC Sec 4.022(.03).

	Jean Svadlenka, Acting Chair - Panel A
	Wilsonville Development Review Board
Attest:	
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Shelley White, Planning Administrative As	sistant



# Exhibit A1 Planning Division Staff Report Conditional Use Permit 10925 SW Wilsonville Road Short Term Rental

Development Review Board Panel 'A'

Quasi-Judicial Public Hearing

Hearing Date:	January 8, 2024
Date of Report:	December 28, 2023
Application No.:	DB23-0013 10925 SW Wilsonville Road Short Term Rental
Request/Summary:	The request before the Development Review Board includes a Conditional Use Permit for the use of the existing house and property at 10925 SW Wilsonville Rd as a short term rental home business.
Location:	10925 SW Wilsonville Road. The property is specifically known as Tax Lot 100, Section 22AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owner/Applicant: Robert and Noelle Craddock

Comprehensive Plan Designation: Residential 2-3 dwelling units per acre

**Zone Map Classification:** Planned Development Residential-2 (PDR-2)

**Staff Reviewers:** Sarah Pearlman, Assistant Planner

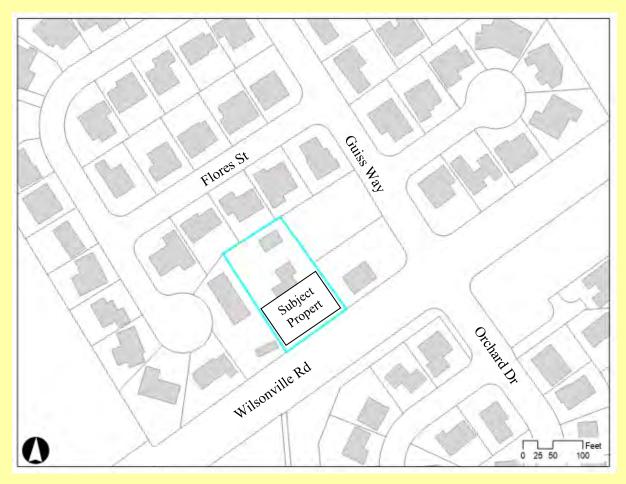
Amy Pepper, Development Engineering Manager

**Staff Recommendation:** <u>Approve with conditions</u> the requested Conditional Use Permit request.

# **Applicable Review Criteria:**

Development Code:		
Section 4.001 122.	Home Business Definition	
Section 4.001 279.	Short Term Rental Definition	
Section 4.008	Application Procedures-In General	
Section 4.009	Who May Initiate Application	
Section 4.010	How to Apply	
Section 4.011	How Applications are Processed	
Section 4.014	Burden of Proof	
Section 4.031	Authority of the Development Review Board	
Subsection 4.035 (.04)	Site Development Permit Application	
Subsection 4.035 (.05)	Complete Submittal Requirement	
Section 4.110	Zones	
Section 4.116	Standards Applying to Residential Development in	
	All Zones	
Section 4.118	Standards Applying to Planned Development Zones	
Section 4.124	Standards Applying to all Planned Development	
	Residential Zones	
Section 4.140	Planned Development Regulations	
Section 4.155	Parking, Loading, and Bicycle Parking	
Section 4.167	Access, Ingress, and Egress	
Section 4.171	Protection of Natural Features and Other Resources	
Section 4.176	Landscaping, Screening, and Buffering	
Section 4.184 (.01)	Conditional Use Permits	
Sections 4.300 through 4.320	Underground Utilities	
Other Planning Documents:		
Wilsonville Comprehensive Plan		

# Vicinity Map



# **Background:**

The property was originally a small farm that was managed and owned by Dr. Russell Guiss who opened Dammasch Hospital. The subject property was included in the Hazelwood Subdivision in 1990 (Case File No. 90PC47). This approval included a waiver to reduce the rear setback to 20 feet and the side setbacks to five (5) feet for this property. The site maintained access from SW Wilsonville Road at this time and the house and detached garage were retained.

On May 30, 2023, the City received a complaint from a neighbor about the addition of an outdoor shower and bath area and possible rental of a travel trailer on the property. Staff met with the property owners (current applicants) and learned that they were using the property as a short term rental home business, which requires a Conditional Use Permit. The current application for Conditional Use Permit to use this property as a short term rental home business, including the seasonal use of a vintage trailer and outdoor bath area as additional lodging space, aims to bring the property into compliance with the Wilsonville Development Code.

# **Summary:**

Conditional Use Permit (CUP23-0002)

The proposed Conditional Use Permit is to allow the use of a residential property in its entirety as a short term rental home business. The applicant proposes the use of a vintage trailer and outdoor shower and bath area as a part of the short term rental home business with limits on the length of stay and full screening from adjacent neighbors.

# **Public Comments and Responses:**

No public comments were received during the comment period.

# **Discussion Points - Discretionary Review:**

The requested Conditional Use Permit is a discretionary review application for the DRB. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

# Conditional Use Permit Criteria

Per Subsection 4.124 (.04) of the Development Code, home businesses, including short term rentals where the operator does not live on the same property, require a Conditional Use Permit in Planned Development Residential (PDR) Zones. Per Subsection 4.184 (.01) of the Code, the Development Review Board (DRB) is tasked with determining whether the proposed use is consistent with the provisions and requirements of the Comprehensive Plan and Chapter 4 of the Development Code, the property has suitable characteristics for the use, all required public facilities and services exist, and the proposed use will not alter the character of the surrounding area.

# **Conclusion and Conditions of Approval:**

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB23-0013) with the following conditions:

# **Planning Division Conditions:**

- PDA 1. All structures on the property shall meet setback and lot coverage requirements. The applicant shall submit documentation that the pre-existing garden shed either meets Code requirements or is moved within one (1) year of this approval. See Findings A3 and A19.
- **PDA 2.** Rental of the property, including the trailer, shall be allowed for a maximum of 30 consecutive days as part of the home business. See Findings A2 and A11.
- PDA 3. The applicant shall submit documentation of installation of a 100 percent (100%)

sight obscuring fence or other buffer, six feet high, between the trailer and its associated outdoor shower and the neighboring property to the north. See Finding A23.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

# **Engineering Division Conditions:**

**Prior to Operation of the Rental Property:** The existing outdoor shower and bath area shall be covered so that stormwater runoff is not connected directly or indirectly to the public sanitary sewer in compliance with WC Section 8.204(.08).

## **Master Exhibit List:**

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The list below includes exhibits for Planning Case File No. DB23-0013 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

# **Planning Staff Materials**

- **A1.** Staff Report and Findings (this document)
- **A2.** Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

# Materials from Applicant

- **B1.** Applicant's Application and Authorization
- **B2.** Applicant's Narrative and Submitted Materials Applicant's Narrative, History, and Site Plans

Development Review Team Correspondence

**C1.** Engineering Requirements

# **Procedural Statements and Background Information:**

- 1. The statutory 120-day time limit applies to this application. The application was received on October 25, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the applicant complete on November 22, 2023. The City must render a final decision for the request, including any appeals, by March 21, 2024.
- 2. Surrounding land uses are as follows:

<b>Compass Direction</b>	Zone:	Existing Use:
North:	PDR-2	Single Family Residential
East:	PDR-2	Single Family Residential
South:	PDR-3	Single Family Residential
West:	PDR-2	Single Family Residential

- Previous Planning Approvals:
   90PC47 Zone Map Amendment, Stage 1 Master Plan, Stage 2 Preliminary Plat
   90PC51 Preliminary Plat
- **4.** The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

# Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

## General Information

Application Procedures-In General Section 4.008

<u>Criteria:</u> This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

**Response:** The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application
Section 4.009

<u>Criterion:</u> "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

**Response:** The application has been submitted and signed on behalf of the property owner, Noelle and Robert Craddock.

Pre-Application Conference Subsection 4.010 (.02)

<u>Criteria:</u> This section lists the pre-application process

**Response:** A Pre-application conference was held on July 28, 2023 (PRE23-0012), in accordance with this subsection.

Lien Payment before Approval Subsection 4.011 (.02) B.

<u>Criterion:</u> "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

**Response:** No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements Subsection 4.035 (.04) A.

<u>Criteria:</u> "An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code." Listed 1. through 6. j.

**Response:** The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally Section 4.110

<u>Criteria:</u> "The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192." "The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise."

**Response:** This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

# Request A: Conditional Use Permit (CUP23-0002)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

#### Definitions

Home Business Subsection 4.001 (122.)

**A1.** <u>Criterion:</u> "Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit."

**Response:** The applicants propose the use of an existing residential property, which they do not live on, for short term rental. Therefore, this application for a conditional use permit has been submitted.

Short Term Rental Subsection 4.001 (279.)

**A2.** <u>Criterion:</u> Short-term rental is defined as "A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility."

Response: The applicants propose to rent the dwelling unit or portion thereof on a less-

than-monthly basis to one party at a time. The property is listed through a professional vacation-rental company as well as directly through the property's website. Condition of Approval PDA 2 ensures that the property is not rented for more than 30 consecutive days.

# **Development Permit Required**

Development Permit Required Section 4.004 (.02)

**A3.** <u>Criterion:</u> This section prohibits the Planning Director from issuing a development permit "for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development."

Response: The previous owner placed a shed in the rear setback without approval. The applicants plan to either reduce the size of or replace the shed to meet the setback allowance of three (3) feet for a structure under 120 square feet and 10 feet in height per Subsection 4.124 (.02) I. Condition of Approval PDA 1 ensures that this structure meets the required setbacks.

# **Conditional Use Permit**

Purpose and Procedure Subsection 4.184 (.01)

A4. Criteria: Conditional use of a property is reviewed by the Development Review Board after a public hearing. "A land use that is "conditional" is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record." "A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal's positive and negative features that would result from authorizing the particular development at a location proposed..."

**Response:** The use of a property in a PDR Zone as a home business requires a Conditional Use Permit. The application is being processed in accordance with the review procedures of this section. The DRB may add additional conditions to ensure that the proposed conditional use meets the criteria described in Findings A5 through A8.

Consistency with Comprehensive Plan Subsection 4.184 (.01) A. 1.

**A5.** <u>Criteria:</u> This subsection states that "The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City."

**Response:** The Comprehensive Plan does not place this property in an area of special concern. The current PDR-2 zoning is consistent with the property's Comprehensive Plan designation. Home businesses are an allowed use with a conditional use permit in the PDR Zone. As demonstrated in Findings A9 through A23, the proposal is consistent with the requirements of Chapter 4 of the Wilsonville Code.

Suitable Characteristics Subsection 4.184 (.01) A. 2.

**A6.** <u>Criteria:</u> This subsection states that "The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features."

**Response:** The subject house was retained when the Hazelwood Subdivision was originally constructed resulting in a very large lot. This lot is the only property that is accessible from SW Wilsonville Road making it easily reachable for guests and removing potential traffic impacts from the neighborhood. Street and frontage improvements were completed when the rest of the subdivision was constructed.

Public Facilities and Services Subsection 4.184 (.01) A. 3.

**A7.** <u>Criteria:</u> This subsection states that "All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development."

<u>Response</u>: All public facilities and services already exist to meet the needs of a residential property. A short term rental is expected to have similar utility demands to the existing residential use.

Character Compatibility Subsection 4.184 (.01) A. 4.

**A8.** <u>Criteria:</u> This subsection states "The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone."

**Response:** There is no evidence that the short term rental will alter the residential character of the surrounding area. The applicants have set rules for guests on the property and have security cameras, light timers, and noise monitors to ensure that the use of the property as a short term rental does not alter or preclude the surrounding residential uses.

In the narrative, the applicants describe that the short term rental "enhances [the character of the neighborhood] since the property is very unique and is known as a special property within the Wilsonville community." Based on the applicant's materials and past

approvals, this property was owned and operated as a farm by Dr. Russell Guiss. Though the property is not listed on national or state historic registries, the applicants intend to preserve and improve the original buildings and add other vintage elements, like the trailer, to maintain the old Wilsonville character of the site.

The property is also unique in that it is one of only a few single-family residential properties that takes direct access from SW Wilsonville Road or other arterials in the City. This direct access allows the property to function independently from the adjacent neighborhood without creating any additional traffic into the neighborhood, thus helping it remain compatible with the surrounding homes.

Comprehensive Plan Consistency Subsection 4.140 (.06)

**A9.** <u>Criteria:</u> "The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan."

**Response:** The property was previously approved for residential use as a part of the Hazelwood Subdivision. The proposed project is permitted as a conditional use with the Planned Development Residential zoning designation, which implements the Comprehensive Plan designation of 'Residential 2-3 dwelling units per acre' for this property.

Adherence to Approved Plans Subsection 4.140 (.10) A.

A10. <u>Criteria:</u> "The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements."

**Response:** A Condition of Approval ensures adherence to approved plans except for minor revisions by the Planning Director.

# Standards Applying to Residential Developments in any Zone

Prohibited Uses Subsection 4.113 (.09) B.

**A11.** <u>Criteria:</u> This subsection prohibits "The use of a trailer, travel trailer or mobile coach as a residence, except as specifically permitted in an approved RV park."

**Response:** The applicant proposes the use of a trailer as a part of the overall short term rental business. The trailer would not be used as a residence. It will be limited in use from

May to October with a maximum rental period of 30 days. This maximum is based on the transient lodging tax exemption for a lodger who stays more than 30 consecutive days at the same facility per ORS 320.308 (6). The maximum stay establishes the use of the trailer as transient lodging rather than as a residence. Condition of Approval PDA 2 ensures this maximum stay is implemented.

# Standards Applying in All Planned Development Zones

Underground Utilities
Subsection 4.118 (.02) and Sections 4.300-4.320

**A12.** <u>Criteria:</u> "Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties."

**Response:** No changes to utilities are proposed for this project. The applicant does not propose new utility connections.

Waivers Subsection 4.118 (.03)

**A13.** <u>Criteria:</u> "Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may" waive a number of standards as listed in A. through E.

**Response:** No waivers are being requested.

Other Requirements or Restrictions Subsection 4.118 (.03) E.

**A14.** Criteria: "Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may adopt other requirements or restrictions, inclusive of, but not limited to, the following:" Listed 1. through 12.

**Response:** No additional requirements or restrictions are recommended pursuant to this subsection.

Impact on Development Cost Subsection 4.118 (.04)

**A15.** <u>Criteria:</u> "The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these

factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code."

**Response:** It is staff's professional opinion that the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Requiring Tract Dedications Subsection 4.118 (.05)

**A16.** <u>Criteria:</u> "The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:" Recreational Facilities, Open Space Area, Easements."

**Response:** No additional tracts are being required for the purposes given.

Habitat Friendly Development Practices Subsection 4.118 (.09)

- **A17.** <u>Criteria:</u> "To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:
  - A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
  - B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
  - C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
  - D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03."

**Response:** No changes to grading or impacts to native vegetation are proposed. The applicant proposes a hydrologically-isolated outdoor bath and shower to meet the City's stormwater standards and limit adverse hydrological impacts on water resources.

# Standards Applying to all Planned Development Residential Zones

Conditionally Permitted Uses Subsection 4.124 (.04) F.

**A18.** <u>Criteria:</u> This subsection lists the conditionally permitted uses in the PDR Zone <u>Response:</u> The proposal is to convert a residence to a short term rental home business. This use requires a Conditional Use Permit in the zone.

Lot Standards

Subsection 4.124 (.07) and 4.113 (.02) A.

**A19.** <u>Criteria:</u> These subsections list the lots standards (including lot coverage, height, and setbacks) in the PDR Zone.

**Response:** Structures on the site conform to the lot standards. Lot coverage is currently 11.7%, below the maximum 30% allowed in the PDR-2 Zone for lots of this size.

The house and garage are legally non-conforming structures. The existing detached studio is a movable structure and is approximately six (6) feet 6 inches from the side property line, meeting the setback standards set for this property in Case File 90PC47. The outdoor shower and bath structures occupy a 120-square foot space, is under 10 feet in height, and is located behind the rear-most line of the main building. The side and rear setbacks can, therefore, be reduced to three (3) feet per Subsection 4.124 (.02) I. The existing garden shed is located in the rear setback and is larger than the 120-square-foot and 10-foot height allowance for reduced setbacks. The applicant agrees to reduce the size of the existing garden shed. See Finding A3. Condition of Approval PDA 2 ensures that the garden shed will meet the required setbacks.

# Parking and Loading

Parking and Loading Section 4.155

**A20.** Criteria: This subsection lists a number of general provisions for parking.

**Response:** No changes to parking are proposed and no additional parking is required by the request.

# **Other Development Standards**

Access, Ingress, and Egress Section 4.167

**A21.** <u>Criterion:</u> "Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit."

**Response:** Existing access to SW Wilsonville Rd is being kept the same.

Natural Features and Other Resources Section 4.171

**A22.** <u>Criteria:</u> This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high voltage powerline easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources. <u>Response:</u> No structural changes impacting natural features and other resources are proposed.

Buffering for Higher Intensity Uses Section 4.176 (.04) A.

**A23.** <u>Criteria:</u> This section states that "all intensive or higher density developments shall be screened and buffered from less intense or lower density developments."

**Response:** Because the home business use is a higher intensity residential use that the surrounding residential uses, screening and buffering is required. A 6' wood fence already exists on the property at the property lines and existing plantings further screen the site from adjacent properties. Because the outdoor shower and bath area is located close to the property to the north, Condition of Approval 3 ensures that there is a 100 percent (100%) sight obscuring fence or other buffer between the trailer and its associated outdoor shower and the neighboring property to the north



29799 SW Town Center Loop E, Wilsonville, OR 97070 Phone: 503.682.4960 Fax: 503.682.7025 Web: www.ci.wilsonville.or.us

# Planning Division **Development Permit Application**

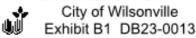
Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

Applicant:		Authorized Representative	e:
Name: Kakerfi Hoelle		Name:	
	gs LLC abn Ovr Sweet Re		
		Coppany:	
Mailing Address: 1065 SW	Molalla Bend Rel	Mailing Address:	
City, State, Zip: Wilsonvil		City, State, Zip:	
Phone: 503.805.4278	Fax:	Phone:	_ Fax:
E-mail: info e ours w	eetvetreaf.net	E-mail:	
Property Owner:		Property Owner's Signatu	re:
Name: Robert & Nylle Ch	addick	(1)	· (laddocce)
Company: The pived Dwelling	gs LL calon Our Gweet Retrea		
Mailing Address: 1965 GW	Molalla Voend Rd	Printed Name: Nulle	A (vaddock Date: 10/24/2023
		Applicant's Signature: (if dif	ferent from Property Owner)
City, State, Zip: Wilsonvill			
Phone: 403.805.4178			
E-mail: info@ovraweet	vetreat. net	Printed Name:	Date:
Site Location and Descrip			
Project Address if Available:	10925 GW Wilsonvill	e Rd Wilsonville, c	NE 970 Mile/Unit
Project Location:			
Tax Map #(s): 400 12 TWN	135 RNG 1 Wax Lot #(s):	1606089 Coun	ty:   Washington Clackamas
Request:			N VOLUMENT CONTRACTOR
We are seek	ing approval to use t	he entire property as	, a short term vental
	J "	, , )	- Tradition 12 17
Project Type: Class I	Class II n Class III n		
Residential	□ Commercial	□ Industrial	□ Other:
Application Type(s):		7 1 2 7 1 7 7 7 7 7 7 7 7	
□ Annexation	□ Appeal	☐ Comp Plan Map Amend	<ul> <li>Parks Plan Review</li> </ul>
□ Final Plat	Major Partition	☐ Minor Partition	□ Request to Modify
□ Plan Amendment	☐ Planned Development	□ Preliminary Plat	Conditions
□ Request for Special Meeting	☐ Request for Time Extension	□ Signs	☐ Site Design Review
□ SROZ/SRIR Review	□ Staff Interpretation	□ Stage I Master Plan	□ Stage II Final Plan
☐ Type C Tree Removal Plan	□ Tree Permit (B or C)	□ Temporary Use	□ Variance
□ Villebois SAP	□ Villebois PDP	□ Villebois FDP	□ Other (describe)
☐ Zone Map Amendment			and the state of t
a zone map i menament	□ Waiver(s)	Conditional Use	City of Wilsonville





# PROPERTY OWNER ACKNOWLEDGEMENT FORM

By signing below, I certify that I am the property owner for the application in question and that
the applicant,
this application for the property located at:
Site Address: 10925 GW Wilsonville Rd Wilsonville, OR 97070
Tax Lot(s):
I understand the application will not be deemed complete without this documentation. I
understand that submittal of this application does not entitle the applicant to engage in the
work applied for until such an application is approved, the plan approval is issued, and the
specified appeal period has passed. I also understand that all work must be performed in
compliance with all applicable state, federal, and local laws, ordinances and regulations.
Duran outer Origin and a City of transport
Property Owner's Signature:  Woelle a. auddock
Printed Name: Noelle A Craddock Date: 10/24/2023
Printed Name: Nelle A Waddock Date: 10/24/2023  Property Owner Contact Information:
Property Owner Contact Information:
Property Owner Contact Information:  Company (if applicable): Inspired Dwellings LLC also Dur sweet Retreat

# LAND USE REVIEW

10925 SW WILSONVILLE RD WILSONVILLE, OR 97070

**CONDITIONAL USE PERMIT** 



# **OUR SWEET RETREAT**

CHARMING HISTORIC FARMHOUSE
3 BEDROOM + STUDIO | 2 BATH VACATION RENTAL
WILSONVILLE, OREGON

Our Sweet Retreat is a distinctive vacation property, offering guests a unique and memorable stay in a fully furnished, restored vintage farmhouse on a half acre near Portland, OR. Whether you are local or traveling from out of town, we are ready to serve you with exceptional short-term or long-term rental accommodations making your time spent in our beautiful corner of the Pacific Northwest feel like the perfect home away from home.

Greeted by a welcoming porch with rockers, the invitation starts before you even step inside...come take a seat, rest and relax and enjoy your stay and time away at Our Sweet Retreat!



# **APPLICATION**

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CONDITIONAL USE PERMIT - CITY OF WILSONVILLE

PREPARED BY NOELLE CRADDOCK

INSPIRED DWELLINGS LLC DBA OUR SWEET RETREAT

Page 20 of 44 October 2023





We are seeking approval to use the entire property as a short term rental. We have been operating as a short term rental property since November 2022 but it was recently brought to our attention by the planning department that because the property is not also our primary residence, it falls under the category of a home business rather than a home occupation, so we must apply for a conditional use permit and have approval to continue operating as we have.

Prior to purchasing the property in July 2022, I intentionally stopped by the planning department to discuss the property and also to the business department to ask if short term rentals were allowed in Wilsonville and what was necessary for operation. I was told I needed a business license and to pay lodging tax (which we have been doing) but unfortunately we didn't find out until a year later that we also had to apply for a conditional use permit. Although our plan has always been to use the property as a short term rental, our intention has never been to purposely be non-compliant so we are now trying to take the necessary steps that are required.

We became aware of the conditional use permit requirement when the city responded to a complaint they received from one neighbor who unfortunately made assumptions that were not true. Furthermore, this individual is known for complaining and not getting along with others (and is no longer even residing in the neighborhood). So it was disappointing and frustrating to learn of the requirement as a result of an erroneous complaint especially since we had also previously attempted to do our due diligence before even purchasing the property but were not told anything about a conditional use permit and/or residency criteria at that time. Nor was that pointed out when we were granted a business license last August where I stated the reason in the description as "short term rental" and the applicant was our LLC and the address stated for the LLC was our personal address, and although also in Wilsonville, isn't the same location as the property address where the business is operating (it's also stated this way on the lodging tax forms which we submit each month/quarter). In our opinion both of these would have been more timely and reasonable opportunities to bring the home occupation vs. home business issue to our attention.

These events do feel unfortunate given the life changes (we moved to Wilsonville to be near the property to personally manage it) and the significant financial investments we've made, along with our desire to be a good neighbor (but we're hopeful this is an isolated situation since we aren't aware of any other complaints). We also believe there are other operators who are also not "in residence" at their short term rental properties in Wilsonville so being the first to have to go through this process has been a bit unsettling and daunting but we also understand the goal for compliancy. We are very appreciative of Sarah Pearlman and others in the planning department who have been so encouraging and readily willing to work together and help us navigate this.

# **OWNER INTRODUCTION**

We are the Craddocks and we are the happy hosts of this vintage gem. Bob and I are college sweethearts and have lived in many different communities in the Portland metro area for over 30 years and Wilsonville is one of our favorites.

Being a local real estate agent with an eye for design along with Bob's experience as a seasoned traveler, when we found this property it checked all our boxes and we knew it would quickly become a fan favorite with guests too which is





evident by the visitors we have from not only here in the Pacific NW but from across the US and Canada.

This beautiful and unique property has been a labor of love and we have continued to enhance the property with our guests and the community of Wilsonville being top of mind.

We are hands-on operators who visit the property on a weekly basis (if not daily!) to ensure we are providing a wonderful experience and exceptional accommodations for travelers to our city while cultivating a clientele that is in keeping with our desire to be a positive presence in our neighborhood.

We remain committed to being good neighbors and have many guidelines in place to help us accomplish that goal.

When we aren't busy hosting, you can find us in the nearby Charbonneau District, which is where we call home.

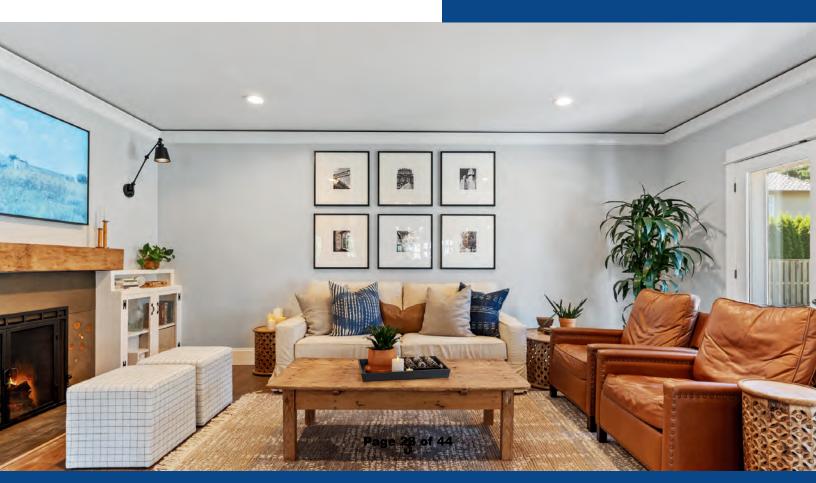
We are a property with partnerships. We have a heart for our community. There is a great community of small businesses in Wilsonville and we are proud to partner with some of them so we can greet our guests with a sample of goodies from a few of our favorite local spots. We hope this makes our guests' stay extra special while also showcasing those businesses and sending guests their way for more. We are excited to continue to expand and strengthen our network of business partnerships...we are just getting started!

We are a property with purpose. We have a heart for good work being done. Part of our plan in operating this property is to be able to give away a portion of the proceeds towards another property that is doing good so we support A Village For One, a local non-profit who helps rescue and restore young women in the world of sex trafficking.

We are a property with presence. We have a heart to be known and respected in our industry. We are always striving to create an elevated guest experience but we are also positioned to be thoughtful and considerate of our neighbors too. We have implemented many business practices to make certain our guests respect the property and our neighbors. Security cameras, light timers & internal/external noise monitors are in use and we establish clear expectations before guests arrive and keep in close communication during their stay.

# **BUSINESS OVERVIEW**

- GUEST DEMOGRAPHIC: Families, couples and professionals. Repeat guests visiting.
   Most notable have been a known Hollywood actor and a high level Microsoft executive.
- BOOKING REASON: Attending weddings or getting married, visiting local family, touring wine country, celebrating special occasions and corporate meetings-retreats.
- TRAVELING FROM: Portland Metro Area, Bend, Oregon Coast, Washington, California, Texas, Florida, Virginia, Maryland, Michigan and other areas in the US and Canada.
- GUEST RATING: ★★★★
- AVERAGE NIGHTLY RATE: \$600/night
- AVERAGE LENGTH OF STAY: 5 days
- AVERAGE NIGHTS BOOKED: 10/month
- HIGH SEASON: Summer (June-August)

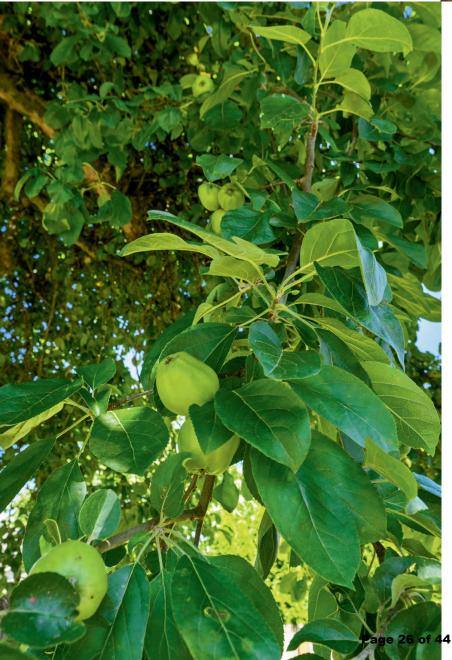




# **A LOCAL STORY**

This property has a noteworthy place in Wilsonville's history as having once been the personal residence of the Guiss family with the cross street also honoring the family name.

In 1959 Dr. Russell Guiss opened Dammasch Hospital in Wilsonville (where the Villebois community is now) as a Superintendent and retired from there in 1980. He was a valued leader in the mental health system of Oregon for the





majority of his career and a wellrespected member of the Wilsonville community.

In his personal time, Dr. Guiss managed this property, which at the time was a small farm where the family harvested filberts, grain and raised cows and sheep. Russell loved his children, grandchildren and people in general. He took pride in getting family and friends together for reunions.

It brings us joy to continue the tradition of having this homestead be a place for friends and family to gather...joining the homeowners before us who have made unique contributions and left their special touches in loving and restoring this property so others can enjoy it.

Even with its many transformations, an old growth apple tree remains on the farm bringing fruit each year and filbert shells are still being used around the property today as a nod to the legacy and lives of those who have lived here.





# **OUR SWEET RETREAT**

We created our property website to be a creatively visual and interactive resource for guests to learn more about the property and to help with planning their upcoming visit. It features detailed descriptions, pictures, virtual tours and videos of Our Sweet Retreat and The Camping Corner with the ability to book directly, as well as links to the other booking platforms we are featured on. Guests are able to access a private "quest only" information page and research potential areas of interest with corresponding links, including our local Explore Wilsonville tourism site. It also provides us with the opportunity to introduce ourselves as hosts, share how we partner with local businesses and have a heart for our local community and the greater community beyond. And of course, we are happy to have a fun spot to display guest pictures and their glowing reviews too! Please check out the link below for a more comprehensive look.

# www.oursweetretreat.net

# **MAIN HOUSE**

2 Upper Level Bedrooms -- 1 Room with King Size Bed | 1 Room with 2 Full Size Beds | 1 Full Bath

1 Main Level Bedroom -- 1 Room with King Size Trundle Bed | 1 Full Bath

**DETACHED STUDIO** 

**Upstairs Sleeping Loft -- 1 Queen Size Bed** 

The most notable property features that guests comment on and appreciate are:

Wide plank wood floors, concrete island, custom crafted dining table for 10, original doors and feature windows (kitchen has "see through" glass cabinets for a two sided outdoor view), clawfoot tub, one-of-a-kind vintage door medicine cabinet, shiplap, barn wood trim, vintage ceiling fans, exercise space, warm & cozy home to hang out with friends & family, stylish furniture & decor, board games, kids play area, thoughtful & personal guest touches, quality linens, high end appliances, fully stocked kitchen, bbq/smoker, kettle fire pit, bocce ball court, lawn games, bikes & paddle boards, big yard, separate office/quiet space for remote work, convenient location and lots of parking.

For the full property description, features and amenities, Page 2816844 visit the Property page on our site.









# THE CAMPING CORNER

The Camping Corner is a new rental unit to Our Sweet Retreat. We had been storing our Shasta Airflyte camper at the property but wanted to protect it from the weather so we planned to cover it. But then we realized how the vintage feel fits so perfectly with the rest of the property and what a fun addition it could be for our guests who want to enjoy a more unique style of stay.

So not only did Lil' Miss Lazy Daisy Lou get covered but she brought The Camping Corner to life, including the creation of an outdoor bath space where you can experience a refreshing shower or relax in the deep soaking tub after a bike ride or time spent on the Willamette river.

It is an adult-only guest space for two and is only open seasonally from May-October. Please see the <u>Camper page</u> on our site for the full description and features of this special spot.







# RESPONSES TO CODE CRITERIA

## RESIDENTIAL DEVELOPMENT STANDARDS

# 1. Standards Applying To Residential Developments In Any Zone

## Setbacks

We believe the age of the home makes it one of the original properties of the neighborhood so the surrounding neighborhood and homes were most likely developed around it. The main house and detached studio meet all the minimum setback requirements but we don't think the detached garage meets the current rear setback requirement and can only assume it is original to the property and its placement was possibly grandfathered when the rear property lines were established during development phases in the past. A previous owner added a large modular style Lifetime garden shed between the garage and the rear property line so that doesn't meet the rear setback requirement but it is 3 ft from the back property line. So we will be modifying (removing panels to shorten) the existing shed or replacing it with a new one that will result in the structure being 120 sq ft or less...this project will be completed no later than June 2024. When we added the camper cover and outdoor bath area we mirrored the same footprint of the existing garage and garden shed not factoring in that those may be non-conforming to the current rear setback requirement (the side setbacks are conforming). We also looked around at the neighbors bordering our property and saw several examples of outbuildings, garden sheds, RV coverings, etc. and the placements were right up against the fences or very close to them which made it seem as those kinds of structures were permissible and could be placed near fences/property lines. See the included photo exhibits for reference and a labeled layout of the area.

#### Use of Trailer

The trailer is being used as a seasonal rental unit on the same property we are seeking to gain approval to use in its entirety as a short term rental. It is only open May-October, with a limited rental period of 30 days or less, and is meant to reflect the vintage feel of the rest of the property but offer a unique lodging experience for guests. When seeking to insure it as a rental unit, we were told by our insurance company it had to be connected to utilities so we moved forward in having those professionally brought over from the garage by a contractor (most were trenched and already at the garage from previous owners) and then the drain lines were connected to the existing sanitary line. The outdoor bath drain lines were installed using indoor bath standards and the water lines are stainless steel hoses allowing us to detach them before colder temps occur and winterize them. And then we will be adding permanent structural covers over both the shower and tub to hydraulically isolate them (as required by the city engineer -- see included projected plans for covers) and those structures will fall within the allowed setback reduction to 3 ft since the bath area is 120 square feet or less and is also less than 10 feet in height (the outdoor bath area is defined by a privacy panel of cedar posts with galvanized sheet metal panels--see photo on page 11 for reference). The camper cover, the installation of the utilities and the outdoor bath plumbing have all been permitted.

# 2. Standards Applying To Planned Development Residential Zones

# · Accessory Structures and Uses - Setbacks

All structures are 3 ft or more from property lines. See setback section above for more detail.

## Conditional Uses

Home Business: Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.

## Lot Coverage

The existing structure coverage (10.4%) as well as the addition of camper cover (1.3%) is well below the lot coverage allowance of 30% for the size of the property (.52 acre).

# PLANNED DEVELOPMENT STANDARDS & REGULATIONS FOR ALL PLANNED DEVELOPMENT ZONES

# 1. Standards Applying To To All Planned Development (PD) Zones

#### Waiver to Setbacks

Given our recent understanding of the minimum rear setback standard, we believe a waiver may be neccesary since the current rear setbacks are most likely non-conforming, in which case we are seeking for a waiver to be granted.

# **CONDITIONAL USE PERMITS—AUTHORIZATION**

# 1. Compatibility and Compliance - Authorization to Grant or Deny Conditional Uses

• The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of <u>Chapter 4</u> of the Wilsonville Code and other applicable policies of the City.

A short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit per Wilsonville code so hence this application.

• The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

The characteristics of the site are not only perfect for a short term rental use but also reflect the local history of the property with an oversized lot, old growth apple tree and vintage-inspired design features found both inside and outside. Easy access off Wilsonville Rd, long private driveway, ample on-site parking, conveniently located near parks, I-5, the Willamette River and local areas of interest make it even more ideal for this use.

 All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.

Yes, all public facilities and services already exist to meet the needs of a short term rental property.

• The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

A short term rental use is in keeping with the residential use of the surrounding area and we believe it doesn't alter the character of our neighborhood but rather enhances it since the property is very unique and is known as a special property within the Wilsonville community. We also believe the presence of our short term rental has benefits beyond the surrounding area with more travelers visiting and supporting our city.



We hope to continue to grow our presence in Wilsonville, partnering with other small businesses in creating goodwill and growth within our community.

We hope to continue to support the tourism efforts of our city with lodging tax dollars and guests visiting our local businesses.

We hope to continue to carry on the story and legacy of a property that has historical significance in our community.

We hope to continue to provide a unique and special place for travelers seeking to spend more time here in our city and the surrounding areas.

We hope to continue to be thoughtful and considerate of the neighbors in our neighborhood.

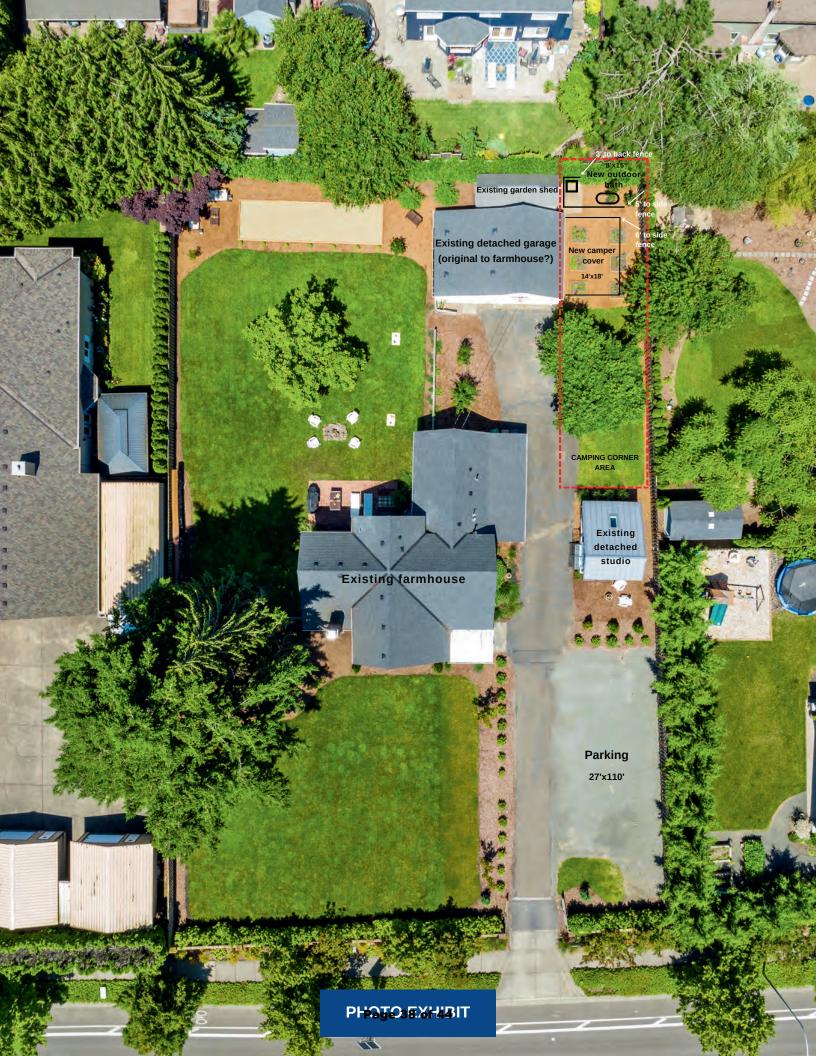
We hope we have prepared a compelling case and provided the details needed to make a favorable decision to grant us a conditional use permit to continue operating our short term rental property.

**CLOSING COMMENTS** 

Bob & Noelle Craddock
Our Sweet Retreat
503.805.4278
info@oursweetretreat.net
www.oursweetretreat.net









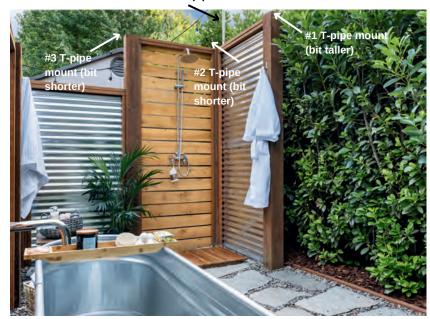


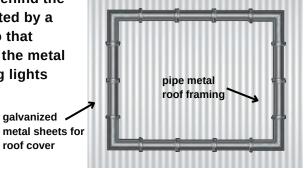
# **BATHROOM COVERS**

We will be covering both the shower and tub area with roof panels made out of galvanized sheet material (same as the privacy panels used for the bathroom surround shown in pictures) and they will be attached to a metal pipe frame under it.

With the shower, the roof frame will be attached on 3 sides to metal t-pipe fittings which will be mounted in metal deck mounts/flanges which will be screwed into the top of the fence header. The front corner will be higher than the

2 back corners to create a angle/slope for the rain to run off behind the shower wall privacy panel. The 4th interior corner not supported by a fence will have a chain or cable strand that will be attached to that corner into the metal frame underneath and then anchored to the metal pole behind the back corner of the shower (where the hanging lights are attached) as to give that corner additional support.





"Cafe-awning style" cover for tub

Sorry I don't have 3D and the front of the roof rendering capabilities so will be positioned hopefully you can ()slightly higher than back ( visualize that the roof h to create a slope for the will be dropped down rain water to run off. Underside of roof cover

chain/cable will be attached to 2nd mounted brace frame

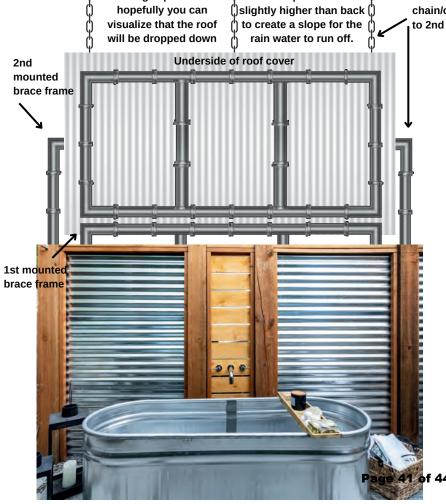
galvanized

roof cover

4 point cover for shower

With the tub, there will be a run of metal pipe and deck mounts/flanges which will be screwed into the top of the fence header to create a mounted brace frame which the roof frame will attach to with hinge style fittings/brackets. In order to create the proper angle for runoff and greater support for the size of the roof cover, lengths of chain or cable strand will be attached to 3 points of the roof cover and into the front portion of the framing underneath. Then the chains/cable strands will be attached to a second metal mounted brace frame which will be bolted into the 6x6 fence posts. The mounted brace frame will be also wider and higher than the roof cover itself so it can provide additional support and be anchored and positioned to create a slope for rain to run off behind the tub wall privacy panel. It will be a "cafe-awning style" cover.

In the off-season, both the stock tank tub and shower pan will also have waterproof covers over them as well.





From: Amy Pepper

To: Sarah Pearlman; Jon Scott

Subject: RE: DRT Notice for Short Term Rental CUP

Date: Thursday, December 14, 2023 1:30:52 PM

Attachments: <u>image001.png</u>

#### Sarah ~

I have one condition of approval for this project.

1. The existing outdoor shower and bath shall be covered so that stormwater runoff is not connected directly or indirectly to the public sanitary sewer in compliance with WC Section 8.204(8).

If there is a building permit issued for the covers, than "<u>Prior to building permit finals</u>," should be added to the beginning of that condition. If there will be no permits, then "<u>Prior to operation of the rental property"</u>, should be added to the beginning of that condition.

Please let me know if you have any questions about this.

## Amy

From: Pearlman, Sarah <spearlman@ci.wilsonville.or.us>

Sent: Wednesday, December 6, 2023 3:46 PM

To: Scott, Jon <jscott@ci.wilsonville.or.us>; Pepper, Amy <apepper@ci.wilsonville.or.us>

Subject: DRT Notice for Short Term Rental CUP

I'm using Mimecast to share large files with you. Please see the attached instructions.

Hello Amy and Jon,

Attached is a DRT Notice for the Short Term Rental Conditional Use Permit at 10925 SW Wilsonville Rd. The EnerGov Case File is DB23-0013.

Please review the final materials (attached here). Please submit <u>all comments, requirements, and final comments, requirements and conditions from Engineering/Building to Planning</u> by **4:00 PM, December 19, 2023**.

Please let me know if you have any questions.

Thank you so much!

Sarah Pearlman (she/her)

Assistant Planner City of Wilsonville Office: 503.570.1573

spearlman@ci.wilsonville.or.us

www.ci.wilsonville.or.us

Facebook.com/CityofWilsonville



# 29799 SW Town Center Loop East, Wilsonville, OR 97070

The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <a href="https://www.ci.wilsonville.or.us/Online-Portal">https://www.ci.wilsonville.or.us/Online-Portal</a>. If there are additional questions, please reach out to City staff.

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.