

CITY OF McMinnville
MINUTES OF DINNER MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, October 24, 2017 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Kellie Menke, Council President Kevin Jeffries Alan Ruden Wendy Stassens	<u>Excused Absence</u>
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Also present were Community Development Director Mike Bisset,
Planning Director Heather Richards and members of the News Media –
Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:34 p.m. and welcomed all in attendance.

DISCUSSION:

Mayor Hill asked for a volunteer to lead the Pledge of Allegiance and Council President Menke volunteered.

Ordinance No. 5039: Planning Director Richards reviewed the two Ordinances that would be presented during the regular meeting. She shared a site and design process that may be looked at in the future. She noted that park and open space would be included in the future process. Ms. Richards reviewed the process for rezoning and the current process for tree preservation.

Ordinance No. 5040: Planning Director Richards shared that the recommendation was coming out of the Affordable Housing Task Force and responds to a new Senate Bill. Discussion ensued regarding review of vacation rentals. It was noted that the System Development Charges are still assessed with Accessory Dwelling Units.

The agenda for the regular meeting was reviewed.

Mayor Hill reminded Council that Citizen Comments were a time for Citizens to come comment and not a time for dialogue between Council and Citizens.

ADJOURNMENT: The Dinner Meeting adjourned at 6:58 p.m.

s/s Melissa Grace

Melissa Grace, Recording Secretary

MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, October 24, 2017 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	
	Adam Garvin	
	Kellie Menke, Council President	
	Kevin Jeffries	
	Alan Ruden	
	Wendy Stassens	

Also present were Community Development Director Mike Bisset, Planning Director Heather Richards, Parks and Recreation Director Susan Muir, Principal Planner Ron Pomeroy, Police Chief Matt Scales, and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:02 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Council President Menke led the Pledge of Allegiance.
3. PROCLAMATION: Hands and Words are not for Hurting Week

Mayor Hill presented the proclamation to Molly Lord-Garrettson.
4. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

John F Baker III, 478 NE Fircrest Place, stated that he was concerned with the environmental impact related to the proposed R-4 zoning. He stated that the preservation plan was not part of the hearing since it was not part of the change to an R-4 discussion. He noted that it is specifically excluded in the process by going to the head of the Planning Department who reviews it. He stated that it bothers him that there is no public

process as a part of the process. He felt that it would be really nice for items that fall outside of the process could still involve public input. He stated that his home backs up on the property.

5. CONSENT AGENDA

- a. Consider the Minutes of the March 28, 2017 and October 10, 2017 – Dinner and Regular City Council Meetings.

Council President Menke MOVED to adopt the consent agenda;
SECONDED by Councilor Garvin. Motion PASSED unanimously.

6. RESOLUTION

- 6.a. **Resolution No. 2017-67:** A Resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department of Transportation (ODOT) known as 2017 Fund Exchange Agreement, No. 32411.

Community Development Director Bisset stated that as part of the City's commitment to the Newberg-Dundee Bypass the City executed a loan with the State of Oregon to cover the City's \$3,209,600 portion of the project. He stated that the loan agreement allows for the City to use the fund allotment to cover the loan principal and interest payments. The loan principal and interest payments are due in January 2018. He stated that this allows the City to have the funds in place when the loan payment is due.

Councilor Ruden MOVED to adopt Resolution No. 2017-67; authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville and Oregon Department of Transportation (ODOT) known as 2017 Fund Exchange Agreement, No. 32411; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ORDINANCES

- 7.a. First reading with possible second reading of Ordinance No. 5039: An Ordinance amending the Zoning Map Designation from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.

No Councilor present requested that the Ordinance be read in full.

Planning Director Richards read the title of Ordinance No. 5039.

Principal Planner Ron Pomeroy presented. He stated that the 5.3 acre site is located north of NE Cumulus Avenue and east of NE Fircrest Drive. He noted that the current zoning is mostly AH (Agricultural Holding) and that the applicant is requesting approval of the zone change for 5.2 of the 5.3 acre site.

Mr. Pomeroy reviewed the process:

- A Planning Commission hearing was held on August 17, 2017 to consider ZC 11-17. Public testimony was received and members of the public requested the hearing to be continued to allow additional testimony with the hearing to reconvene on September 21, 2017.
- The Planning Commission chose to close the public record to additional oral testimony and left the record open for seven (7) days to receive additional written testimony [until 5:00 p.m. August 25th].

The additional testimony that was received raised concerns generally summarized as:

- Adequacy of utilities and emergency service to the site and surrounding area.
- Environmental impact.
- Residential density.
- Safe transportation network.

Mr. Pomeroy noted that all utilities and agencies serving this site have reviewed this proposal and have raised no concerns. He also stated that the environmental impact is addressed by Condition of Approval #1 requiring submittal of a preservation plan prior to development.

Mr. Pomeroy explained that as per the zone change criteria of Chapter 17.74.020 of the zoning ordinance, the Planning Commission must consider if the proposal is:

- Consistent with the goals and policies of the Comprehensive Plan.
- Orderly and timely.
- Able to be effectively served with municipal utilities and services.

He then reviewed Policy 71.09 of the Comprehensive Plan related to R-3 and R-4 zoning noting that high density residential typically includes town houses, condominiums and apartments, and should be directed to areas with:

- Direct access from collector or arterial streets.
- Areas not subject to flooding or poor drainage.
- Areas having adequate service from existing facilities.
- Areas having access to public transit within ¼ mile.

- Areas not geographically constrained.
- Areas that can be buffered from low-density residential development.

Mr. Pomeroy responded to the Policy directives:

- The site would access Fircrest (the adjacent street) and approximately 200 feet north of NE Cumulus which is classified as a Minor Collector street.
- The site was not subject to flooding or poor drainage and that a natural drainage ravine on the northern portion of the site carries surface runoff to the South Yamhill River.
- There are no reported service related conflicts or deficiencies.
- The adopted Transit Plan shows a planned transit route along Cumulus approximately 200 feet to the south.
- There are no geographical constraints that would prevent development from occurring on the site.
- There is no adjacent low-density development or zoning.

Mr. Pomeroy stated that another critical policy is 71.13 – factors that help guide the location of high-density residential include:

- Areas within a ½ mile of an existing or planned public transit route.
- Areas with direct access to a major collector or arterial street.

Mr. Pomeroy noted that the adopted transit plan shows a planned transit route along Cumulus for approximately 200 feet to the south of the subject site.

The Street Classification Map was displayed. Cumulus Avenue is a minor collector with 10,000 daily trip capacity and Fircrest Drive is a local street with direct connection to Cumulus about 200 feet to the south. He stated that there was a fair amount of testimony related to the traffic impact. Mr. Pomeroy stated that Fircrest Drive has a 1,200 vehicle per day design capacity. The traffic from existing development is approximately 426 trips per day. The expected daily traffic associated with a 95 multiple family development unit on the site would be approximately 632 trips per day. The combined amount would be approximately 1,058 trips per day which is less than the 1,200 trip design capacity of Fircrest Drive.

Mr. Pomeroy continued discussing Policy 71.13:

- The area should be within ¼ mile of commercial services.
- Facilities can sufficiently serve additional development.
- The area can be buffered from low-density residential development.

He noted that the site is within ¼ mile of commercial land; currently Wings and Waves and stated that the policy is not a judgement of the type of commercial service, just that a commercial opportunity exists within ¼ mile of the site. He stated that there are no reported service related conflicts or deficiencies and there is not adjacent low-density development or zoning.

Mr. Pomeroy stated that all adjacent residential land is zoned R-4; the same zoning as requested by the application.

The Planning Commission recommends that the City Council adopt Ordinance 5039 approving ZC 11-17 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.

Councilor Ruden asked if there is an active water stream through the site. Principal Planner Pomeroy explained that it is seasonal and there are parts of the year where it carries a fair amount of water. He stated that it is a drainage way that goes in a northwesterly direction and empties the water into the Yamhill River. Councilor Ruden asked about protection of the waterway. Mr. Pomeroy responded that the requirement the City currently has is that a preservation plan be reviewed by the Planning Director. It was noted that there is no indication of wetlands on the property.

Council President Menke MOVED to pass Ordinance No. 5039 to a second reading; SECONDED by Councilor Garvin. Motion PASSED unanimously.

Planning Director Richards read by title only for a second time Ordinance No. 5039.

Councilor Garvin MOVED to adopt Ordinance No. 5039 amending the Zoning Map Designation from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site; SECONDED by Council President Menke. Ordinance No. 5039 PASSED by a unanimous roll-call vote.

- 7.b. First reading with possible second reading of Ordinance No. 5040: An Ordinance amending the McMinnville Zoning Ordinance specific to section 17.12.010 (D) Accessory Swelling Unit (ADU) to help remove local barriers to affordable housing and to encourage additional residential opportunities.

No Councilor present requested that the Ordinance be read in full.

Planning Director Richards read the title of Ordinance No. 5040.

Principal Planner Pomeroy explained that in recent years, available residential land in McMinnville has become scarcer and land prices are continuing to increase. There is a growing disparity between income and affordability. He shared that over the past year, the McMinnville Affordable Housing Task Force (AHTF) has been researching opportunities to identify and remove barriers to affordable housing in McMinnville and that the AHTF is using the State of Oregon's Affordable Housing Measures checklist as a framework for discussions. It was noted that Accessory Dwelling Units (ADUs) are already listed as a permitted use in all of McMinnville's Residential zones and are identified as a efficiency measure to help achieve additional needed housing opportunities.

The AHTF reviewed options for removing barriers to and improving opportunities for ADUs at their July 26, 2017 meeting and recommended the Planning Commission consider certain amendments. The Planning Commission held a work session on August 17, 2017 for this purpose, and a public hearing on the matter was held by the Commission on September 21, 2017 to review the draft amendments. Public testimony was provided at the September 21st hearing which highlighted the following concerns:

- ADUS should be limited to a certain concentration in neighborhoods.
- On-site parking should be required for each ADU.
- Property owners should be required to live on-site.
- ADUs should look like the original dwellings.

Mr. Pomeroy noted that Oregon legislature recently passed Senate Bill 1051 requiring allowance of ADUs in all Residential zones by June 30, 2018. He added that one on-site parking stall per ADU is already required and that staff expressed the challenges in enforcing residency requirements such as this in addition to needing to legally define "residing on the property."

Written testimony was also submitted by Friends of Yamhill County in support of the amendments as proposed.

Mr. Pomeroy noted that written testimony was also received by the Oregon Department of Land Conservation and Development (DLCD) recommending removal of the on-site parking requirement. Given neighbor concerns regarding a lack of adequate on-street parking with both this proposal and recent development proposals, City staff and the Planning Commission do not support this recommendation.

Mr. Pomeroy reviewed SB 1051:

- By June 30, 2018, a city with a population greater than 2,500 shall allow ADUs in all residential zones that allow single-family dwellings at least at a one to one ratio.
- It requires a city to allow nonresidential places of workshop to use their property to accommodate affordable housing projects.
- “Affordable Housing” means housing affordable to households with income equal to or less than 60% median county income.
- Prohibits reduced building height or density allowances for projects if at least 75% of the floor area is for residential use.
- Requires that affordable housing projects must be processed with 100 days rather than the 120 days allowed for other Oregon land use reviews.

Mr. Pomeroy stated that the proposed modifications to Chapter 17.12.010 include:

- Adding item “d”: Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this section.
- Amending 2.: The square footage of the accessory dwelling shall not exceed ~~40~~ 50 percent of the primary dwelling exclusive of the garage, or 800, 1,000 square feet, whichever is less. ~~The minimum area shall not be less than 300 square feet.~~ The minimum area shall be as determined by the State of Oregon Building Codes Division.
- Adding 3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
- Amending 4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU in the lesser of 25 feet or the height of the primary dwelling.
- Amending 5. The structure’s appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.

The following language would be removed:

- 6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.
- 7. The property owner shall reside on-site within the primary dwelling unit.

The following proposed modification was recommended for item 9: Manufactured homes, recreation vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory unit.

Three additional items were proposed:

- 10. ADUs are exempt from the residential density standards of this code.
- 11. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- 12. That legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).

The Planning Commission recommends that the City Council adopt Ordinance No. 5040 approving G 6-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.

It was noted that ADUs would go through the permitting process and parking would be reviewed.

Councilor Drabkin acknowledge the tremendous amount of work that went into the recommendations including the work of committees, staff, Planning Commission and citizen involvement. She noted that the work that was brought forward by the Planning Department is phenomenal. Council President Menke expressed her jubilation in seeing the plan come to fruition. Mayor Hill added how volunteerism in conjunction with staff can bring tremendous results; it's partnering at the best level. Councilor Ruden stated it was good to see this happening.

Councilor Drabkin MOVED to pass Ordinance No. 5040 to a second reading; SECONDED by Council President Menke. Motion PASSED unanimously.

Planning Director Richards read by title only for a second time Ordinance No. 5040.

Council President Menke MOVED to adopt Ordinance No. 5040 amending the McMinnville Zoning Ordinance specific to section 17.12.010 (D) Accessory Dwelling Unit (ADU) to help remove local barriers to affordable housing and to encourage additional residential opportunities; SECONDED by Councilor Drabkin. Ordinance No. 5040 PASSED by a unanimous roll-call vote.

8. a.

Reports from Councilors on Committee and Board Assignments

Councilor Ruden stated that the Historic Landmarks Committee met and they were able to secure a \$12,000 grant for consultant services.

Councilor Drabkin encourage everyone to come to the next Affordable Housing Task Force meeting. She stated that it will be held at Yamhill Community Action Partnership.

Councilor Stassens commented on the grants that Planning Director Richards has been submitting and expressed her thanks for her efforts.

Councilor Garvin brief the Council on the recent Yamhill Communications Agency meeting. He stated that the new system will be in place and live no later than September/ October 2018. He stated that the Downtown Safety Task Force met today for the first time. He felt the first meeting went well and thanked Parks and Recreation Director Muir and Police Chief Scales for their work in preparing for the meeting.

Council President Menke noted that Visit McMinnville has been very busy. There will be a new billboard will be going up in Newberg advertising McMinnville. She stated that there have been several meetings on wayfinding. She also told Council to look for some McMinnville Commercials will be showing up on some main television channels.

Mayor Hill shared that the Parkway Committee met last week. A local Oregon Department of Transportation representative was present and brought good information to the group. He reminded council that \$22 million has been received for Phase One of the bypass and that at least \$10 million were saved in Phase One that can go to right-of-way purchases for Phase Two. The big concern is the additional funds needed for right-of-way acquisition and design to get “shovel” ready.

Mayor Hill also shared that a group attended the Oregon Economic Development Association and two out of four awards went to McMinnville. One was for the Best Economic Development Project of the Year and was awarded to Organic Valley the other award went to Jody Christensen for Economic Development Leader of the Year. The Mayor noted how fortunate the City is to have a great partnership with the McMinnville Economic Development Partnership. He noted that these were phenomenal recognitions.

8.b. Department Head Reports

Parks and Recreation Director Muir shared that there have been upgrades to lights at the Senior Center but they are malfunctioning so they will be closing at dark until the issue is fixed.

Planning Director Richards noted that two request for proposals out: one for the Strategic Plan and another for Economic Development. Proposals are due back on November 1 and strong responses are coming in. She also noted that there is an opportunity for citizens to participate in the process. She commented on the Preservation Plan and that the City will be working with working other state agencies on development. There are other steps along the way for citizens to participate in planning activities.

9. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 8:04 p.m.

s/s Melissa Grace
Melissa Grace, City Recorder