



City Council Work Session

August 13, 2019

DISCUSSION ON POSSIBLE COMPETING MEASURE RELATED TO MEASURE 36-202

(Charter Amendment: Restricts City
Regulations and Fees on Care Facilities)





City Council Meeting

August 13, 2019

PLEDGE OF ALLEGIANCE



INVITATION TO CITIZENS FOR PUBLIC COMMENT

The Council President will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Council President may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.



PRESENTATION

Three Mile Lane Area Plan Update – Planning Director Heather Richards



POSSIBLE MOTION TO FILE NOTICE A
REQUEST FOR BALLOT TITLE FOR COMPETING
MEASURE RELATED TO MEASURE 36-202
(Charter Amendment: Restricts City
Regulations and Fees on Care Facilities)



ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- b. Cash and Investment Report – May (in packet)

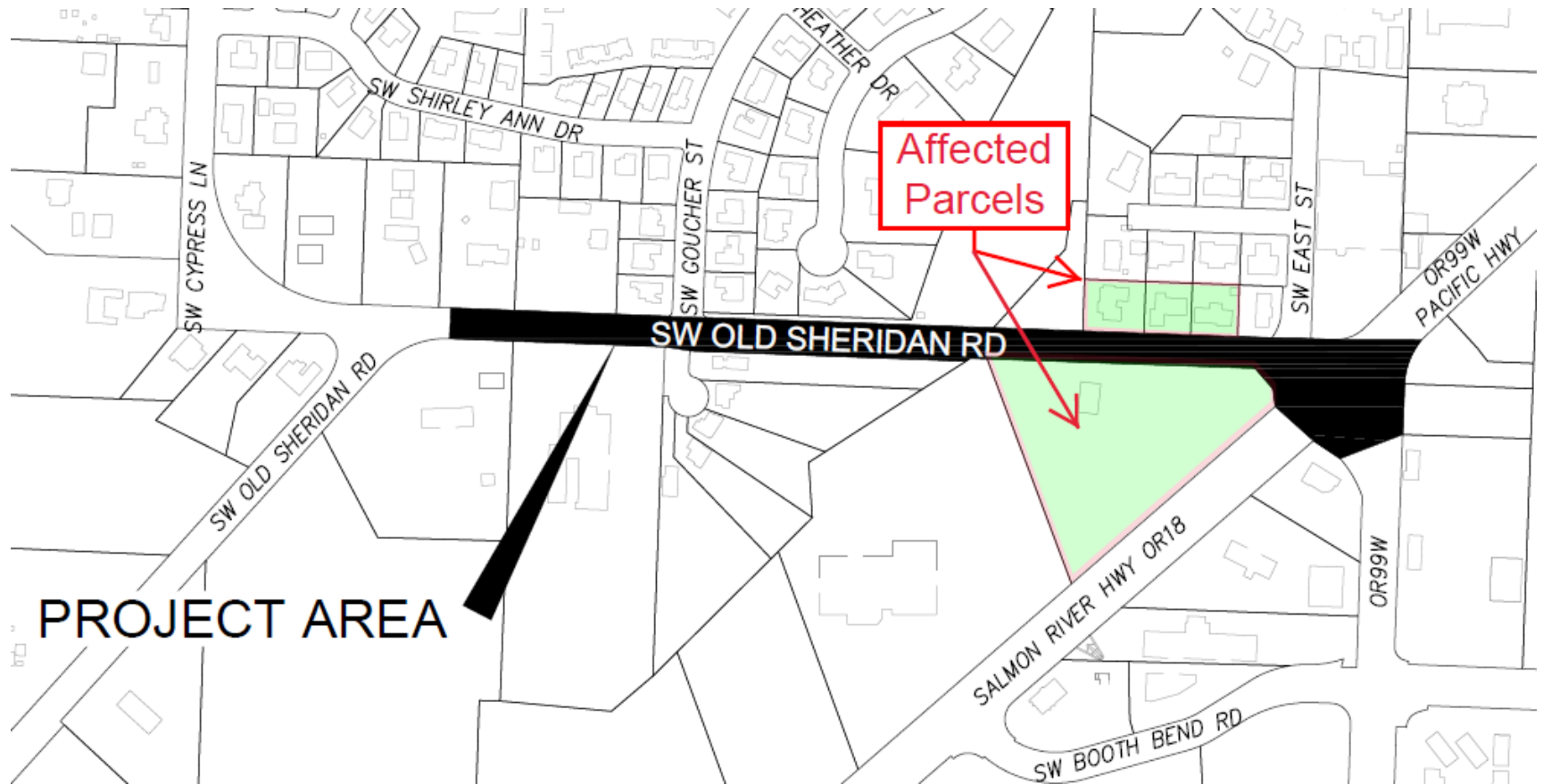


CONSENT AGENDA

- a. Consider request from Morning Thunder Cafe located at 619 NE 3rd Street C1 for an OLCC Limited on-premises Liquor License.
- b. Consider request from JADA Ventures, LLC DBA: Two Dogs Taphouse located at 608 NE 3rd Street for a Limited on-premises Liquor License.



Consider **Resolution No. 2019-56**: A Resolution authorizing the acquisition of property for the Old Sheridan Road Improvements Project, and exercising the power of eminent domain.



Consider **Resolution No. 2019-55**: A
Resolution approving a lease amendment
and extension with Comcast of Oregon II, Inc.



Consider **Resolution No. 2019-52**: A
Resolution amending the composition of
the Affordable Housing Task Force.



Consider **Resolution No. 2019-53**: A
Resolution appointing a member to the
Affordable Housing Task Force.



Comprehensive Plan Amendment, Zone Change, Planned Development Amendment, and Conditional Use Requests

Ordinances 5074, 5075, 5076 & 5077
CPA 2-19 / ZC 2-19 / PDA 1-19 / CU 2-19
1901 NW Baker Creek Road

City Council
August 13, 2019

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SITE LOCATION



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HISTORY OF SITE

- 1977 – Annexation of original substation lot
- 1996 – Comprehensive Plan Map Amendment and Planned Development Adoption
- 1999 – CUP for existing substation (lot treated as R-1 at that time)
- 2008 – Annexation of surrounding land north of Baker Creek Road

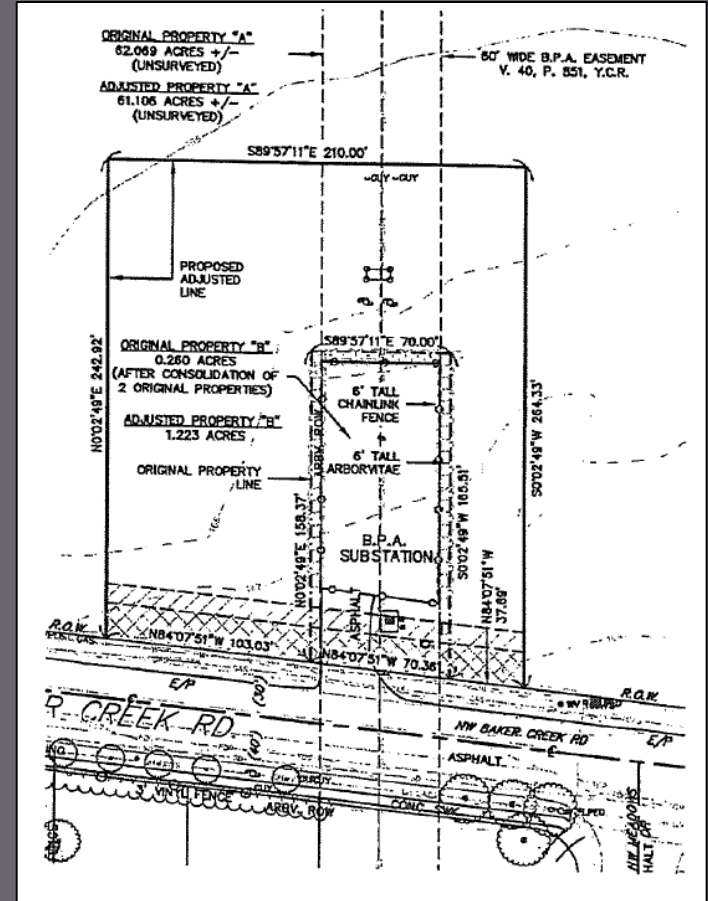


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HISTORY OF SITE

- 2018 – Property line adjustment increasing size of substation lot
 - Condition of approval that prior to construction owner apply for Comprehensive Plan Amendment and Zone Change to bring entire site into one designation
- Portion of site retains County zoning – Section 17.09.050 of the MMC requires rezoning to urban zone prior to urban development



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LAND USE REQUESTS

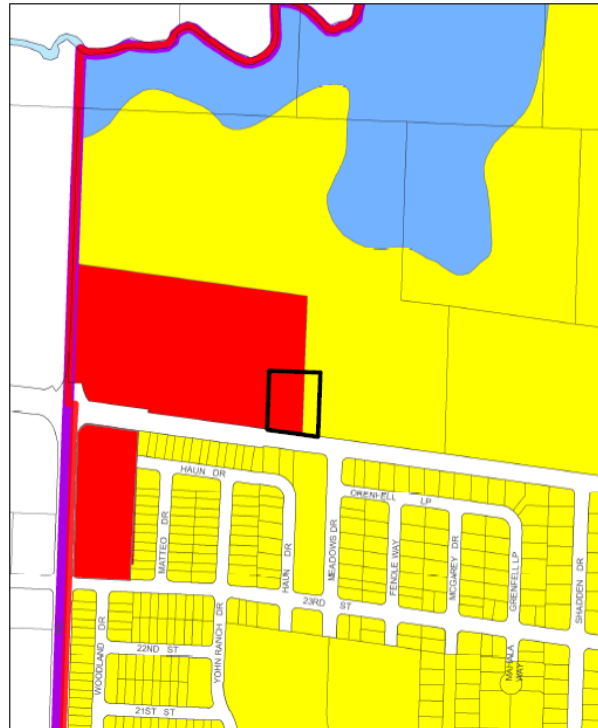
1. **Comprehensive Plan Map Amendment** – Amendment from the current mix of Residential and Commercial designations to Residential only
2. **Zone Change** – Rezoning from the current mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to R-1 (Single Family Residential) only
3. **Planned Development Amendment** – Amend the existing Planned Development Overlay District created by Ordinance 4633 to remove the subject property from the overlay and reduce the size of the overlay
4. **Conditional Use** – Approval of a conditional use permit to expand the existing electrical power substation facility. Section 17.12.020(L) of the MMC identifies “Electrical power substation” as a conditional use in the R-1 zone

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COMP PLAN DESIGNATION

Existing Comprehensive Plan Map
1901 NW Baker Creek Road



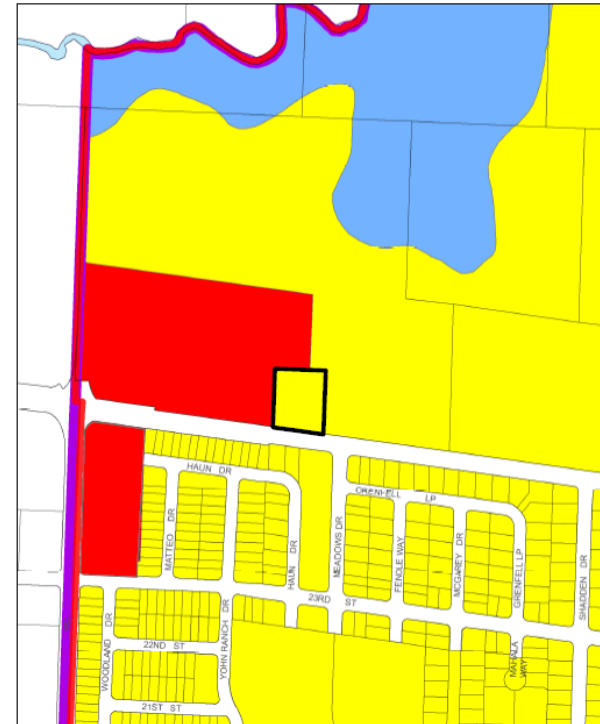
City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

Comprehensive Plan

- Tax Lots
- Subject Site
- Residential
- Commercial
- Industrial
- Mixed Use Urban
- Flood Plain

0 200 400 800 Feet

Proposed Comprehensive Plan Map
1901 NW Baker Creek Road



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Planning Department
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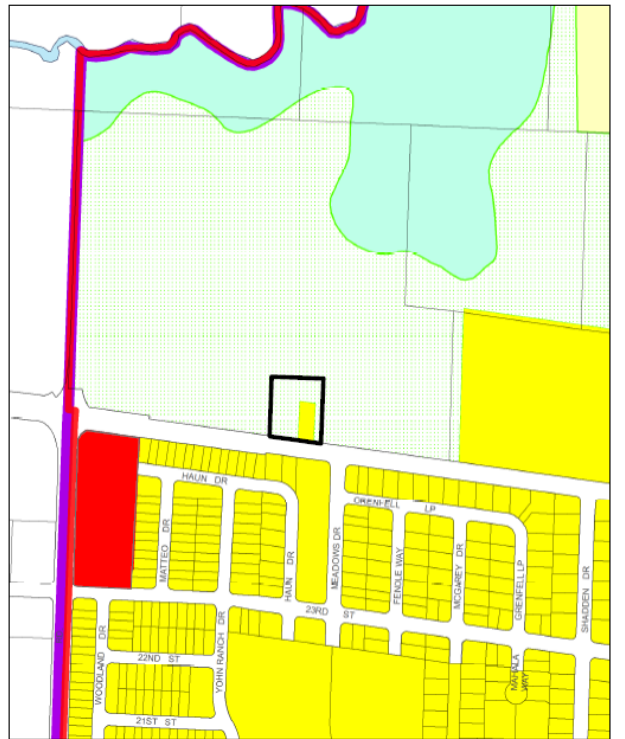
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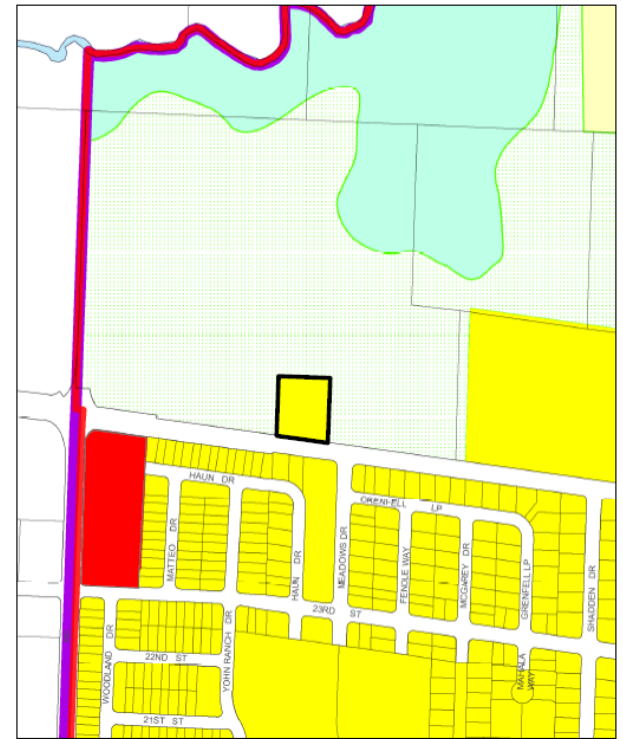
ZONING

Existing Zoning
1901 NW Baker Creek Road



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Proposed Zoning
1901 NW Baker Creek Road



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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

Section 17.74.020

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Chapter V – Housing and Residential Development

- Goal V 1: To promote development of affordable, quality housing for all city residents.
- Goal V 2: To promote a residential development pattern that is land-intensive and energy-efficient, that provides for an urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential designs.

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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

- Deficit of Commercial and Residential lands
- 2013 Economic Opportunities Analysis:

Figure 26. Comparison of Land Demand to Supply (2013-33)

Acres by Plan Designation			
	Commercial	Industrial	Total Comments
Vacant Land Demand			Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6 Commercial retail & service need
Industrial	-	145.1	145.1 Manufacturing & related sectors
Institutional	2.2	8.0	10.2 62% of need w/per job method
Totals	166.8	153.2	319.9 Employment land demand
Available Land Supply			Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0 Revised per BLI update 7/13
Surplus/(Deficit)	(35.8)	235.9	200.1 As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.

Source: E. D. Hovee & Company, LLC.

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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

- Deficit of Commercial and Residential lands
- Reduction of 0.8 acres of Commercial land minimal, while still addressing deficit of 860.6 acres of Residential land
- Deficit of Residential land for R-1 (Single Family Residential)
- 2001/2003 Buildable Lands Inventory and McMinnville Residential Land Needs Analysis & Growth Management Plan:

Figure No. 4 - Table 6-2 – Additional Land for Housing; Table 6-3 Total Acres needed.

Table 6-2. Additional land needed for housing in the McMinnville UGB, 2000-2020

Zone	Additional Dwelling Unit Need	Gross Density	Needed Gross Acres	Net Density	Needed Net Acres
R-1	348	2.7	129.0	3.6	95.6
R-2	588	4.9	120.0	6.5	90.4
R-3	653	4.8	136.1	5.5	119.7
R-4	588	9.2	63.9	10.7	55.1
All Other Zones	0	na	na	na	na
Total	2,178	4.8	449.0	5.9	369.1

Source: ECONorthwest, 2000

Table 6-3 shows total residential land need from 2000 to 2020. Including parks and schools, we estimate total need for land designated for residential uses at 861 gross acres.

Table 6-3. Total additional acres needed in the McMinnville UGB, 2000-2020

Category	Needed Gross Acres
New housing	449.0
Parks	250.0
Schools	96.0
Private Schools	1.3
Religious	41.6
Government	0.8
Semi-Public Services	19.6
Infrastructure	2.3
Total	860.6

Source: City of McMinnville, ECONorthwest

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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

Section 17.74.020

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Chapter VIII – Energy

- Goal VIII 1: To provide adequate energy supplies, and the systems necessary to distribute that energy, to service the community as it expands.
- Policies 171.00 – 175.00

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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

Section 17.74.020

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
- Consolidation into one Comp Plan designation and City zone allows for uniform development
 - Surrounding area is guided and zoned for Residential and Commercial development
 - Proposal to Residential and R-1 zone results in:
 - Land use designation that affords most opportunity for public hearing
 - Ability to apply more development and conditional use standards
 - Residential land designation will ensure better compatibility of intended use of site with surrounding future development

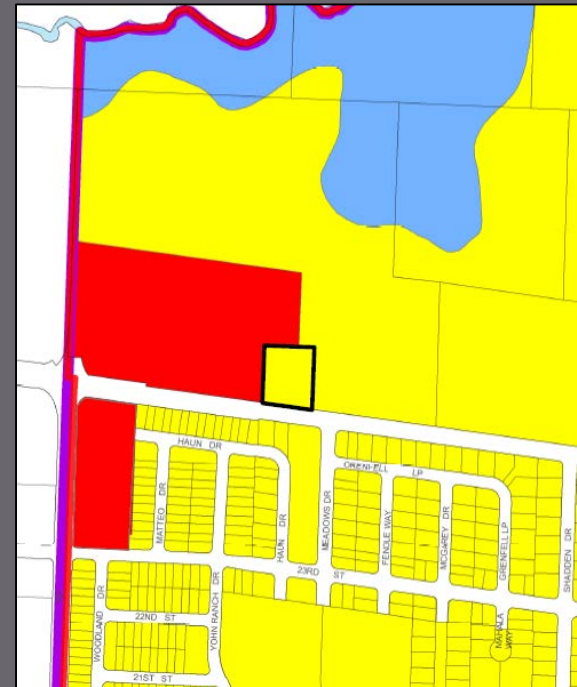
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COMP PLAN & ZONE CHANGE REVIEW CRITERIA

Section 17.74.020

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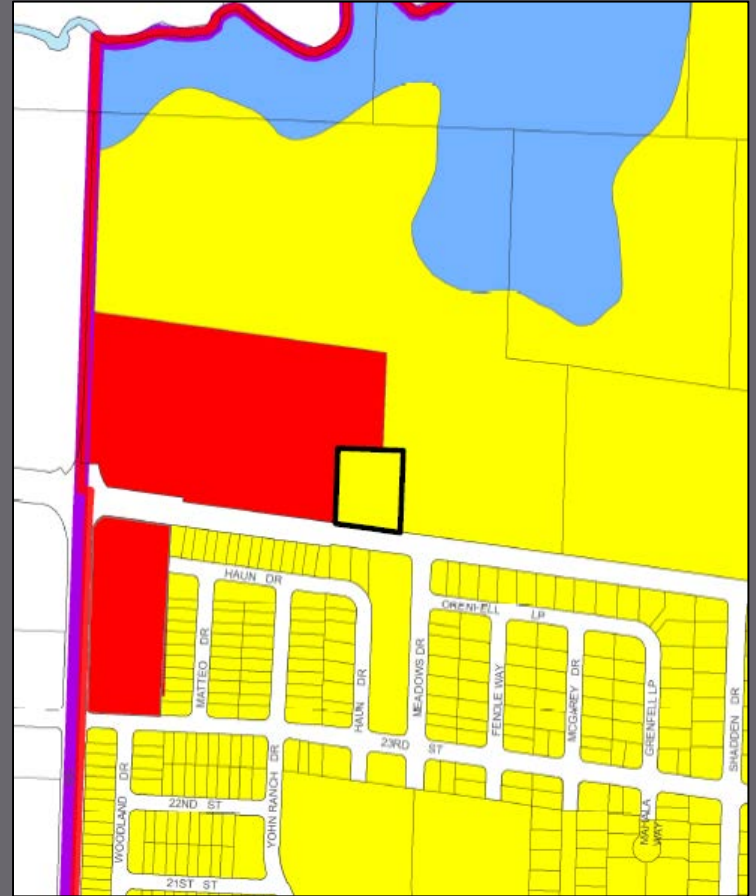


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PLANNED DEVELOPMENT AMENDMENT

- Existing PD Ordinance 4633 – Commercial Planned Development
- Proposal: Remove subject site from existing Planned Development Overlay
 - Effectively reduce the size of PD Overlay by approximately 0.8 acres



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PD AMENDMENT REVIEW CRITERIA

Section 17.74.070

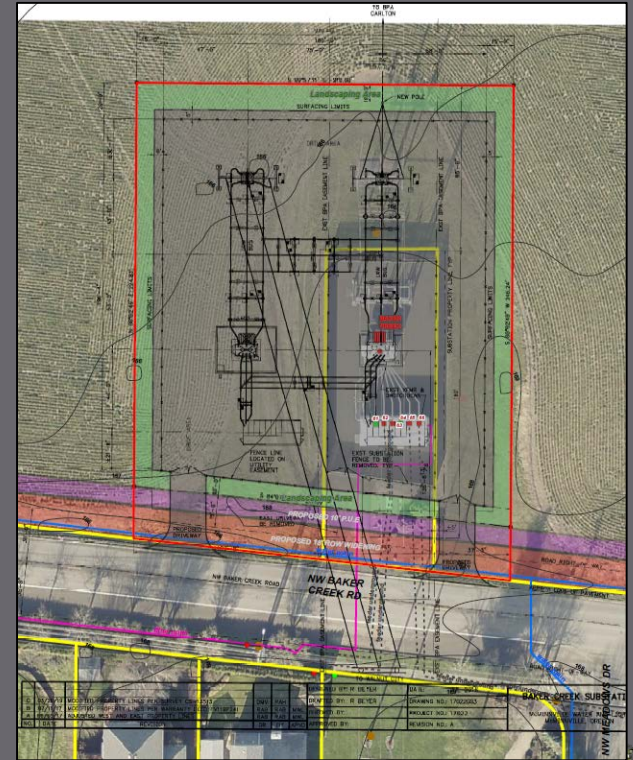
- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 - B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 - C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 - D. The plan can be completed within a reasonable period of time;
 - E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 - F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 - G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.
-
- Based on concurrent application review and approval, site no longer intended for commercial uses
 - Condition of Approval: That all remaining provisions of Ordinance 4633 remain in effect

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CONDITIONAL USE REQUEST

- Expansion of the existing Electrical Power Substation
 - Listed as Conditional Use in Section 17.12.020(L) of the R-1 (Single Family Residential) zone



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CONDITIONAL USE REVIEW CRITERIA

Section 17.74.030

- 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.

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CONSISTENCY WITH COMP PLAN

- Policy 175.00 (2): Facilities are planned in such a manner as to insure compatibility with surrounding land uses.
- Policy 176.00: The City of McMinnville shall carefully consider the environmental impacts of the location and design of energy system facilities to minimize or eliminate adverse effects on residential, farm, and natural areas.
- Proposal 31.00: The City of McMinnville should require energy system facility sites to be compatible in appearance with surrounding land uses either through landscaping or other screening methods.
- Proposal 35.00 Construction of facilities that could have an adverse effect on natural areas, farmlands, and residential areas should be altered in such a manner as to minimize or eliminate these impacts.

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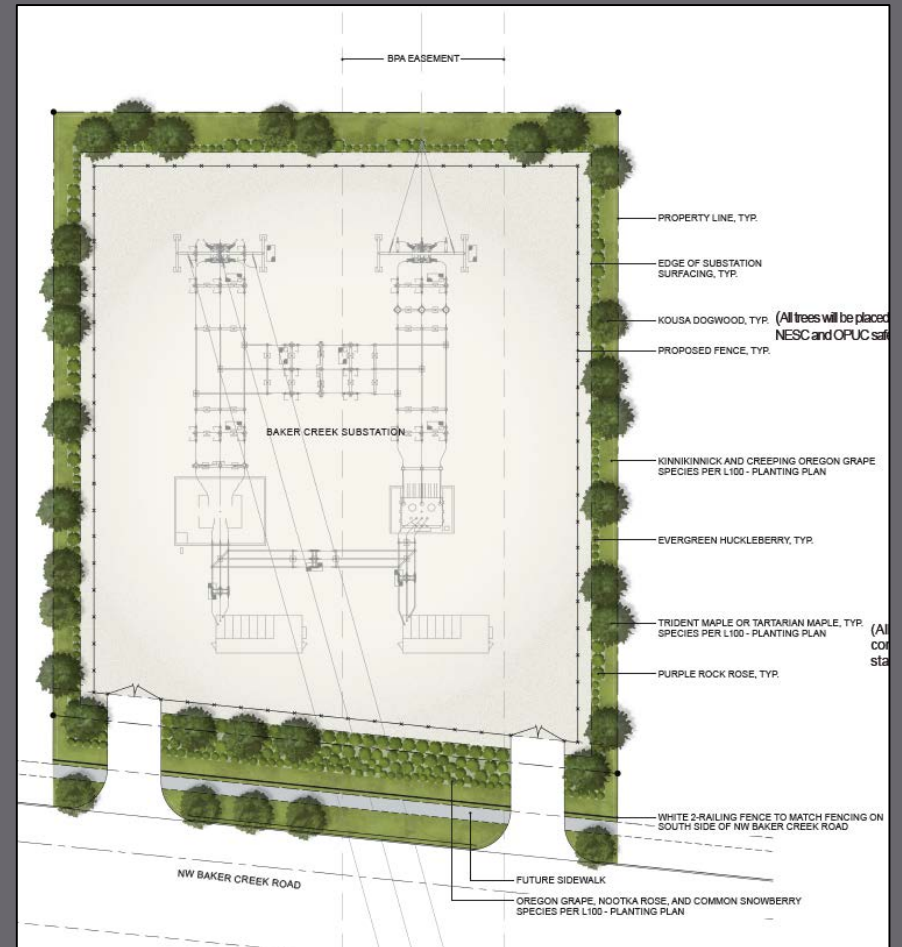
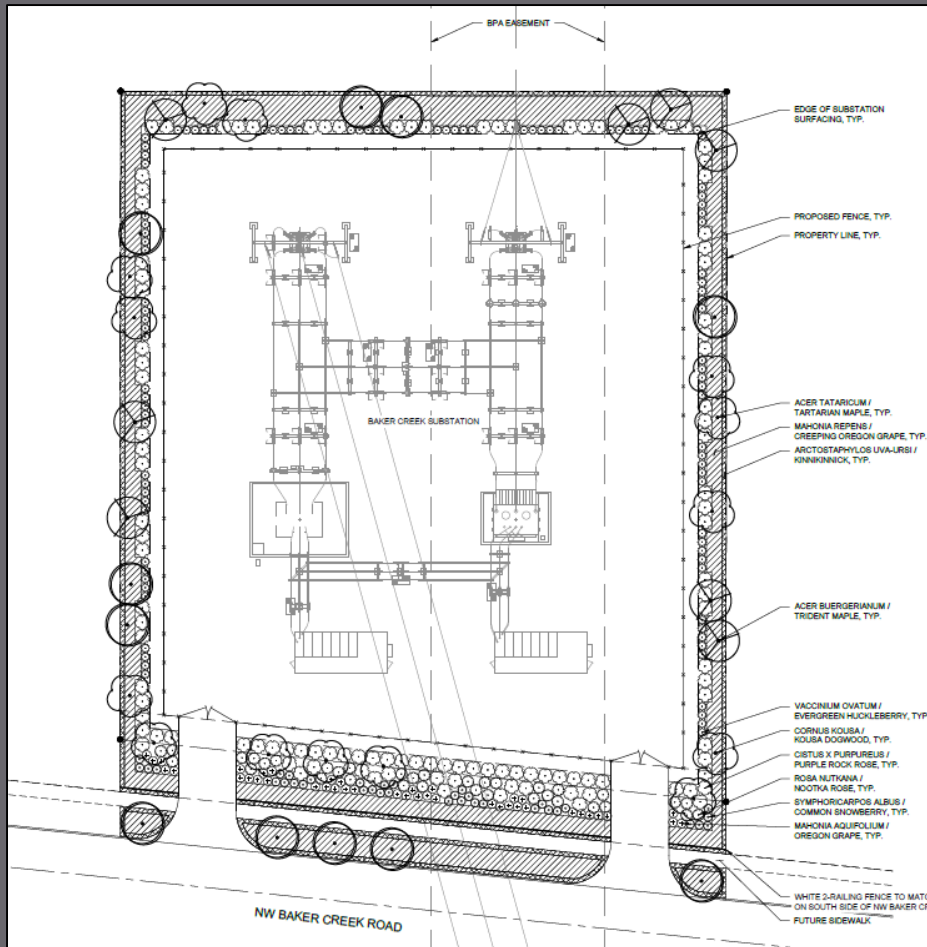
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- North: 50'
- South: 40'
- West: 50'
- East: 45'

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SITE DESIGN & OPERATIONS



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INFRASTRUCTURE & UTILITIES

- **Condition #2:** Require right-of-way improvements to the site's NW Baker Creek Road frontage
- **Condition #3:** Require applicant to coordinate improvements with surrounding development to minimize traffic impacts to surrounding community
 - Allow for right-of-way improvements to be deferred to a future date (January 15, 2022) to provide for that coordinated improvement
 - Applicant provided sale agreement that already allows for coordination and ability for applicant to reimburse surrounding property owner if right-of-way improvements are completed within 36 months of closing and MW&L's purchase of property

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SITE DESIGN & OPERATIONS

- **Condition #4:** Require landscaping that is consistent with submitted landscape plan
 - Perimeter sight-obscuring fence – materials to be reviewed by Planning Director
 - White two-railing fence along Baker Creek Road ROW
 - Shrubs and trees around perimeter of site – height of trees tall enough for some vertical screening
- **Condition #5:** Planting of street trees in Baker Creek Road ROW
- **Condition #6:** Lighting to be limited as proposed in application narrative:
 - Only include access and maintenance lighting
 - Access lighting controlled by photo sensors
 - Maintenance lighting only used during maintenance activities
 - All lights directed downward and shielded

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PUBLIC HEARING & NEIGHBORHOOD MEETING PROCESSES

- Neighborhood Meeting – March 27, 2019
 - No public attendance
- Public Hearing by Planning Commission – June 27, 2019
 - No public testimony received
 - Staff worked with MW&L staff to revise conditions of approval to ensure that conditions allowed for MW&L to meet minimum safety and operational requirements

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NEXT STEPS

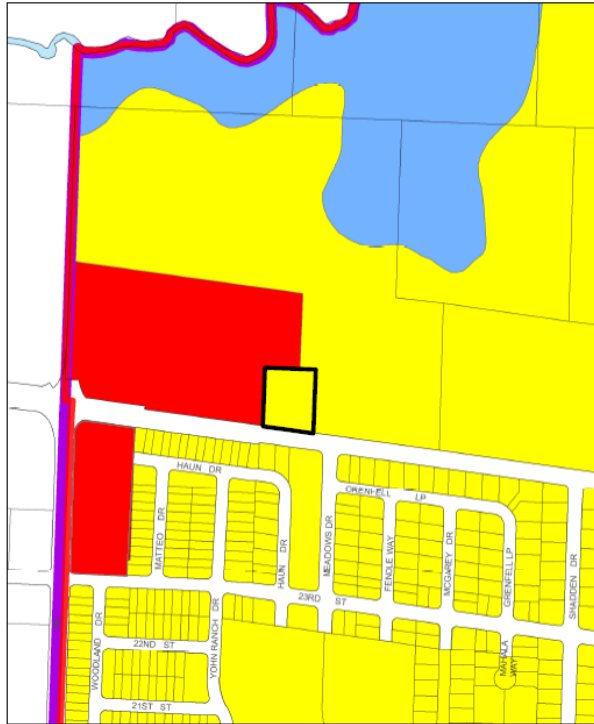
- Planning Commission Recommendation:
 - Approval of Ord 5074: Comprehensive Plan Map Amendment
 - Approval of Ord 5075: Zone Change
 - Approval of Ord 5076: Planned Development Amendment (with condition related to PD standards remaining in effect for remainder of PD boundary)
 - Approval of Ord 5077: Conditional Use (with conditions related to site improvements)

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QUESTIONS?

Proposed Comprehensive Plan Map
1901 NW Baker Creek Road

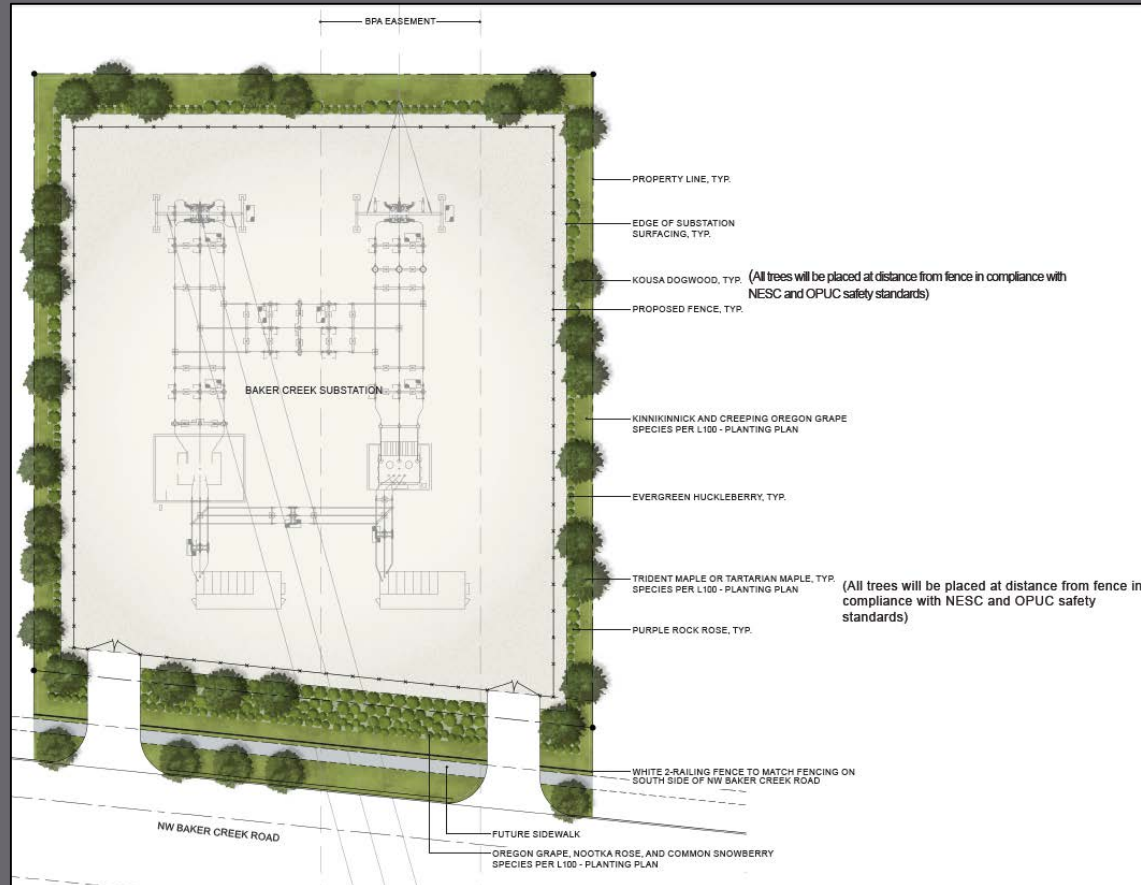


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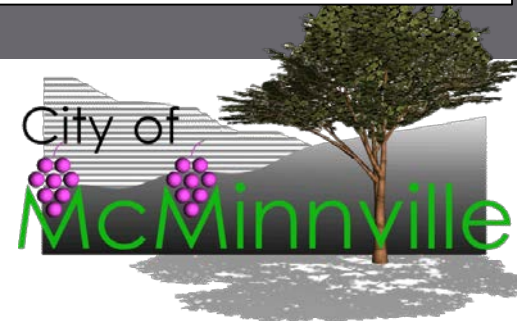
Tax Lots
Subject Site
Comprehensive Plan
Residential
Commercial
Industrial
Mixed Use Urban
Flood Plain



0 200 400 800 Feet



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CODE COMPLIANCE AND COMMUNITY RELATIONS

Ordinance No. 5078 – Civil Code Enforcement Process
Ordinance No. 5079 – Public Nuisances
Resolution No. 2019-54 – Civil Code Compliance Fees

TONIGHT'S DISCUSSION

- **Ordinance No. 5078 –
Adds Chapter 2.50**
- **Ordinance No. 5079 –
Adds Chapter 8.10 and Clean Up**
- **Resolution No. 2019-54
Establishes 8 Code Violation Fees**

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VALUE OF CODE COMPLIANCE



Code Enforcement is part of the equation that transforms a town from a politically designated area into a community.

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CONTACTING CODE COMPLIANCE

Online Complaint Form

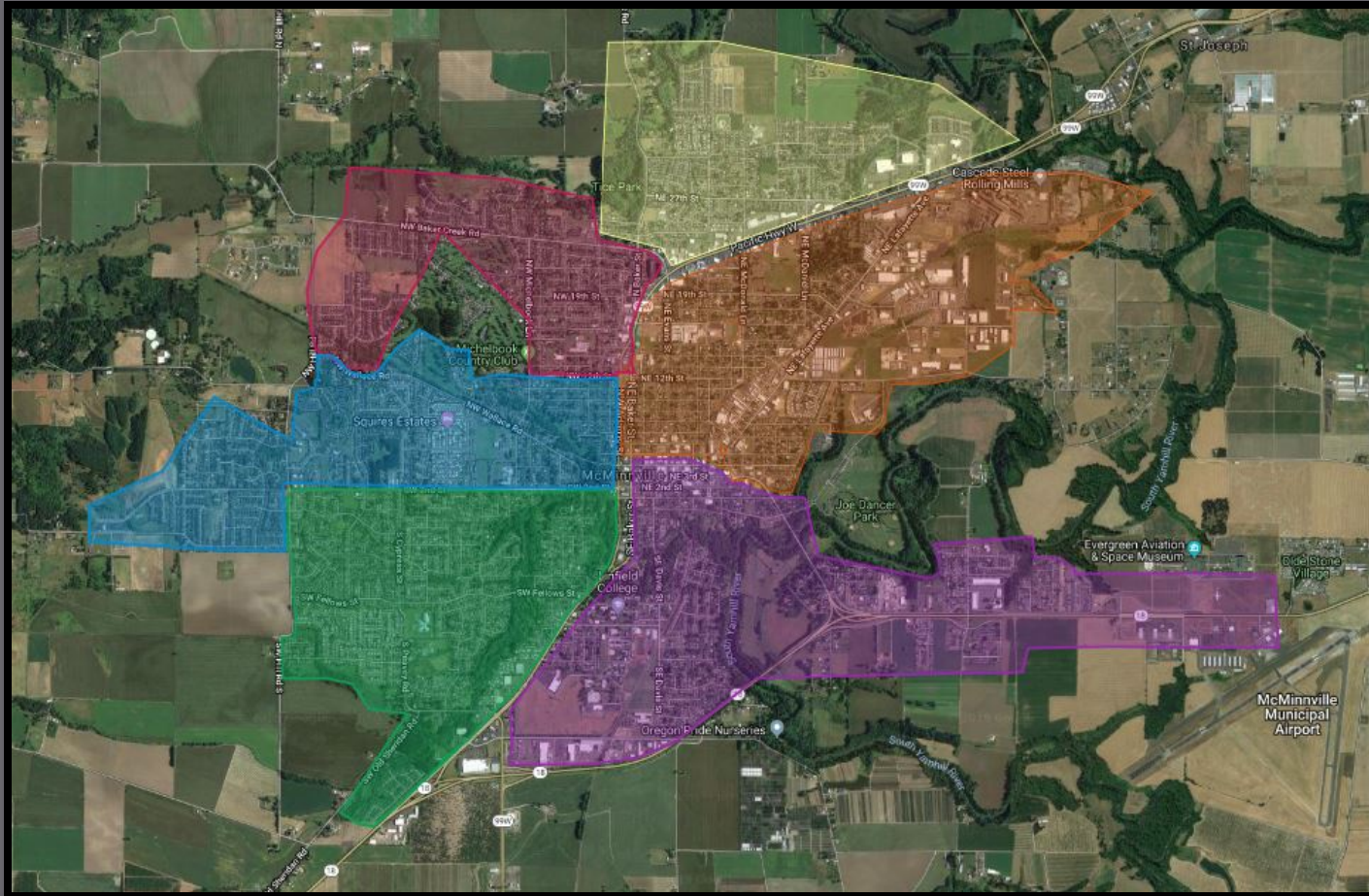
Dedicated Phone Line
Call 503-434-7305

The screenshot displays the City of McMinnville's Code Compliance website. The header includes the city name and navigation links for Government, Business, Community, and I Want To. The main content area is titled 'Code Compliance & Community Relations' and includes a 'Welcome!' message, a 'Purpose & Goal' section, and a 'Correcting Violations' section. A sidebar on the left contains links for 'Online Code Complaint Form', 'Frequently Asked Questions', 'Resources', and 'Sign Ordinances'. The main form area is titled 'Supporting Documents' and includes a link to the 'code_complaint_form.pdf' (819 KB). The form itself is titled 'YOUR INFORMATION' and includes fields for 'YOUR NAME', 'YOUR ADDRESS', 'PHONE', and 'DATE'. Below these fields is a section titled 'COMPLAINT INFORMATION' which includes a 'COMPLAINT ADDRESS' field and a 'TYPE OF COMPLAINT' section with checkboxes for Litter/Trash, Junk, Inoperable Vehicles, Tall Weeds/Grass, Smell, Noise, Dust, Animals, Fire Hazard, Building Code, Rodents/Insects, and Other. A 'DESCRIPTION OF COMPLAINT' text area is also present. At the bottom, there is an 'UPLOAD PICTURE' section with a 'Browse...' button and an 'Upload' button. A note states 'Files must be less than 5 MB' and 'Allowed file types: gif jpg png'.

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COMMUNITY RELATIONS

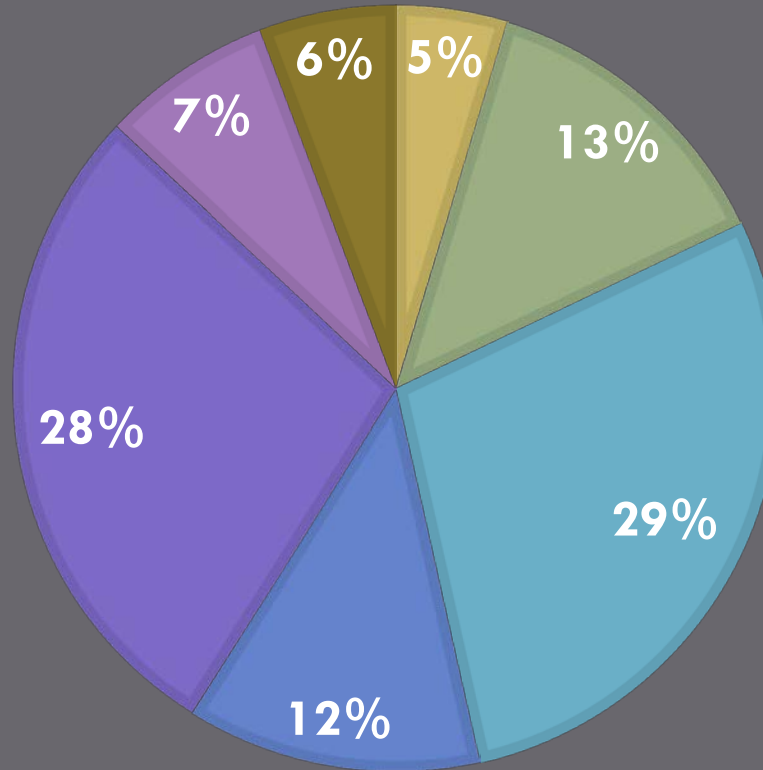


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A SNAPSHOT OF CASES

■ Animals ■ Noise ■ Nuisance ■ Structure ■ Weeds ■ Misc. ■ Health ■



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A SNAPSHOT OF CASES

Category	Total	Closed	Open
Home-operated business	9	6	3
Animals	26	24	2
Noise	73	69	4
Structure	69	40	29
Weeds	155	119	36
Nuisance	158	140	18
Health & Safety	32	26	6
Misc.	40	33	7
<i>TOTAL</i>	<i>562</i>	<i>457</i>	<i>105</i>

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PROPOSED CODE AMENDMENTS

June 26, 2018, recommendation to move to a centralized administrative process.

- More efficient
- Save resources
- Faster compliance

Relies on voluntary compliance, administrative citations and administrative abatements

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ADMINISTRATIVE PROGRAM

The goal is VOLUNTARY COMPLIANCE

Education

Information

Communication

Relationships

Non-voluntary compliance

Citations

Abatement – Full Cost Recovery

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WE SAID WE WOULD

- Evaluate the codes for nuisances and code compliance issues
- Amend the Municipal Code to create an administrative code compliance process
- Create a centralized program in the Planning Department
- Develop a Community Relations Program

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PROPOSED CODE AMENDMENTS

February 12, 2019, reviewed proposed code amendments.

- Councilor questions about bees, construction debris
- DH Review
- Legal Counsel Review

Resulting in a new structure altogether for the MMC relative to Code Compliance.

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STRUCTURE OF THE CODE

- Intent to simplify
- Aggregate the Nuisances
- Have a Standardized Abatement Process
- Allow for Citations

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PROCESS FOR DEVELOPMENT

- Reviewed existing code and modernized.
- Researched best practices in comparable cities.
- Met with the Judge of the Court
- Amended for Objectivity
- DH Review
- Legal Review

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CHAPTER 2.50 PROCESS

The goal is ...

**COMPLIANCE
IN A TIMELY
MANNER**



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TIMEFRAME

21 DAY TEST

Nuisance Code Enforcement Process And Time Line

Day 1

Code violation
complaint or
discovery

Code Compliance
Officer inspects site
to verify city code
infraction

Violation Found

No Violation Found

Letter sent to owner
informing them of
violation

Case is Closed

Day 10

After 10 days the
property is re-
inspected

Property is still in
violation of city code

Case closed if
property is no longer
violating city code

Civil infraction
citation issued

Certified abatement
warning letter sent
to owner of property

Day 20

After 10 days the
property is re-
inspected.

Day 21

City abates property
at owners cost if
property continues
to violate city code

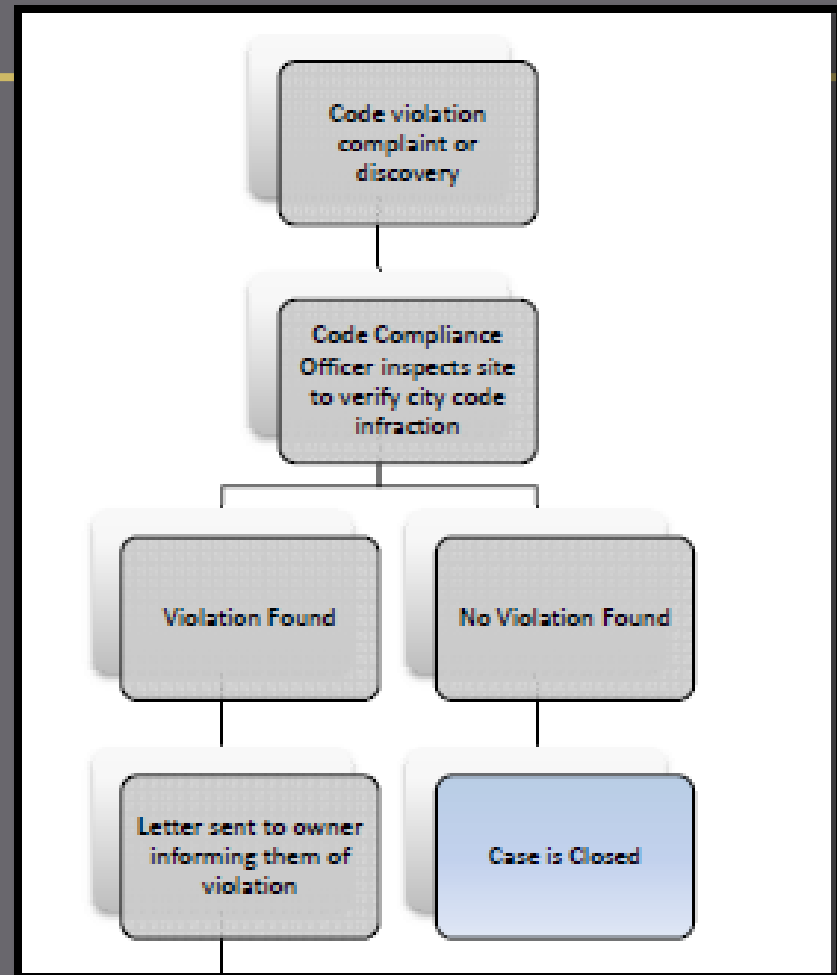
Case closed if
property is no longer
violating city code

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NOTIFY

**FIRST TEN DAYS =
VOLUNTARY
COMPLIANCE**



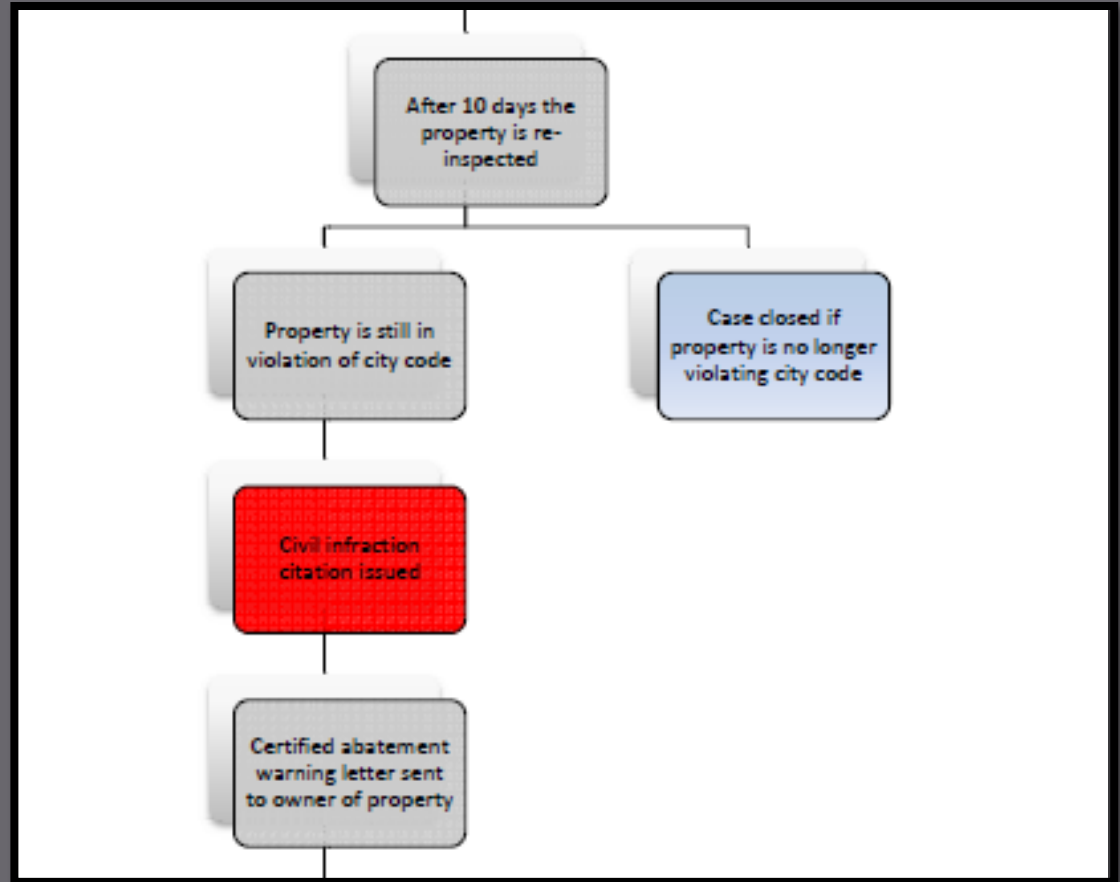
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JUDICIAL PROCESS

DAY 10 - 20

JUDICIAL PROCESS

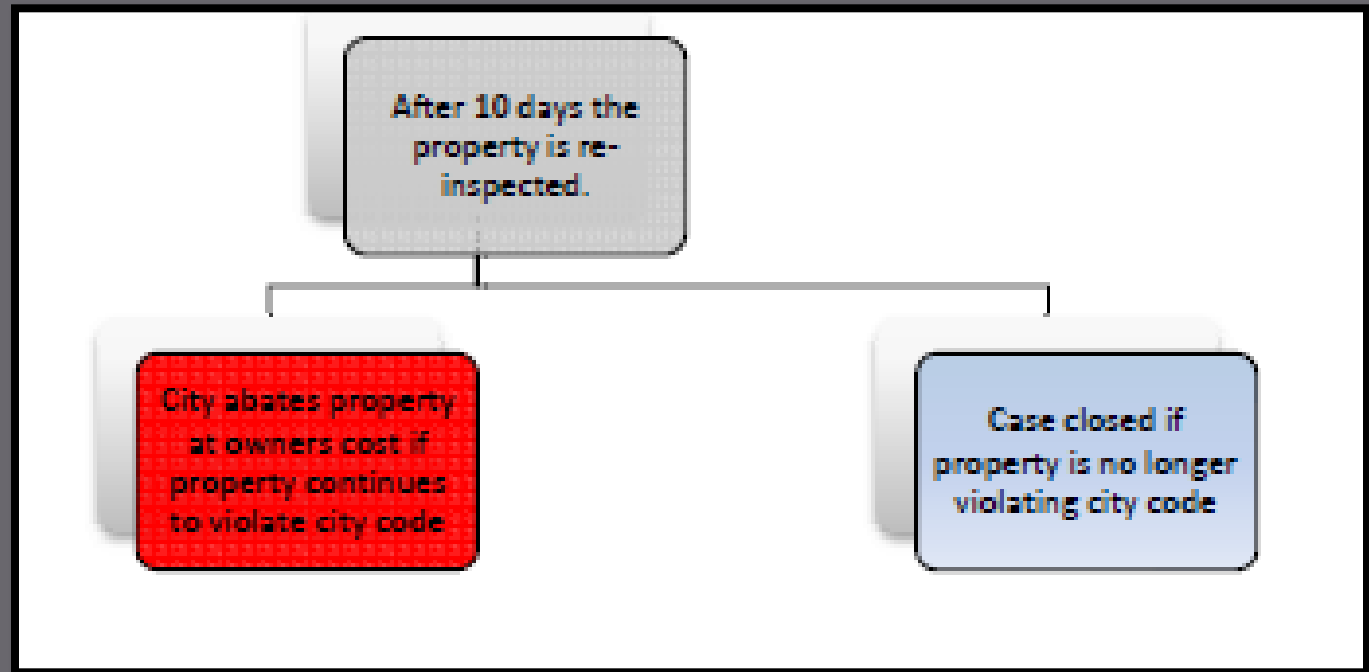


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ADMINISTRATIVE ABATEMENT

DAY 21
ABATEMENT
FULL COST
RECOVERY



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CHAPTER 8.10 - NUISANCES -

- Consolidated Fence Codes
- Consolidated Animal Codes
- Added metrics to Unnecessary Noise
- Added Section - Parking and Storage of Vehicles in Front Yards and Side Yards
- Added Section - Trash, Recycling and Yard Debris Containers
- Added Section - Graffiti

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CHAPTER 8.10 - NUISANCES - Amendments

Section 8.10.260 NOISE (E) Prohibitions

1. Activities occurring within the scope of any permit **“exempting a use from this section of the McMinnville City Code”** issued by the city under the provisions of the McMinnville City Code.
3. Vehicles performing repairs of upgrades in the right of-way, including but not limited to street sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of **“8:00 PM and 7:00 AM as authorized by the City Manager or designee.”**

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CODE VIOLATION FEES

TYPE OF FEE	FEE
Class 1 Code Violation	\$5,000.00
Class 2 Code Violation	\$2,000.00
Class 3 Code Violation	\$1,000.00
Class 4 Code Violation	\$500.00
Class 5 Code Violation	\$250.00
Class 6 Code Violation	\$100.00
Class 7 Code Violation	\$50.00
Class 8 Code Violation	\$25.00

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Q U E S T I O N S



Consider first reading with possible second reading of **Ordinance No. 5080**: An Ordinance amending McMinnville Municipal Code Chapter 5.10 provisions related to the Local Transient Lodging Tax.

