



Kent Taylor Civic Hall
200 NE Second Street
McMinnville, OR 97128

City Council Meeting Agenda
Tuesday, March 13, 2018
5:45 p.m. – Work Session
7:00 p.m. – Regular Council Meeting

Welcome! All persons addressing the Council will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."

5:45 PM – WORK SESSION – COUNCIL CHAMBERS

1. Call to Order
2. Planning for Growth
3. Adjournment

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a topic already on the agenda; a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor 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.*
4. CONSENT AGENDA
 - a. Consider the Minutes of February 13, 2018 Special Called (Work Session) and Regular City Council Meeting and March 2, 2018 Special Called – Strategic Planning Work Session.
5. PRESENTATION
 - a. Downtown Safety Task Force
6. ORDINANCES
 - a. Consider first reading of Ordinance No. 5047 with possible second reading: An Ordinance amending Title 17 (Zoning) of the McMinnville City Code, specific to multiple chapters to update definitions and the regulation of short term rentals and lodging establishments in residential and commercial zones.

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702. For TTY services, please dial 711.

- b. Consider first reading of Ordinance No. 5048 with possible second reading:
An Ordinance adopting a City of McMinnville notice of nondiscrimination and grievance procedure for compliance with the Americans with Disabilities Act and appointing an ADA Coordinator.

7. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

8. ADJOURNMENT

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

Tuesday, February 13, 2018 at 5:45 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors: Present
Remy Drabkin
Adam Garvin
Kellie Menke, Council President
Sal Peralta
Alan Ruden
Wendy Stassens

Also present were City Attorney David Koch, Planning Director Heather Richards, Information Systems Director Scott Burke, Finance Director Marcia Baragary, Deputy City Attorney Natalee Levine, Captain Rhonda Sandoval and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:47 p.m. and welcomed all in attendance.

2. STRATEGIC PLAN

Mr. Brian Scott, Strategic Planning Consultant with BDS Planning and Urban Design, displayed an illustration of the strategic planning process. He noted that there would be four opportunities for discussion with Council.

Mr. Scott asked three questions of the Council. The first questions was: What do you personally value about living in McMinnville?

The Council responded: livability, community, community vitality, smaller aspect of the community that provides for needs, volunteerism, and charm.

Mr. Scott then asked Council to describe McMinnville in a single word.

The Council responded: exquisite, fun, beautiful, home, verdant, quality, civil.

The final question Mr. Scott asked Council was: What is your greatest fear for McMinnville?

The Council responded: growth, putting the cart before the horse, damage from growth, unplanned growth, being complacent, decline, accelerated growth/ losing character and feel.

Mr. Scott defined vision, mission and values. He shared that three focus groups met to discussion the vision, mission, and values. Mr. Scott reviewed the words the focus groups identified related to vision, mission and values.

Vision: Honor the past, embrace progress, proactive, stewardship, and progressive.

Mission: Catalyst, collaborative, basic services for a growing city, compassionate, collective leadership, leverage partnerships, transparent, service oriented, efficient and effective.

Values: Future orientated, inclusive, civic discourse, civility, fiscally responsible, engagement service, embracing change, and forward facing.

Discussion ensued regarding next steps and how the focus groups were identified.

3.

AFFORDABLE HOUSING TASK FORCE HOMELESS SUBCOMMITTEE REPORT

Councilor Drabkin shared that the subcommittee identified four groups of homeless: Veterans, Senior Women, Youth (anyone under 18), and vehicular homeless.

Veterans: McMinnville is now operating at a function zero, meaning that when a homeless vet is identified, there are many options for finding housing for the veterans.

Senior Women: Fastest growing population of homeless in McMinnville. Covenant Church is moving forward with a project on creating housing for Senior women on the brink of homelessness.

Youth: Councilor Drabkin noted that this is the largest population of homeless in McMinnville. Approximately 45% of homeless are under 18. Councilor Drabkin stated that the subcommittee is working with the County.

Vehicular Homeless: Councilor Drabkin shared that they are focused on replicating a successful model out of Springfield related to car camping. Car camping works by having a site designation and could be in any zone. A willing property owner is needed along with a site manager, and access to sanitation being, handwashing, a portable toilet, and garbage service. Councilor Drabkin shared that they have found a willing site manager and

garbage service provider. She noted that there would be one or two vehicles at a site for 90 days.

Councilor Drabkin shared the successes of the Springfield/ Eugene car camping program. The City, a non-profit and the homeless worked together to create successes. She stated that businesses would come to the program facilitators asking to be a host site. The failure is that they have had to convict four people in the last ten years. Councilor Drabkin explained the program in detail. She emphasized the role of a site manager and shared that there is an interested site manager that could dedicate 20 hours per week. She explained that the process included community partners, City staff and ordinances.

Councilor Drabkin stated that in order to continue forward, the subcommittee needs the blessing of Council. She also shared that the portable bathroom would need to be funded and the cost would be approximately \$1,000 per year (need one per site).

Mayor Hill reviewed the members of the Affordable Housing Task Force Homeless Subcommittee.

Council thanked the members for their work.

Planning Director Richards explained that the program has been running for about 20 years. She noted that it was important to have a non-profit champion. Discussion ensued regarding the evolution of the program in Eugene and Springfield.

Discussion ensued regarding a 90-day stay and the costs of portable toilets.

Councilor Drabkin discussed the tenant/ landlord relationship noting that there have been no liabilities.

Councilor Peralta expressed his thanks and shared that he supports the work.

Discussion ensued regarding the cost of the program and how it is funded in Eugene and Springfield.

Mayor Hill suggested Council to direct questions further questions to Councilor Drabkin and Ms. Richards and stated that the Council could discuss the topic further at a future Council meeting.

4.

ADJOURNMENT: Mayor Hill adjourned the Special Called Meeting of the City Council at 7:00 p.m.

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

Tuesday, February 13, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Kellie Menke, Council President Sal Peralta Alan Ruden Wendy Stassens	<u>Excused Absence</u>
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Also present were City Attorney David Koch, Planning Director Heather Richards, Information Systems Director Scott Burke, Finance Director Marcia Baragary, Deputy City Attorney Natalee Levine, 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 7:00 p.m. and welcomed all in attendance.
2. PLEDGE

Councilor Garvin led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Jared Miller, 947 SE Ford Street, was wondering about the audit that would be presented later that night. It looked like \$16 million was in the budget for capital improvements to the transportation system. He congratulated Councilor Drabkin for the report regarding homelessness. He noted that he was really glad that there were programs in McMinnville for the homeless and he hoped the framework would blossom into avenues of approach that everyone could work with and he hoped everyone would find their outlet through these programs.

Griffin Zollner, Hidden Meadow Drive, thanked Council, Police Chief Scales, and Captain Symons for their involvement and the information they had provided regarding the parking of RVs and cars in the public right-of-way. There were about a dozen people who had come to this meeting with the same concerns. He was looking forward to the hearing next week and getting this resolved quickly. He explained that many neighbors planned to be in attendance next week.

Jacob and Valerie Miller shared that they lived in an RV. Mr. Miller was concerned about the verbiage he had heard regarding RVs and the by right versus by loophole. He had gotten a lot more harassment after some of the verbiage. He felt that it was more encouraged than slowed down. He stated that he was thrown in jail for living in an RV on a City street. That case was thrown out, not because it was a loophole but because it was unconstitutional. He stated that just because someone was of a lesser economic status did not make them the new person that got to take the hate and negativity. That was what it had become, not someone that was protected. He had not found a loophole, but was living and making do with what he had. He had been arrested on a zoning code. Proper procedures were not followed and he hoped it would not continue. He noted that he was a member of the community too. Ms. Miller commented that they had been on the streets and raising their family here. McMinnville had changed in the last ten years. She noted that apartments were not affordable any more. Many of her neighbors were living in RVs while they were waiting for housing. Ms. Miller stated that they had been doing what they were being accused of, making a mess and dumping trash. She had friends and family in this community and they could not believe that people were saying these things about her family. Her children were seeing what was happening and how they were being treated. She felt it was not the right message.

4. **PRESENTATION: Mayor's Legacy Award**

Mayor Hill said the annual Mayor's Awards were presented on January 30th. One award was the Pillar of Community Award for unique and exemplary contributions for building a stronger McMinnville. He listed the recipients of that award. Another award was the Mayor's Legacy Award for profound and lasting impact on the McMinnville community. The recipient for this award was out of town at the award ceremony. He played a video which showcased the recipient's contributions to the City. He then presented Dave Haugeberg with the Mayor's Legacy Award.

Mr. Haugeberg thanked everyone and recognized his family in attendance. His life had been incredibly enriched by being a part of this community.

5. **JOINT MEETING MCMINNVILLE URBAN RENEWAL AGENCY
MEETING & MCMINNVILLE CITY COUNCIL**

Mayor Hill called the joint meeting to order at 7:25 p.m.

Presentation: Audit Report for Fiscal Year 2016-2017 presented by Merina & Company

Finance Director Marcia Baragary introduced Tonya Moffitt from Merina and Company LLP. She noted that this was the second year that Merina and Company had performed the financial statements audit for the City and Urban Renewal Agency. This year they also performed the single audit. She felt fortunate to be working with Ms. Moffitt, her firm, and her staff. She showed excellent leadership and was a tremendous resource and her team was professional and helpful. Ms. Moffitt met with the Audit Committee this afternoon and went over the results of the audit. She was here this evening to present that information to the Urban Renewal Agency Board and City Council.

Ms. Moffitt reported that the financial statement audit had a clean opinion, which was the highest level of a financial statement audit that could be given. She noted that the City's financial statements were a comprehensive annual financial report. This was a special award that the City received from the Government Finance Officers Association. To receive the award, staff went above and beyond what was required of them to put together financial statements. There was an auditor's report in the back of the financial statements that was a state standard. This report looked at ORS 279, public purchasing laws, to ensure the City was following the rules appropriately. She reported that under those standards there were no findings for the City. The Urban Renewal Agency also had a clean opinion. She also reported on the single audit, explaining that this audit looked at all of the compliance requirements associated with receiving and spending over \$750,000 of federal funds. The GAS report was also a clean opinion and the report on the single audit for federal programs was a clean opinion and unmodified report. City Staff was very willing to give the auditors everything they asked for and the City's records were in order.

Mayor Hill commented that the Audit Committee met for an hour prior to the Council meeting this evening and they went into more detail about the audit. He asked Council President Menke to give her perspective.

Council President Menke shared that there was a great deal of respect between staff and the auditor. She thought that the auditor was very qualified. She noted that there was interesting information regarding the statistics from the last ten years. She felt good about the process.

Mayor Hill noted that on pages 134-135 and 137-138 there was historical information that showed where the City had been, especially in regard to PERS. He asked the auditor about the openness of City staff to the auditor, and Ms. Moffitt had said they were very responsive and open. He had also asked staff about their view of the auditor, and staff had responded that there was a tremendous partnership that had developed. He thought the City had a legacy of financial excellence. He thanked the Finance Department for their good work.

Mayor Hill adjourned the joint meeting at 7:35 p.m.

6.

CONSENT AGENDA

- a. Consider the Minutes of the January 17, 2018 Special Called City Council Meeting.

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

7.

RESOLUTION

- a. Resolution No. **2018-08**: A Resolution establishing revised System Development Charges (SDCs) pertaining to parks and recreation, sanitary sewer, and transportation; and repealing Resolution No. 2017-06.

Community Development Director Mike Bisset introduced Lauren Blincoe, Public Affairs Specialist. She had been helping to tell Community Development's story. She had made several enhancements to the website and had launched social media for the department. She would be helping to spread the word on the SDC rate increase if that was the direction from Council. The City's SDC ordinance allowed for an annual adjustment of the SDC rates based on an inflationary index which was an engineering index based out of Seattle. Seattle was the nearest one to McMinnville and represented northwest construction costs. The proposed 7.7 percent increase was the growth in the construction cost index from January 2017 to January 2018. It reflected the trends for construction costs in the northwest. This was a significant rate increase and larger than what had been done in recent history. Mr. Bisset noted that for a single family residential permit the 7.7% increase would translate to a \$575 per unit rate increase. That rate increase would be effective July 1st.

Councilor Ruden asked if this proposal had been noticed publically.

Mr. Bisset said there wasn't a special notice posted regarding this item. The normal course of action was after Council action, notices would be placed at the counter and copies of the rate increase would be put in packets that went out to builders. Additionally the Planning Department was holding a Meet and Greet in March and there would be a flyer to distribute at that meeting.

Council President Menke did not see the necessity for a public hearing if that was what Councilor Ruden was suggesting.

Councilor Ruden clarified that he thought there should be a meeting or public hearing to give people opportunity to give input on the increase.

Council President Menke commented that costs were going up and the City was usually behind the ball for these types of things. She thought it should be treated as a housekeeping item and a vote should be taken on it tonight.

Councilor Drabkin asked how this was related to Seattle.

Mr. Bisset explained the construction cost index and reviewed the components of the index which included labor costs.

Discussion ensued about the percent being high and how that compared with other cities.

Councilor Garvin stated that they did not want to fall behind. There had been a lot of subdivision permits, and more were coming. If they did not enact this increase now, they would be behind in the future.

Councilor Ruden noted other community's SDCs were significantly higher than McMinnville's. He was not against the resolution, but he was against not allowing public comment on the topic. Prices had gone up significantly and adding another increase to the SDCs was substantial. He would like to give the community time to weigh in.

Council President Menke did not want to delay this decision. She felt that nothing would be changed if there was a public hearing.

Councilor Ruden stated that although it might not change the situation, it gave people the time to comment.

Discussion ensued regarding recapture rates.

Councilor Peralta noted that if a public hearing were to be considered he would like to hear additional information. He felt that he was prepared to vote.

Council President Menke MOVED to adopt Resolution No. 2018-08; establishing revised System Development Charges (SDCs) pertaining to parks and recreation, sanitary sewer, and transportation; and repealing Resolution No. 2017-06; SECONDED by Councilor Peralta. Motion PASSED 4-2: Councilor Drabkin, Yea; Councilor Peralta, Yea; Council President Menke, Yea; Councilor Stassens, Yea; Councilor Ruden and Councilor Garvin, Nay.

8. ADVICE/ INFORMATION ITEMS

a. Reports from Councilors on Committee and Board Assignments

Councilor Garvin provided an update on YCOM noting they are getting ready to go live with the new system.

Council President Menke had the honor of testifying at the joint transportation committee in Salem. She stated that they are looking at HB 4060.

Councilor Stassens shared that MURAC discussed parking in the NE Gateway. They are looking at how to balance aesthetics with the need for parking.

Councilor Drabkin noted that there will be one opening on the Affordable Housing Task Force and in approximately six months there will another vacancy.

Mayor Hill noted that the Parkway Committee is meeting on Thursday.

b. Department Head Reports

Ms. Baragary shared that the City will be selling the remaining \$8,000,000 of GO Bonds. Staff will be logging on and will be able to see the bids.

Ms. Richards stated that McMinnville Matters is being launched as a community engagement tool. The website is: www.mcminnvillematters.com. There is also a Facebook Page, Twitter and Instagram.

Mr. Towery noted that he started as City Manager 364 days ago and he has found McMinnville to be a wonderful place to live and work. He thanked Council for their trust.

9. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 8:15 p.m.

Melissa Grace, City Recorder

CITY OF McMinnville
MINUTES OF SPECIAL MEETING – STRATEGIC PLAN WORK SESSION
of the McMinnville City Council
Held at the McMinnville Police Department
McMinnville, Oregon

Friday, March 2, 2018 at 12:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors: Present
Adam Garvin
Remy Drabkin
Kellie Menke, Council President
Sal Peralta
Alan Ruden
Wendy Stassens

Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Planning Director Heather Richards, Parks and Recreation Director Susan Muir, Information Systems Director Scott Burke, Library Director Jenny Berg, Police Chief Matt Scales, Fire Chief Rich Leipfert, IS Director Scott Burke, and Finance Director Marcia Baragary.

Consultants: Brian Scott, BDS Planning; Gabriel Silberblatt BDS Planning; Terry Moore, Eco NW

1. CALL TO ORDER: Mayor Hill called the meeting to order at 12:41 p.m. and welcomed everyone to the meeting.

2. STRATEGIC PLANNING PROCESS

Mr. Scott, Strategic Planning Consultant, reviewed the strategic planning process.

Mr. Silberblatt, Strategic Planning Consultant, explained the work groups for the strategic planning process:

Strategic Priority Work Groups

- Working groups that will meet several times to help develop the goals, actions, and targets for McMinnville's strategic plan.
- Focus: one for each of the strategic priorities.
- Who: Directors, Managers, Staff and external partners.
- Will meet 4-5 times.

Work Group Approach

Step 1. Background: Grapple with and consider the strategic questions; help prioritize issues.

Step 2. Objectives: Articulate and agree on 1 or 2 goals for each work group that will directly support the mission.

Step 3. Priorities: Agree to 3-5 actions to support each goal.

Step 4. Tracking: Agree to 2-3 targets to track progress on each goal.

Mr. Scott shared that City Council will discuss the mission, vision and values at their March 27, 2018 City Council meeting.

3. DISCUSSION ON STRATEGIC PRIORITIES

Mr. Scott displayed the following list of strategic priorities developed through discussion with focus groups, community surveys and City Staff.

- Growth and Development Character
- Housing Opportunities (across the income spectrum)
- Economic Prosperity
- City Government Capacity
- Community Safety
- Engagement and Inclusion
- Civic Leadership

Discussion ensued around decentralized processes and programs. Fire Chief Leipfert noted that it is not physical location that is the concern it is the decentralization of certain aspects of the organization using the example of human resources not being a centralized function. City Manager Towery provided another example of fleet and facility management/ maintenance.

Mayor Hill asked that a definition be provided for each of the strategic priorities before the Charrette.

Council President Menke stated that city capacity is a significant priority. Mayor Hill stated that it is important to be thoughtful with the implementation of the policies that Council sets, ensuring there is capacity and the direction.

Discussion ensued regarding city government capacity and how it falls under each strategic priority. It was noted that City Government Capacity should be called out as its own priority and it should be looked at under each priority.

Councilor Stassens stated that the city's role should be determined. She commented on the importance of being mindful of capacity.

Councilor Ruden stated that he is in agreement with the list of priorities.

Mr. Scott explained that the following questions will be addressed for each strategic priority: What are the impacts on this year's budget? What about the 5-year horizon?

Strategic Priority: Growth and Development Character

Councilor Peralta suggested quality of life falls under this priority. Mayor Hill noted the effective use of industrial lands and the result of generating jobs and stated that the buildable lands inventory is critical.

Strategic Priority: Housing Opportunities

Discussion ensued regarding availability, affordable housing and zoning. Mayor Hill asked that affordable housing be defined in the future.

Strategic Priority: Economic Prosperity

Discussion ensued regarding defining family wages. Mayor Hill commented on the need to leverage community partnerships.

Councilor Peralta commented on revenue opportunities for funding the bypass. Councilor Peralta stated that the Cities that seem to be most prosperous are the ones that invest in their people. He stated he would like to see strategic investments and revenue streams.

Councilor Drabkin noted the importance of process improvement.

Strategic Priority: City Government Capacity

Council President Menke suggested public safety falls in this priority noting that public safety means more than just fire and police.

Mr. Towery stated that the City weathered the economic storm fairly well; however it was at a level that was basic. As the economy has rebounded, the City has not increased capacity. Mr. Towery stated that the proposed budget will address rebuilding capacity across the organization.

Fire Chief Leipfert commented on the need to look at capacity in the near term as well as looking at a long-term picture.

Councilor Peralta asked about the existing building inventory. He asked if the current buildings meet the City's needs. Councilor Peralta commented on maintenance of facilities.

Mayor Hill noted that the City should be establishing what is efficient and effective service.

Strategic Priority: Community Safety

Councilor Ruden stated that livability and safety are the main attractions of living in McMinnville.

Discussion ensued regarding communication of facts.

Councilor Peralta stated that it will be important to find additional revenue streams.

Discussion ensued regarding the City's limited resources.

Fire Chief Leipfert noted the importance of emergency preparedness.

Strategic Priority: Engagement and Inclusion

Mayor Hill stated that with 21% of the population being Latino there is room for growth for engagement and inclusion.

Police Chief Scales shared the importance of intentional outreach to Latino populations.

Councilor Drabkin stated that perhaps there is an opportunity to partner with the schools.

Strategic Priority: Civic Leadership

Councilor Drabkin stated it is important that voices are heard and there is not stagnation.

Mayor Hill commented on the Chamber's leadership training and having an employer that encourages employee involvement in their community.

4. DEBRIEF

Councilors and Department Directors shared their thoughts on the day.

Mr. Towery reminded the group to focus on aspiration, inspiration, and information through the strategic planning process. He encouraged the group to think big.

5. ADJOURNMENT: Mayor Hill adjourned the meeting at 2:38 p.m.



**City of McMinnville
Police Department**
121 SW Adams Street
McMinnville, OR 97128
(503) 434-7307

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: March 5, 2018
TO: Jeff Towery, City Manager
FROM: Matt Scales, Chief of Police; Susan Muir, Parks and Recreation Director
SUBJECT: Downtown Safety Task Force Final Recommendation

Report in Brief:

This is the final report from the Downtown Safety Task Force (DSTF) which was set up under Resolution Number 2017-63. The Downtown Safety Task Force met seven times total between October 2017 and February 2018, and through this check in, is providing a final recommendation to the City Council. The final report is attached to this staff report.

Background:

In recognition of a growing concern for safety in the City of McMinnville, a temporary Task Force was formed. Over the last six months, this inclusive group met to share information and provide feedback on proposed solutions to problems in and around the downtown area, to include the residential areas of the economic improvement district (EID). These problems were identified through public testimony during the City Council meetings taking place on July 11th and 25th. The charge of this downtown safety task force is to collect data and interview those affected by negative behaviors taking place in the EID. Using data collected through the task force efforts, the DSTF is recommending short term and long term solutions to the City Council.

This proposal was done in a thorough and thoughtful process, ensuring constitutional rights are protected for all. Information moved forward to the City Council identifies the pros and cons of possible solutions as well.

This task force is recommending a combination of staffing changes, ordinances and communication strategies as high priority items.

All background and additional information for the DSTF can be found online at www.mcminnvilleoregon.gov/DSTF

Discussion:

The task force recommendation includes:

Top priority recommendations:

1. Dedicate a full time law enforcement officer to downtown to provide connections/enforcement.
2. Adopt ordinances to address panhandling, fortified alcohol and a smoke free downtown.
3. Keep a current web site and social media program to communicate about the downtown.

And lower priority recommendations:

4. Install a 24/7 restroom in downtown and keep it open 365 days/year.

5. Use volunteers/work release/prisoners to pick up garbage.
6. Install video cameras downtown.

Recommendation:

Staff recommends the City Council accept the DSTF recommendation and thank them for their hard work to address this difficult issue in our community.

The cross departmental city staff team working on this has taken the DSTF recommendation and developed an implementation strategy (below) for the City Council to consider. This staff recommendation takes additional resource levels into consideration, timing issues and logistics.

Regarding high priority item #1: Dedicate a full time law enforcement officer to downtown to provide connections/enforcement.

Staff has already begun implementing this administratively and plans to continue this through the summer of 2018. The police department has committed to providing the downtown area with additional hours utilizing Officer Heidt. Ofc Heidt's primary responsibilities will be split between an enhanced presence during business and event hours, and calls for service involving mental health subjects. The details within the recommendation outline the specific concerns related to resources long term, and if things change within the Police Department, staff will identify that as part of future budget discussions. This shift does take some level of resources away from the regular team rotations, however given the level of effort currently underway responding to calls in downtown and dealing with mental health issues, given our current staffing structure, this can be done with no additional resources. It is also worth noting, that the Downtown Ranger program will be managed within the Police Department. This program will be provided with clear direction that their patrols of downtown should be impactful, and should deter negative behavior.

No City Council action needed at this time.

Regarding high priority item #2: Adopt ordinances to address panhandling, fortified alcohol and a smoke free downtown.

The City has done some legal analysis on these proposed ordinance revisions and would add some additional analysis, considerations and resource implications:

- Additional detailed legal analysis and code work will need to be done on each element.
- Each ordinance revision has its own potential legal risk that the council will hear more about when the proposed ordinances come back for consideration. Some of these proposals have higher risk than others, and some need additional due diligence related to effectiveness and resource requirements.
- The City Council should also decide what level of public involvement they would like to engage in for each separate ordinance if they move forward on any of them.
- Incremental changes would allow us to determine which actions are reducing the negative behaviors most effectively. With repeated and regular surveying of the community about conditions over each summer, the city can assess and evaluate how much needs to happen over the next couple of years.

Given that context, if the Council wants to move forward on these types of ordinances, the staff within the legal department would be able to accomplish the following within existing resources:

Summer of 2018

1. Smoke Free 3rd Street – from the date the Council requests this to come forward, legal staff could bring back a draft ordinance within 60 days. Staff also recommends the Council consider:
 - Engaging the MDA and the Yamhill County Public Health Department and request they work with downtown business owners to develop a communication plan, timeline and public involvement component for the proposed ordinance.
 - Expand the concept to consider making more parks and other city properties smoke free.
 - If the ordinance is adopted, as part of the implementation, ensure the signs are consistent with the current wayfinding project.
2. Persistent violator/broaden exclusion – from the date the Council requests this to come forward, legal staff would bring back a draft ordinance within 60 days. After talking with other jurisdictions, it is the staff determination that another element of our enforcement ordinances could be enhancements to provide a stronger course for repeat offenders for example. In addition, the City has already informally begun internal coordination between the downtown exclusion zone, the park exclusion orders, the library exclusion orders, and access to all city facilities and services (such as the shower voucher program). Strengthening the inter-relationship between our enforcement arm and our services could greatly enhance our ability to curb behavior.

Fall/Winter 2018

Additional information, research and work sessions would be needed to get broader direction on how the Council wants to handle ordinances regulating:

3. Panhandling, and;
4. fortified alcohol.

Additional issues complicate 3 & 4, including level of legal risk, recent legislation, coordination with state agencies (OLCC) and other analysis.

City Council Action: If the City Council wants to move forward on any one of the four identified ordinance revisions, they should direct staff to engage with partners (MDA, etc.), come back with ordinance language, a legal risk analysis, and resource requirements for implementation (staff, signs, communication plan, etc.). The Council should also identify what level of public involvement or outreach they would like to do with each ordinance.

Regarding high priority item #3: Keep a current web site, use social media to communicate

about downtown (strong, fun, informative, and engaging).

This is currently an unfunded item with no designated resources outside of the current DSTF web page. If the City Council would like to create a communication plan and implementation program about downtown safety, the Council should take the following action:

City Council Action: Direct the City Manager to include this in the strategic plan and related strategic initiative. It can then be wrapped into a strategic initiative work group for prioritization and implementation.

Regarding lower priority items 4, 5 and 6:

These items are also currently unfunded. If the City Council wants to move forward any of these items they should take the following action:

City Council Action: Direct the City Manager to include these items in the strategic plan and related strategic initiative. It can then be wrapped into a strategic initiative work group for prioritization and implementation.

- Location, fiscal analysis and plan for a 24/7 restroom facility in downtown.
- A proposal to manage a volunteer work release downtown cleanup program.
- Cameras in downtown.

Attachment: Final DSTF Report

DOWNTOWN SAFETY PLAN 2018

MARCH 13

City of McMinnville



Downtown Safety Task Force 2018

Background

In recognition of a growing concern for safety and negative behaviors in downtown McMinnville, the City Council created a six month project and appointed a Downtown Safety Task Force (DSTF) to respond. The group's charge was to gather data, share information, identify problems, brainstorm solutions and make a recommendation to the City Council to reduce the impacts of negative behaviors in downtown. The DSTF met seven times between October 2017 and February 2018, the meetings were noticed and open to the public. In addition to the DSTF meetings, the City Council received two briefings throughout the timeline, and received a final recommendation in March 2018.

Copies of all of the agenda and background materials as well as full survey results can be found at www.mcminnvilleoregon.gov/DSTF.

"We have all worked hard to create a wonderful, vibrant downtown corridor. These behaviors need to be addressed."

Downtown Merchant July 2017

The City would like to thank the DSTF members for their commitment and leadership to help improve the safety in our downtown.

Downtown Safety Task Force Volunteer Members

Sylla McClellan, Third Street Books

Jeff Sargent, Yamhill Community Action Partnership (YCAP)

Erika Marksbury, First Baptist Church

Rick Weidner, Community Member

Bethany Ball, Yamhill County Health and Human Services

Kelly Jacobs, Community Member

Lucetta Elmer, Union Block Coffee

Council Liaison Adam Garvin

Alternate Council Liaison Kellie Menke

Staff Members:

Matt Scales, Police Chief
Phone: 503-434-2358
Email: matt.scales@mcminnvilleoregon.gov

Susan Muir, Parks and Recreation Director
Phone: 503-434-7359
Email: susan.muir@mcminnvilleoregon.gov

Natalee Levine, Deputy City Attorney
Phone: 503-434-2329
Email: natalee.levine@mcminnvilleoregon.gov

The DSTF process included:

Background/Research

- Reviewed existing ordinances and laws
- Reviewed existing and available data for downtown
- Reviewed public testimony related to downtown behaviors and safety

Identify/Brainstorm/Categorize

- Identified, categorized and ranked problematic behaviors that contribute to a feeling of an unsafe downtown
- Brainstormed and researched potential solutions to curb negative behaviors

Quantify/Survey

- Created survey questions
- Launched Survey
- Analyzed survey results

Final report

- Developed final recommendation for City Council

“We are partners and we are listening”

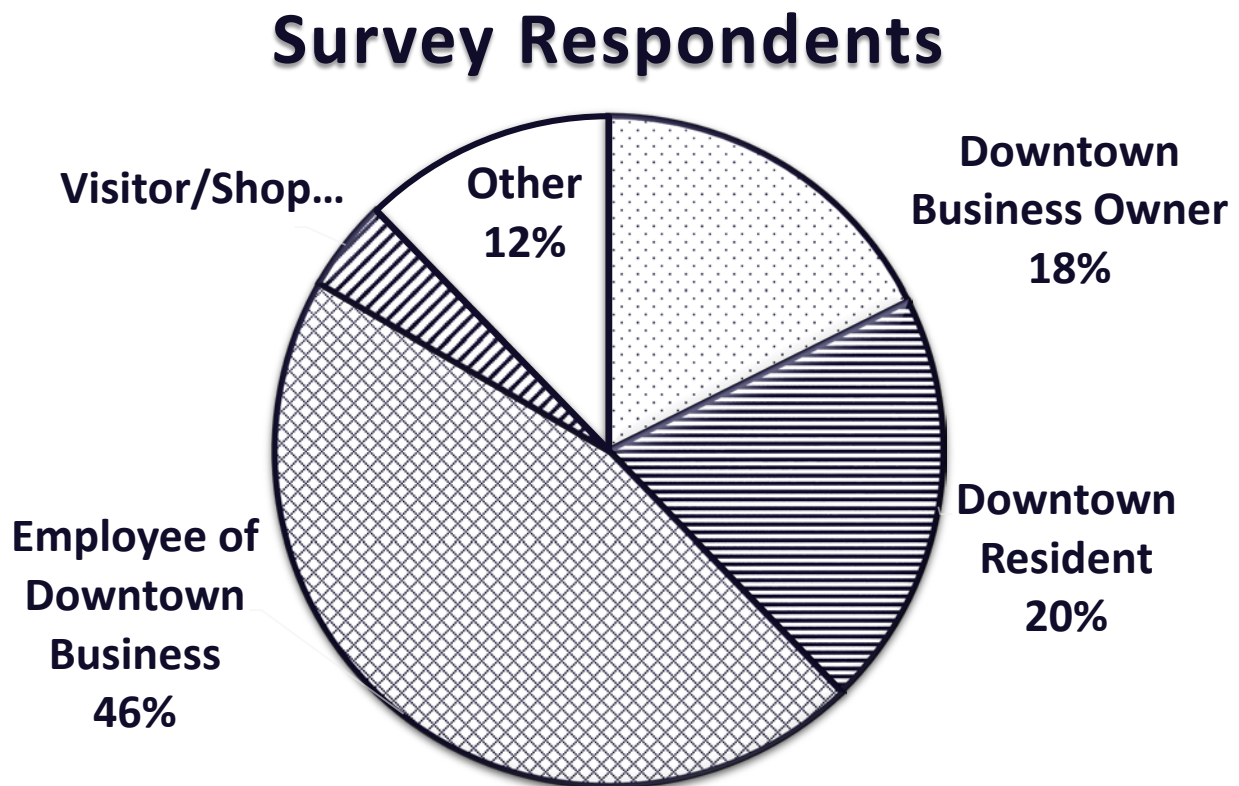
Mayor Hill

Findings

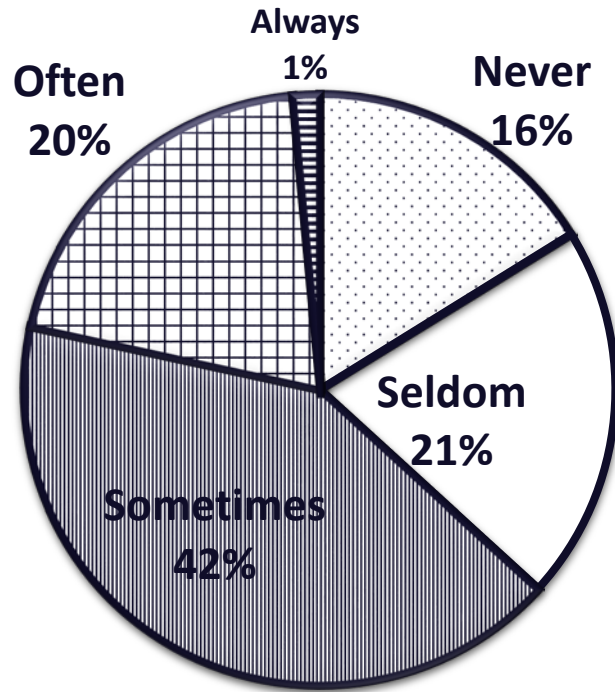
Behaviors that negatively impacted a feeling of safety in downtown were grouped into six categories:

- Harassment/panhandling/intimidation
- Garbage/Trash/Needles/Graffiti
- Lack of Communication
- Camping/Loitering/ROW issues
- Drugs/Alcohol/Smoking
- Urine/Human Waste

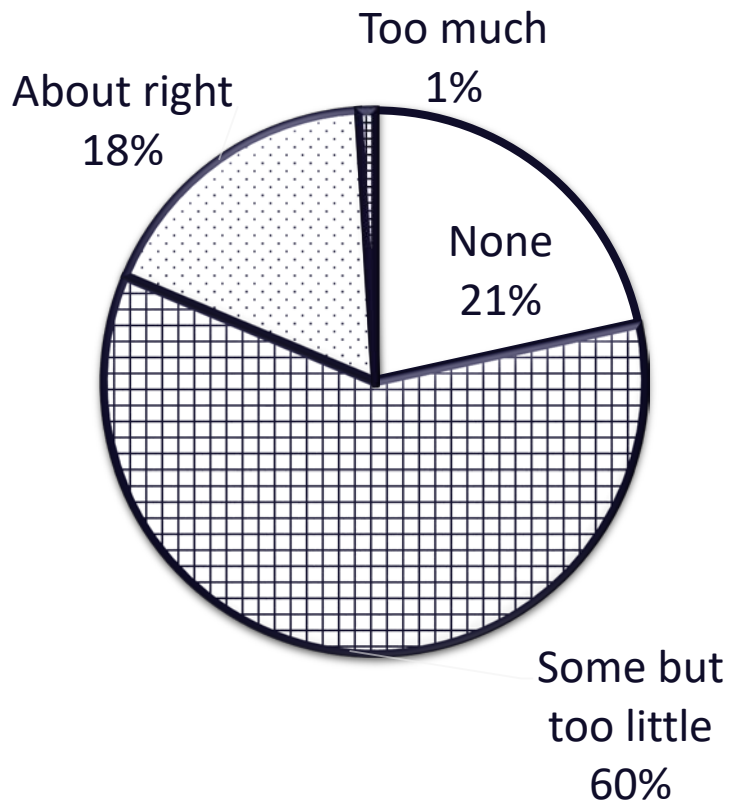
A baseline survey was conducted that specifically targeted the summer of 2017. The survey was distributed through the South of Downtown Neighborhood Association, the McMinnville Downtown Association, posted flyers as well as the city's web page. A total of 204 people responded to the survey, a summary of results are below.



How many times did you or your employees personally feel unsafe in our downtown?



How much communication did you personally read, see or hear about regarding what efforts were underway to improve downtown issues?



Recommendation:

The DSTF makes the following recommendation to the McMinnville City Council. Overall, it is important to know that the group did discuss two topics that they felt were already being handled through other efforts, but recognize the impact they have on downtown and the feeling of safety. Those two topics are:

- Needing to address the issue of overnight camping, and
- Improvements to the city owned parking garage at 5th and Evans.

The DSTF believes they are critical issues to address and encourages the City Council to act to effect change and improve the situation regarding these two problematic issues.

It is also the recommendation that the survey work related to behaviors over the summer of 2017 (referenced earlier in this report) will continue forward over the next several years to determine if the solutions the City has put into place are in fact making a difference and improving the situation. Those annual surveys should be reported to the City Council and adjustments made as necessary with the goal of improving the feeling of safety in downtown. The DSTF members would be willing to reengage in future years as necessary to continue on this path of improving conditions in downtown.

Each problem/negative behavior above was connected with proposed solutions below, each solution is prioritized and pursuant to the original City Council direction, pros and cons are provided.

Downtown Safety Task Force Recommended Action Items

Top Priority

1. Dedicate a full time Law Enforcement Officer to downtown to provide connections/enforcement (Short & Long Term)

Short Term: The Police Department has some capacity to dedicate Officer Heidt as an increase over the hours law enforcement patrolled downtown last summer and that downtown patrol has already started. With this Police Department unique staffing situation, this could continue without additional resources. This may not be sustainable long term without additional resources but for the foreseeable future, can happen. In addition to this new resource with Officer Heidt, to further strengthen this effort, the Park Ranger program will be proposed in the budget to move under the Police Department in FY 18/19. The Park Ranger program has evolved over the years and has a strong connection to law enforcement and can be a career tract for people looking into law enforcement. In addition, there is a continued strong working relationship between the Parks and Recreation Department and the Police Department which will facilitate this being a positive move that will still ensure the proper resources for addressing issues in the parks as well as downtown while building a more authoritative, visible presence. McMinnville Downtown Association partners with the city on paying for a portion of Park Ranger hours and we will coordinate closely with the new Executive Director going forward.

Long Term: If/as personnel changes happen the City will need to analyze whether or not additional funding is needed for long term staffing levels.

Designed to address these negative behaviors:

- ✓ Harassment/panhandling/intimidation
- ✓ Garbage/Trash/Needles/Graffiti
- ✓ Camping/Loitering/ROW issues
- ✓ Drugs/Alcohol/Smoking
- ✓ Urine/Human Waste

Pros:

Would be a quick and visible resource for summer 2018.

The change with Heidt has already made some visible improvements.

People need to know there is an enforcement presence.

Cons:

Officers still need to have ordinances in place to enforce problematic behavior.

We have only tried in the off season (winter).

May not be sustainable long term.

<p>The muni court exclusion zone has also really helped and the perception is changing.</p> <p>We've heard a lot about what a difference this makes to shop owners and to patrons, to have someone check in, etc. So much of what we're dealing with is perception - the survey proved that - and this step seems to be one that goes a long way to shaping people's perceptions, reassuring them that they're safe and that the area is protected.</p> <p>Keep the increased presence that has been there recently and expand that as funding allows.</p>	
<p>2. Adopt ordinances to address (in priority order): (1) panhandling, (2) a fortified alcohol sales ban, and (3) a smoke free downtown (Long Term)</p> <p>Discussion: Officers need additional support within the City code to enforce against those negative behaviors that are not already covered under laws or ordinances. The DSTF reviewed information from the City of Ashland regarding a panhandling ordinance that appears to stand the test of the law in that it prohibits panhandling near cash machines/ATM's and around sidewalk cafes.</p> <p>The priority was based on the testimony given in July.</p> <p>One of the pieces of background distributed to the group was the Ashland Police Chief's experience – he indicated the single most effective measure they took to improve their downtown was a smoking ban.</p> <p>Designed to address these negative behaviors:</p> <ul style="list-style-type: none"> ✓ Harassment/panhandling/intimidation ✓ Drugs/Alcohol/Smoking 	
<p>Pros:</p> <p>Gives teeth to our enforcement arm.</p> <p>Several of these issues appear to be a behavior that is coupled with other negative behaviors.</p> <p>Want to give the officers the most tools in their tool box to change the negative effects in downtown.</p> <p>Smoking ban seems to have public support through informal DSTF analysis. MDA did a poll as well.</p>	<p>Cons:</p> <p>Might not have broad community support or support from all of the businesses downtown (bars/taverns).</p> <p>Smoking ban may have a negative impact on tourism.</p> <p>State law already in place (enforced by health inspectors) that you can't be smoking within 10' of door.</p>

<p>Smoking ordinance also should addresses health issues.</p>	<p>Note that some of these ordinances changes might impact some business owners negatively and may take more time and should include public involvement. Ensuring McMinnville’s tasting rooms and other similar businesses are included in the process is important.</p>
<p>3. Keep a current web site, use social media to communicate about downtown (strong, fun, informative, engaging) (Long Term)</p> <p>Discussion: One of the lowest data points in the survey was people not knowing what was happening in downtown related to safety. There are a lot of partners that could build on the work already done with the DSTF and make it better. Partners could be MDA, Visit McMinnville, Chamber of Commerce and partnerships with the News Register, etc. Social service partners should be engaged as well, so a resource list for services are added in as a tool.</p> <ul style="list-style-type: none"> • Biggest bang for the buck would be a web page linked with the city’s page. • Publicize the fact that the web page exists. Our biggest challenge would be to get the word out about the web page. Put announcements in the newspaper. Once the web page is set up, do an outreach piece to get partners involved in broadcasting the existence of the web page. Challenge is to change the perception where people may already have an idea of what accurate info is (but it’s not). Partner with MDA, on community bulletin boards as a flyer or message that we believe and/or are committed to a safe downtown McMinnville (much like the see something/say something campaign). Give people the tools to take action if they see something of concern, post at the library, the pool, plaster the town with them. Don’t rely on the info being a ‘pull’ and have people have to go there, make it more of a ‘push’ where people sign up for weekly updates. Look into doing a ‘downtown beat; in the business section of the newspaper where they coordinate with us and we provide it to them. Write an opinion piece, News/Register is always looking for authors. This project needs to identify a delivery platform, ensure resources so that the messaging is ongoing and fresh, and pay attention to design (the look and feel). At the very least, the City needs to make finding this info on the city’s home page easier. <p>Designed to address these negative behaviors:</p> <ul style="list-style-type: none"> ✓ Lack of Communication 	
<p>Pros:</p> <p>Already started through committee’s web page</p> <p>Good opportunity for partnerships (add to MDA’s bi-weekly newsletter?)</p>	<p>Cons:</p> <p>Need creativity & resources to keep it active and engaging</p> <p>Would require dedicated staffing that the city does not have.</p>

Really need to broadcast that the exclusion zone photos are up on the web page.	
Lower Priority	
<p>4. Install a 24/7 restroom downtown and keep it open 365 days/year. The DSTF feels strongly that this needs to be addressed as a long term issue facing the city that should not be dropped. (Long Term)</p> <p>The survey did not indicate urine or human waste was a very serious problem in terms of number of times people had to deal with it – although very unpleasant to deal with, less than 10% of survey takers indicated they had to deal with it more than 6x over the summer with almost 60% saying they never had to deal with it.</p> <p>Portable toilets or existing ones in public buildings or churches with paid attendants (often formerly homeless or imprisoned). Limit hours (8 a.m. – 8 p.m.?) Several cities have adopted this model, including SF, Sacramento, Miami, and Austin.</p> <p>Look at it as part of strategic planning since the cost is so high.</p> <p>This was one of the issues that didn't have a lot of testimony at the July Council mtgs.</p> <p>Designed to address these negative behaviors:</p> <ul style="list-style-type: none"> ✓ Urine/Human Waste 	
<p>Pros:</p> <p>Several merchants say this is the #1 issue they hear about, from patrons.</p> <p>Opportunity for public/private partnership?</p> <p>It makes us a friendlier town overall to have accessible, visible, public restrooms. There are some that people can use now, like in public buildings, but some of that is "insider" knowledge. And some buildings can't leave their doors open for unrestricted restroom use because it makes the rest of their building too vulnerable - a stand-alone restroom wouldn't have those same complications. This really is a basic service, a fundamental right.</p> <p>There may be plumbing already where the old city restroom was off 2nd.</p>	<p>Cons:</p> <p>Expensive, would require round the clock staff resources to keep it clean</p> <p>Cost is prohibitive, city could look at keeping city park restrooms open through the evening and MDA brings portable bathrooms in for official events. Investing in something like this will only be good for a few years. Reevaluate the City Park restrooms to address vandals and misuse.</p> <p>Might turn into drug needle dumping site.</p> <p>24/7 increases opportunities for vandalism.</p> <p>Does this really address the issue of displaced people and helping them find housing or other options?</p>

<p>'Portland Loo' (prefab brand of public restroom) seems to be a good option because of the elements that make it less susceptible to bad behavior.</p> <p>Don't see an end to this problem coming, we need to take care of it.</p>	<p>Is it really cutting down on the amount of urine and human waste where they already are?</p> <p>Does this help with loitering at all?</p> <p>Past experience – putting a porta potty out has not eliminated the problem, we found human waste around the porta potty.</p> <p>Not necessarily one of our focus areas that could make a large change in the conditions downtown.</p>
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5. Use volunteers/work release/inmates to pick up garbage and pay stipend. (Short Term)

Municipal Court Judge Cynthia Kaufman Noble is very open to community service assignments downtown and may need City Council approval.

Recommend to start using this where possible.

Good idea, but it has been discussed elsewhere to pay some of the homeless neighbors to do the same.

Designed to address these negative behaviors:

- ✓ Garbage/Trash/Needles/Graffiti
- ✓ Urine/Human Waste

Pros:

Would allow additional resources without much city funding

Might be less expensive than FTE, encourages pride in the downtown space.

Would be an opportunity to partner with a non-profit (Champion Team to supervise the work).

Cons:

Might not be consistent level of service. This may also cost the City more for supervision of work crew.

Management / supervision cost and time.

6. Install video cameras in downtown (Long Term)

This would take City Council approval and talks with MDA and other partners as McMinnville is a historical district.

Make video feed accessible to public, like traffic cams, offer email inbox to report activity. Public would likely fill that role.

Designed to address these negative behaviors:

- ✓ Harassment/panhandling/intimidation
- ✓ Garbage/Trash/Needles/Graffiti
- ✓ Lack of Communication
- ✓ Camping/Loitering/ROW issues
- ✓ Drugs/Alcohol/Smoking
- ✓ Urine/Human Waste

Pros:

Already in use at the library and City Park. There are numerous businesses with internal cameras, which may face outside.

Relatively low cost (\$5k / camera)

Cameras can be a visual deterrent to bad behavior.

Cons:

Could be costly

Some might consider this controversial or intrusive

Would require additional resources to monitor

No data/clarity on whether or not this would impact the 'baddest actors' in downtown.

Wouldn't want to plaster the downtown but focus on hotspots and use them conservatively.



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: March 13, 2018
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: **Ordinance No. 5047 - G 1-18:** Zoning Text Amendment to amend multiple chapters of the McMinnville City Code related to Vacation Home Rentals/Short Term Rentals

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This action is the consideration of Ordinance No. 5047, an ordinance amending Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville City Code.

The proposed zoning text amendments are related to the reclassification of vacation home rentals (VHRs) as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

Background:

City staff were asked by a number of residents in a McMinnville neighborhood to review the Zoning Ordinance regulations for vacation home rentals. After the approval of several vacation home rentals in their neighborhood these residents felt that the amount of vacation home rentals was starting to threaten the residential nature of their neighborhood. City staff brought the concerns to the Planning Commission and the Planning Commission agreed to evaluate the current code provisions to see if they were appropriate for McMinnville.

The Planning Commission first discussed VHRs at a September 21, 2017 work session, and then provided an opportunity for public comment on the topic of VHRs at the October 19, 2017 work session. Following the public comment portion of the October work session, the Planning Commission had a brief

Attachments:

Maps of 200 Foot Spacing Standard Application

Ordinance No. 5047 including

Exhibit A: G 1-18 Decision Document

Exhibit B – J: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72

discussion and directed staff to research what other communities were doing relative to regulations for vacation homes rentals and to draft some recommendations for Planning Commission to consider that would regulate the number and spacing of vacation home rentals in a neighborhood.

Staff selected a broad range of cities outside of the Metro area, including cities from different regions such as Central Oregon and the Oregon coast. Also, staff included cities that have higher levels of tourism as is the case in McMinnville.

A summary table of the comparative standards of eleven other Oregon jurisdictions has been provided below and is also attached to the staff report for your reference (Attachment 1).

COMPARISON OF ELEVEN OTHER OREGON CITIES												
	McMinnville	Ashland	Bend	Depoe Bay	Hood River	Joseph	Eugene	Lincoln City	Manzanita	Rockaway Beach	Seaside	Sisters
VHR Spacing Requirement	No spacing requirement	No spacing requirement	250 feet unless modified by overlays	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement	No spacing requirement
Parking	One off-street space for each guest room	One off-street parking space per VHR	One off-street space for each guest room		One off-street parking space for each two guest rooms	One off-street parking space per VHR			Two off-street parking spaces per VHR		Two off-street parking spaces + one for each additional bedroom	
Other Site Regulations		Within 200 feet of a Collector or Arterial										
Structural Regulations		Residence must be at least 20 years old										
Other Regulations				4-Year Amortized Period		3-Year review prior to permanent approval	3-Year review prior to permanent approval		Limited to 17.5% of DUs in each zone		50% or required yards must be landscaped	

Staff also completed more comprehensive research on a few select cities from the table above that have different methods for regulating VHRs in their jurisdictions.

Staff presented this information to the Planning Commission at their December 21, 2017 work session. Based on that information and subsequent discussion, the Planning Commission directed staff to explore spacing standards for VHRs and enforcement procedures for short term rentals that are found to be operating without City approval as a VHR.

Staff explored options for spacing standards and enforcement procedures, as well as alternative definitions and operational requirements, for vacation home rentals, and brought additional information back to the Planning Commission for discussion at the January 18, 2018 regular meeting. After discussion and deliberation, the Planning Commission provided guidance to staff and directed staff to bring proposed amendments related to the regulation of vacation home rentals back to the Planning Commission for consideration during a formal public hearing.

The Planning Commission held a public hearing on the proposed zoning text amendments at their February 15, 2018 meeting. Public testimony was received during the public hearing, some in support of the proposed amendments and one in opposition. After closing the public hearing and completing deliberation, the Planning Commission voted unanimously to recommend approval of the zoning text amendments to the City Council.

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A copy of the draft zoning text amendments, as recommended by the Planning Commission, are included in the ordinance that is attached to this staff report.

Discussion:

The main components of the proposed amendments to the vacation home rental regulations are explained in more detail below:

Definitions:

The amendments as recommended by the Planning Commission would update the definitions of the current “vacation home rental”, “bed and breakfast”, “hotel”, “motel”, and “boardinghouse, lodginghouse, and roominghouse” uses that are currently allowed in residential and commercial zones in the city. Some of these definitions are out dated and do not accurately describe or reflect the type of rental uses that are occurring in the city and are available for short term rental through various third party rental platforms (e.g. Airbnb, VRBO, HomeAway, etc.).

The table below describes the existing uses and the zones that the existing uses are allowed, and then describes the proposed definitions and uses and the zones that those uses would be allowed. Note that the descriptions of each type of use in the table below are simplified descriptions of the actual existing or proposed definitions of those uses.

EXISTING USES		
Type	Description	Zones Allowed
Vacation Home Rental	Whole dwelling unit rental for period of less than 21 days	All Residential (R-1, R-2, R-3, R-4), Office-Residential (O-R), C-2 (Travel Commercial), and C-3 (General Commercial)
Bed and Breakfast	Rental of bedrooms within an owner-occupied house for period of less than 7 days	All Residential (R-1, R-2, R-3, R-4) and Office-Residential (O-R)
Bed and Breakfast	A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities	Multiple Family Residential (R-4) and Office-Residential (O-R) as Conditional Uses; Travel Commercial (C-2) as Permitted Use
Boardinghouse, Lodging House, or Rooming House	Rental of whole house or individual rooms for an unregulated number of days	Multiple Family Residential (R-4), Office-Residential (O-R), Travel Commercial (C-2) and General Commercial (C-3)
Hotel & Motel	Building used for accommodation of guests or travelers on a temporary basis	Travel Commercial (C-2) and General Commercial (C-3)

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The amendments also add “short term rental” and “resident occupied short term rental” as defined uses in the McMinnville Zoning Ordinance. The amendments would consolidate and update the current definitions of “hotel” and “motel”, and consolidate those uses in one defined use of “lodging”. Also, the amendments would remove the existing defined use of “boardinghouse, lodginghouse, or roominghouse”.

PROPOSED USES		
Type	Description	Zones Allowed
Short Term Rental	Whole dwelling unit rental for period of no more than 21 days	All Residential (R-1, R-2, R-3, R-4), Office-Residential (O-R), Travel Commercial (C-2) and General Commercial (C-3)
Short Term Rental, Resident Occupied	Rental of bedrooms within a resident-occupied house for period of no more than 7 days	All Residential (R-1, R-2, R-3, R-4) and Office-Residential (O-R)
Bed and Breakfast	A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities	Multiple Family Residential (R-4) and Office-Residential (O-R) as Conditional Uses; Travel Commercial (C-2) as Permitted Use
Lodging	Building or group of buildings designed and used for accommodation of guests on a temporary basis	Travel Commercial (C-2) and General Commercial (C-3)

Short Term Rental:

The Planning Commission found that the use of the term “short term rental” is a more common and straightforward definition of the type of use that is currently defined as a vacation home rental in the McMinnville Zoning Ordinance. The use of “short term rental” would continue to be allowed in all of the same zoning districts in which “vacation home rentals” are currently allowed, including residential and commercial zones.

Bed and Breakfast:

The existing use of “bed and breakfast” is currently defined only once in the Definitions chapter (Chapter 17.06), but is treated differently depending on the underlying zoning district. Typical bed and breakfast establishments, in which rooms and meals are provided for a daily or weekly basis, are currently allowed as a permitted use in the C-2 (Travel Commercial) and C-3 (General Commercial) zone and allowed as conditional uses in the O-R (Office-Residential) and R-4 (Multiple-Family Residential) zones. However, the rental of rooms within an owner occupied dwelling unit on a short term basis (no more than 7 days) has previously been classified by the City of McMinnville as a bed and breakfast as well. This type of use is currently allowed in all of the residential zones (R-1, R-2, R-3, and R-4), and has been used to classify one of the rental products (i.e. a room within a home) that is commonly available on third party rental platforms. These types of uses have been subject to a review and licensing process, similar to the review and licensing process that is required of vacation home rentals.

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The proposed amendments would introduce another new definition of “short term rental, resident occupied” to replace the type of “bed and breakfast” that has been classified as the short term rental of rooms within an owner occupied dwelling in all of the residential zones. Again, the Planning Commission found that this definition is more common and straightforward than treating these types of uses as bed and breakfast establishments. The amendments would keep the existing use and definition of “bed and breakfast” to allow the more traditional and typical bed and breakfast establishment in the R-4 and O-R zones as a conditional use, and in the C-2 and C-3 zones as a permitted use. There are multiple examples of this type of bed and breakfast establishment, being the more traditional form as a lodging option that provides a sleeping room and meals, in the City of McMinnville, including A Tuscan Estate (809 NE Evans Street) and The Victorian on 10th (206 NE 10th Street).

Lodging:

The proposed amendments would remove the existing definition of “boardinghouse, lodginghouse, and roominghouse” from the Zoning Ordinance. This use is somewhat out dated, and does not accurately reflect the type of rental or temporary accommodations that are typically available in the current housing market or hospitality sector. With the establishment of the short term rental and resident occupied short term rental uses, as well as the allowance of short term rentals in commercial zones, the Planning Commission found that the definition of boardinghouse, lodginghouse, or roominghouse would not be applicable in any situation.

To address more traditional lodging uses, the proposed amendments would update the existing definitions of “hotel” and “motel”, which are currently defined slightly differently in terms of the types of guests that they cater to. Since the type of guest staying at a lodging establishment is difficult to truly enforce and does not change the land use impact of these types of uses, staff is proposing to combine these types of uses into one definition of “lodging”. The proposed lodging definition would more simply describe typical hotel or motel uses as “a building, or group of buildings, which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation”.

Spacing Standard:

The Planning Commission determined at the December 21, 2017 work session that the number of short term rentals in some areas of the city could be beginning to impact the character of residential neighborhoods, and that the conversion of single family homes into short term rentals is starting to take too many residential units out of the single family housing stock. Other cities in Oregon have had similar concerns about the impacts of short term rentals, which has led to the adoption of locational requirements and caps for short term rentals. As discussed in more detail at the December 21, 2017 work session, the cities of Bend and Ashland both adopted locational requirements for short term rentals, those being spacing requirements and required distances to major roadways, respectively. In the coastal community of Manzanita, a cap on the total number of short term rentals was adopted to limit the conversion of the existing housing stock into short term rentals. Staff had previously explained to the Planning Commission that a cap on the total number of VHRs may not be the best solution in McMinnville, based on the current number of VHRs in McMinnville. The ratio of the housing stock that was converting to short term rentals in Manzanita was much higher than the current situation in McMinnville. Manzanita had experienced a conversion of 17.5% of their housing stock into rentals, whereas McMinnville currently has less than 1% of the single family housing stock being used as VHRs.

To address the primary concerns with short term rentals in residential areas, limit the number of properties transitioning to short term rentals, and better protect residential neighborhoods from larger-scale conversions into short term rentals, the Planning Commission found that a spacing standard would be a

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Exhibit A: G 1-18 Decision Document

Exhibit B – J: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72

better tool based on the current situation in the city. This recommendation was provided by staff to the Planning Commission at their January 18, 2018 meeting, and there was general consensus that a spacing standard would address the identified concerns with short term rentals. Staff had provided options for spacing standards based on the existing built environment and the number of established short term rentals in residential areas, and the Planning Commission had some general discussion on the distance that should be required between short term rentals.

There was general consensus with the Planning Commission that there should be no more than one short term rental per block, and that a spacing standard could then be established based on the typical block length in McMinnville. Staff completed research into the existing built environment, and found that the smallest typical block length in McMinnville is 200 feet in length. Therefore, the Planning Commission is recommending that the spacing standard be established at 200 feet. This distance would ensure that there would be no more than one short term rental on the smallest blocks in the city, and would also limit the concentration of short term rentals in other areas of the city with larger blocks or areas with larger lots and a more curvilinear street network. Also, the distance of 200 feet would not be so large as to effectively prevent the establishment of any additional short term rentals. Short term rentals do serve a function in McMinnville as a lodging option for tourists, short term rentals for people who are looking to relocate to McMinnville, short term executive rentals, etc., and these types of services are important to the success of our local economy and many of our local businesses.

If this spacing standard was established, a typical 200 foot buffer from existing licensed short term rentals in the areas of town with smaller block lengths would touch and therefore eliminate the potential for the surrounding 30-35 properties to be used as short term rentals. In that small sub-area, that would amount to 2.9 – 3.3% of the housing units in that sub-area being used as short term rentals. This is obviously a very rough example and would vary greatly throughout the city, but it shows that the spacing standard would keep the overall percentage of properties being used as short term rentals at a low amount.

In terms of implementation, the separation distance between short term rentals would be measured outwards from the property lines of the subject site, which would be a measurement that can be consistently and fairly applied throughout the city. The Planning Commission is also recommending that the separation standard only apply to short term rentals in residential zones (R-1, R-2, R-3, and R-4) and the Office-Residential zone (O-R), but not to resident occupied short term rentals. By definition, resident occupied short term rentals are still dwelling units that are fully occupied by a resident, and therefore do not create a situation where a dwelling sits vacant when not being rented. The Planning Commission found that these uses would have less of an impact on the character of the surrounding residential neighborhood, so is recommending to not have them be subject to the spacing standard.

Attached to the staff report are maps that depict the areas within 200 feet of existing licensed vacation home rentals in the area northwest of downtown and the area northeast of downtown. The properties within 200 feet of existing licensed vacation home rentals, which would now be defined as short term rentals, would become ineligible for the establishment of a new short term rental use.

Other Operational Requirements:

Type of Dwelling Units:

The current standards for vacation home rentals and bed and breakfast establishments include a standard that is not clear in its intention. The language is provided in Section 17.12.010 (N)(1) and Section 17.12.010 (O)(1) as follows:

Attachments:

Maps of 200 Foot Spacing Standard Application

Ordinance No. 5047 including

Exhibit A: G 1-18 Decision Document

Exhibit B – J: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72

“That the structure be designed for and occupied as a single family residence. The structure shall retain the characteristics of a single family residence”.

While the above language does not specifically limit the operation of vacation home rentals and bed and breakfast establishments to single family dwelling units, the historical interpretation of the Planning Department has been to only allow them in single family dwelling units based on the fact that the language uses the phrase “retain the characteristics of a single family residence”. The Planning Commission is recommending that the use of short term rentals, as they will be defined if the proposed amendments are approved, be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs). Specifically, the following amendments to the standard are being recommended:

~~That the structure be designed for and occupied as a single family residence.~~ **Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a ~~single family~~ residence.

The proposed amendments would apply to both short term rentals and resident occupied short term rentals. The Planning Commission found that the language is clear in the types of dwelling units that these uses are allowed in, while still including the language that the structure retain the characteristics of a residence to ensure that the use is compatible with the surrounding residential area. This language does expand the opportunity for the establishment of short term rentals from the previous Planning Department interpretation, but the spacing standards described above will overall reduce the opportunities for the establishment of new short term rentals.

Licensing Requirements in Residential Zones:

The Planning Commission is recommending to retain the processes for reviewing and licensing short term rentals and resident occupied short term rentals in the residential zones (R-1, R-2, R-3, and R-4) and the Office-Residential zone (O-R). The permitted uses in these zones will be subject to all of the standards in Section 17.12.010(N)(1) and Section 17.12.010(O)(1), which require a land use application to be reviewed by the Planning Director with notification and also include language on operational standards that must be followed. The Planning Commission is recommending to not subject short term rentals in the commercial zones (C-2 and C-3) to the standards in Section 17.12.010(N)(1) and Section 17.12.010(O)(1), which is consistent with the previous practice of not requiring review and licensing for these commercial type uses in the commercial zones.

Renewal Requirements:

The existing language requires that licenses for short term rentals and resident occupied short term rentals be renewed each year. The proposed amendments would update this language to confirm that the licenses are renewed annually, and that failure to renew the short term rental permit will result in the permit becoming void. This will result in the subject property having to re-apply for their short term rental license, which would subject the property to the spacing standard. For the existing short term rentals that don't meet the spacing standard but are allowed to continue as nonconforming uses, failure to renew would effectively eliminate the nonconforming use. As licenses are not renewed, it would also provide an opportunity for other properties in the surrounding area to become eligible for a short term rental license. The City will provide notice of the annual requirement to renew the short term rental license, but it will ultimately be the responsibility of the property owner to ensure that their license is renewed annually.

Attachments:

Maps of 200 Foot Spacing Standard Application

Ordinance No. 5047 including

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Exhibit B – J: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72

Parking:

If the proposed amendments are approved and the definitions for short term rentals and lodging establishments are updated, the proposed amendments would also update Chapter 17.60 (Off-Street Parking and Loading) to reflect the updated definitions. There are no proposed changes to the parking standards that had applied to vacation home rentals or lodging uses, but only changes to the uses themselves to reflect the updated definitions.

Applications and Review Process:

Similar to the proposed changes to Chapter 17.60 (Off-Street Parking and Loading), the proposed amendments would update Chapter 17.72 (Applications and Review Process) to reflect the updated definitions of short term rental and resident occupied short term rental. The proposed amendments to Chapter 17.72 would not change the application or review process for these types of uses. Short term rental and resident occupied short term rental applications are proposed to still be subject to a Planning Director's review with property owner notification. Also, the amendments would still require neighborhood meeting for short term rentals, as they are currently required for vacation home rentals.

Fiscal Impact:

None.

Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5047, approving G 1-18 and adopting the Decision, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5047.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5047 which would approve the zoning text amendment as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5047”

CD:sjs

Attachments:

Maps of 200 Foot Spacing Standard Application

Ordinance No. 5047 including

Exhibit A: G 1-18 Decision Document

Exhibit B – J: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72



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

www.mcminnvilleoregon.gov

MINUTES

February 15, 2018
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Susan Dirks, Gary Langenwalter, Roger Lizut, and Lori Schanche

Members Absent: Martin Chroust-Masin and Erica Thomas

Staff Present: David Koch – City Attorney, Chuck Darnell – Associate Planner, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

A. November 16, 2017 Work Session

Commissioner Schanche moved to approve the November 16, 2017 Work Session minutes. The motion was seconded by Commissioner Langenwalter and passed 7-0.

4. Public Hearing (Quasi-Judicial)

A. Zoning Text Amendment (G 1-18) (Exhibit 1)

Request: Approval to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the reclassification of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better

clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

Applicant: City of McMinnville

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the Commission's jurisdiction to hear this matter. There was none. He asked if anyone on the Commission had disclosures to make, would abstain from participating or voting on this application, or had a potential or actual conflict of interest to declare. There was none.

Associate Planner Darnell provided the staff report. This was a request to approve the proposed zoning text amendments related to vacation home rentals that would be defined as short term rentals. The Commission had discussed this topic at previous meetings. Some of the public comments that had been received were related to the perceived negative impacts of existing vacation home rentals on neighborhoods. In response to that staff had done some research on how other cities regulated and enforced these rentals and had looked into the location of existing vacation home rentals. The proposed amendments reflected the conversations that the Commission and staff had previously. The major amendments were: reclassifying the use and updating the definitions, proposing a spacing standard in residential zones, making changes to the operational requirements, and making changes to the review and licensing process. The proposed definitions were short term rental, short term rental resident occupied, lodging, and bed and breakfast. The short term rental would replace the vacation home rental use. It would be the use of an entire dwelling unit for up to 21 days and a statement would be added that short term rentals included vacation home rentals that had been approved under the regulations in effect through April 12, 2018, which was the projected date for the new language to go into effect. They would be allowed in the same zones that vacation home rentals had been allowed, which was all residential and C-2 and C-3 zones. The short term rental resident occupied would replace the current bed and breakfast classification. It was the use of no more than two guest sleeping rooms for no more than 7 consecutive days. The dwelling unit would be occupied full time by a resident at the time the guest sleeping rooms were available for rent. This use would be allowed in all residential and office residential zones. The lodging definition would be updated to say a combination of guests, but did not classify who those guests were or how they were traveling. This would include hotels and motels and would be allowed in the C-2 and C-3 zones. The bed and breakfast classification would be used to describe the typical bed and breakfast that was a building primarily used for lodging and provided meals to guests. They were allowed in the R-4 and OR zones as conditional uses and were permitted in the commercial zones. The spacing standard was in response to the concerns about the number of rentals in neighborhoods. It would only apply to the residential zones and was a way to not allow a concentration of short term rentals to occur on a street or a whole street transitioning to that type of use. The spacing standard did not apply to short term rentals in commercial zones or resident occupied short term rentals. The spacing standard was that a short term rental would not be located within 200 feet of another short term rental. In terms of operational requirements, the existing code language was unclear regarding when a short term rental could be established. The proposal was to make it clear and expand the types of dwelling units that rentals could be allowed in, such as single family dwellings, common wall single family dwellings, two family dwellings, and accessory dwelling units. The structure would still have to retain the characteristics of a residence. Staff proposed not to allow short term rentals in multi-family dwelling units. The Affordable Housing Task Force wanted to make sure there was a balance for ADUs to be used as short term rentals and as an affordable housing option. Regarding licensing requirements, short term rentals would still be subject to a review process and a

neighborhood meeting. The short term rentals in commercial zones would not be need to go through that process as they were a permitted use. Some language had been changed regarding the renewal requirements, which stated that the permits would be renewed annually. Failure to renew the permit would result in the permit becoming void and applicants would have to reapply. For non-conforming uses that did not meet the spacing standard, they would be allowed to continue as non-conforming uses, but if they did not renew and maintain their permit, they would be subject to reapplication and the spacing standard would apply. Historically vacation home rentals in the OR zone were subject to the review and licensing process, but it was designated as a commercial land use. Staff recommended short term rentals in the OR zone continue to follow the review and licensing requirements as it was a mixed zone and there were a lot of residential uses in that zone. Some other changes were to off street parking and the application review process chapter. The definitions would be updated to be consistent.

Associate Planner Darnell reviewed the public testimony that had been received. One concern was it was unclear how long term or standard rental properties were treated. The City did not regulate long term rentals. Anything that was a rental for 22 days or more was considered a long term rental. There was a question about the local contact requirement. The current language required either the property owner or a local contact resided in the City limits, and the question was whether that should be expanded to a larger geographical area, such as the 97128 zip code. That zip code generally included the area in the hills west of McMinnville and some of the areas to the east and south toward Sheridan and Lafayette. It would still be a reasonably quick response time and staff recommended expanding the local contact location to the 97128 zip code. There were suggested amendments to other portions of the code. A typo was pointed out and the parking requirements for bed and breakfasts would remain. There was a question about how licenses were applied to properties and what happened if ownership changed. The approval of a short term rental would apply to the use of the property and the license was issued to the home owner and was good for one year. If a property changed ownership, the existing approved use was still in place and the new owner would have to change the license to their name. It fell to the seller and buyer to complete this process and if the license was not renewed by the new owner, the permit would be void and they would have to reapply. There was a question about short term rental uses and how they were grandfathered in. The existing approved vacation home rentals would be grandfathered in and would be considered legal non-conforming uses if they did not meet the spacing standard. This was only true for the rentals that had been licensed and approved by the City. Staff recommended the Commission recommend to the City Council approval of these code amendments.

There was discussion regarding the expansion of the local contact location.

Commissioner Dirks asked about enforcement.

Associate Planner Darnell said the current process was when the City became aware of a short term rental operating without City approval, a letter was sent to them asking for evidence that they were or were not approved. If there was no response, the next step was to issue a citation to appear in Municipal Court and the judge had the ability to assign fines for a violation of the zoning ordinance. Due to the size of the department, they operated on a complaint basis only. There was a student group doing research online and trying to find out the addresses of all the rentals in McMinnville and to find out if they were licensed or not. Once that information was gathered, it would be given to Code Enforcement.

Commissioner Langenwaller clarified these changes would become effective in April 2018 if approved by Council.

Commissioner Geary asked about the taxing structure for these rentals.

Planning Director Richards said the Transient Lodging Tax applied to these rentals, which was 11%. If they were registered as a legal vacation home rental they needed to report.

City Attorney Koch said there were penalties for not being registered and not filing the appropriate taxes. In the Transient Lodging Tax ordinance there was an audit provision and the City could audit providers to make sure their books were correct and there were no discrepancies to what was being reported to the City.

Proponents: Sidonie Winfield, McMinnville resident, said the addresses she had provided the City for the non-conforming VRBOs that were in her neighborhood were presented to them as an encouragement for the 200 foot standard and not as an official complaint. It was to recognize how much her neighborhood desperately needed the 200 foot standard. Seven homes out of the fifteen on her street were VRBOs. She asked what would happen if there were applications for VRBOs between now and April.

Associate Planner Darnell replied applications would be subject to the standards that were in place at the time of the application. There was a neighborhood meeting requirement that had to happen first.

Ms. Winfield said she would have liked the process to expire with the change of ownership, but she understood it was a use as opposed to a switching over of the property itself.

Associate Planner Darnell said it was an annual approval for the use, and if it was sold the new owner would have the license changed to their name and renewed before the renewal deadline. If they did not do it before the deadline, it became void.

Ms. Winfield clarified the use of the current license continued with the new owner. She would like to get rid of the concentration in her neighborhood.

Planning Director Richards commented it was a land use application and the use was approved for the property. The license to operate was an annual renewal, and if it was not renewed it became void and the land use became void.

Ms. Winfield explained to the audience that she lived off of Birch Street between 5th and 7th and there were at this point in time four licensed VRBOs, two unlicensed, and two proposed for that area. She was concerned about the concentration of these short term rentals which created what she called ghost houses. She hoped the spacing standard would help with this issue.

Planning Director Richards said vacation rentals that were not 200 feet from each other became legal non-conforming uses through these amendments. They could add in the code that if ownership was transferred, they would lose the opportunity for vacation rental use. In order to do that, all of the property owners who had vacation rental homes would need to be notified and another public hearing would need to be held.

Ms. Winfield suggested making a decision on the proposed amendments tonight, and adding that provision in at a later time. She would like to get the 200 foot standard in place as soon as possible.

City Attorney Koch said the Commission could take up the issue of termination of rights upon transfer of ownership if it was a lawful non-conforming use.

There was discussion regarding the basis for termination of the rentals.

Opponent: Dennis Cuc, McMinnville resident, said Ms. Winfield's testimony showed how different neighborhoods in McMinnville were and how addressing her concern in her neighborhood might not be appropriate for all areas of the City. In other areas of McMinnville there was substandard housing and putting a 200 foot barrier could be an issue if the best use of the property was a vacation rental home. He agreed that ghost houses in a nice neighborhood were different from other areas, such as downtown, Alpine Avenue, or the Gateway District. He suggested staff look at what cities in California who were vacation destinations did in limiting short term rentals. He also thought the limitations should be defined by neighborhood, as in some cases short term rentals improved a neighborhood. Putting limits on short term rentals limited property owners' ability to fully improve their properties and it locked neighborhoods into substandard development. In the neighborhoods that would be best for short term rentals, he thought there should not be a limit. Where there were issues like in Ms. Winfield's neighborhood, those neighborhoods should be addressed. He thought they should tailor the ordinance per neighborhood, as they should not limit those areas that were a walkable distance to downtown or the Gateway district. He thought it was a mistake to assume all neighborhoods were the same. A 200 foot buffer would destine some neighborhoods to lower quality housing and would bring turmoil to the neighborhood.

Chair Hall closed the public hearing.

Commissioner Schanche clarified there would not be a 200 foot separation for bed and breakfasts or resident occupied short term rentals.

Associate Planner Darnell explained the short term rentals that would be subject to a 200 foot separation were ones where the entire dwelling was rented out. Those that were resident occupied and rooms were rented out would not be subject to this spacing standard.

Mr. Cuc said that did not address his issue, which was the ability of a home to be developed.

Chair Hall asked if the Commission wanted to make a determination that they would deal with the property change of ownership issue at a later time and to move forward with what had been presented that night.

There was consensus to move forward with what had been presented and for staff to bring back the change of ownership issue.

Commissioner Schanche thought the amendments had been tailored for McMinnville and were appropriate.

Commissioner Geary asked if there was a maximum number of allowable dwellings to be rented out per lot. Was it allowed to have a house that was a permitted short term rental, and an accessory dwelling unit as a separate short term rental on the same property? He thought it should be defined that there was no more than one short term rental allowed on the same property.

Planning Director Richards said language could be added to the spacing standard that stated, "and on the same property."

There was consensus to make that change.

Chair Hall said in regard to Mr. Cuc's comments, land use decisions had to be a balancing act. Ms. Winfield's concern was that the character of her neighborhood would be lost. It was a quality of life issue, not a financial issue as raised by Mr. Cuc. He was not persuaded that if properties were not allowed to be short term rentals it would make a neighborhood devolve into a Section 8 situation. The onus was placed on the Commission not to allow neighborhoods to deteriorate and that was not part of their purview. They did the best they could for everyone involved.

Commissioner Dirks said the Commission had been looking at this in depth for many months and they had considered the entire city and had researched what other cities did. They were looking at what made sense for the whole city to ensure that there were not too many short term rental properties and yet there were enough rentals for the tourism industry.

Commissioner Geary asked what percentage of vacation homes there would be in the City if everyone filled in the 200 foot buffer.

Associate Planner Darnell said that analysis had not been done, but he had looked at a few of the licensed rentals and applied the 200 foot buffer and counted how many properties that touched. They did not do an analysis on in fill of available areas.

Based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the City of McMinnville, Commissioner Lizut moved to recommend the City Council approve G 1-18 and the zoning text amendments as recommended by staff including the one additional amendment to the 200 foot standard. The motion was seconded by Commissioner Langenwalter and passed 7-0.

Commissioner Lizut said there would be another opportunity to testify on this matter to the City Council.

5. Discussion Items

None

6. Old/New Business

None

7. Commissioner Comments

None

8. Staff Comments

Planning Director Richards said there was a Historic Preservation Plan public meeting on February 20. There would be a Meet and Greet with the Building Team on March 5. Principal Planner Pomeroy had submitted his resignation effective February 14. He had served the City for 25 years, and a photo book was being put together to give to him.

9. Adjournment

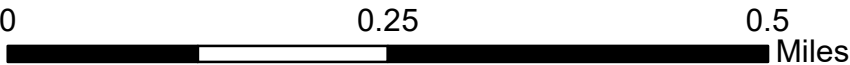
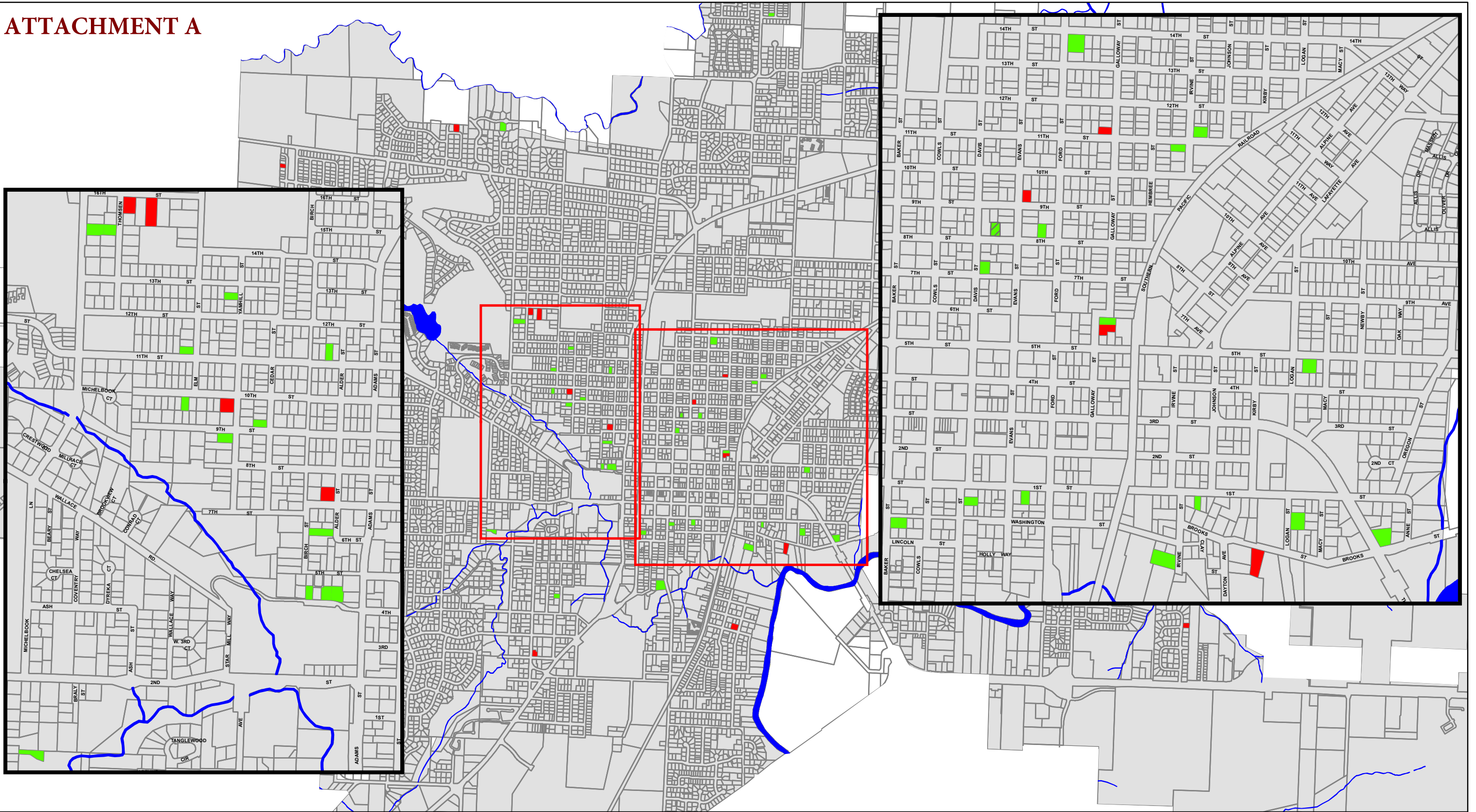
Chair Hall adjourned the meeting at 8:10 p.m.




A handwritten signature in black ink, appearing to read 'Heather Richards', written over a horizontal line.

Heather Richards
Secretary

Approved Vacation Home Rentals and Bed and Breakfasts in Residential Zones - As of February 8, 2018

ATTACHMENT A

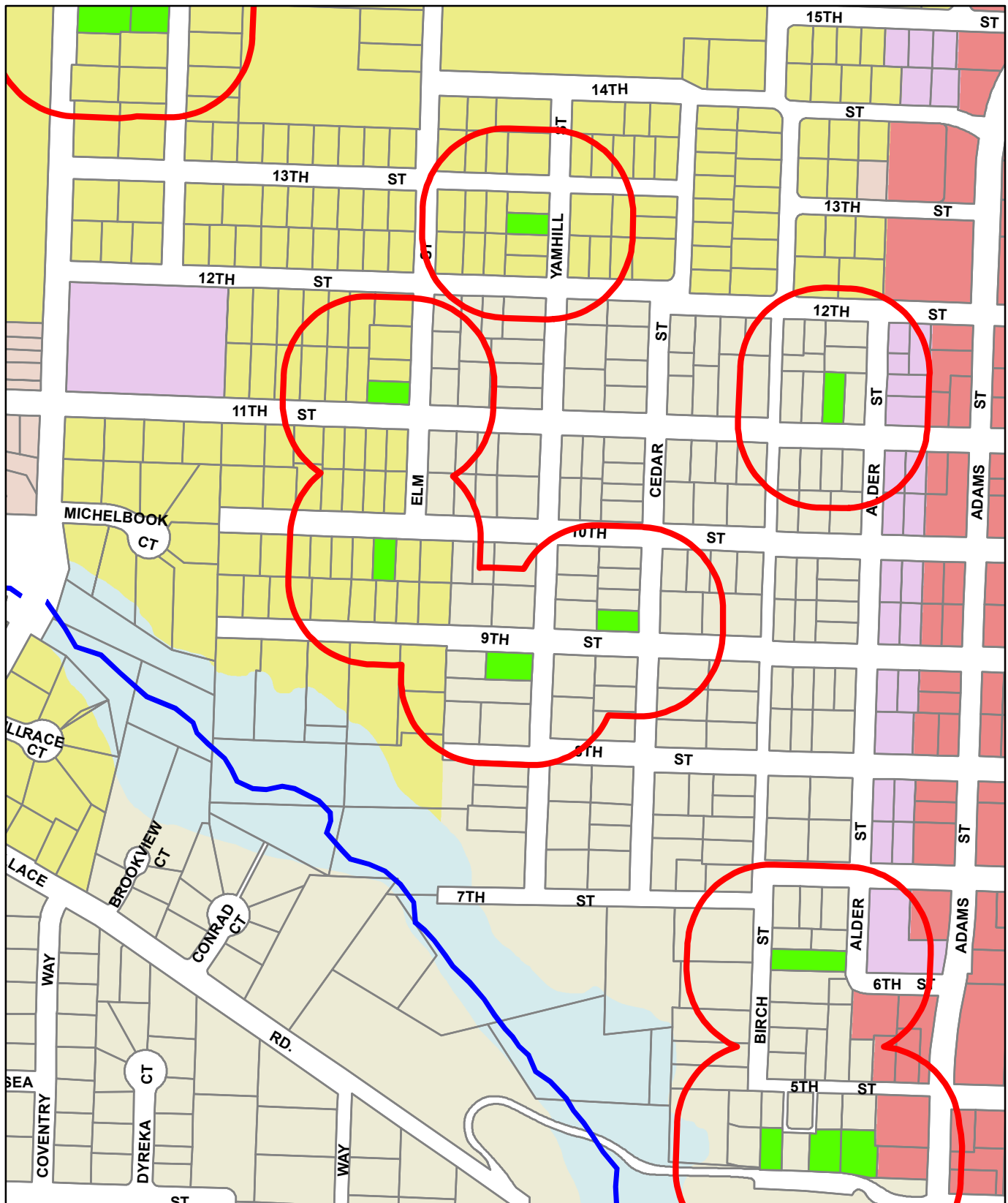


-  Bed & Breakfasts (13 Properties)
-  Vacation Home Rentals (35 Properties)
-  2 Vacation Home Rentals

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



Northwest of Downtown - 200 Foot Spacing Standard



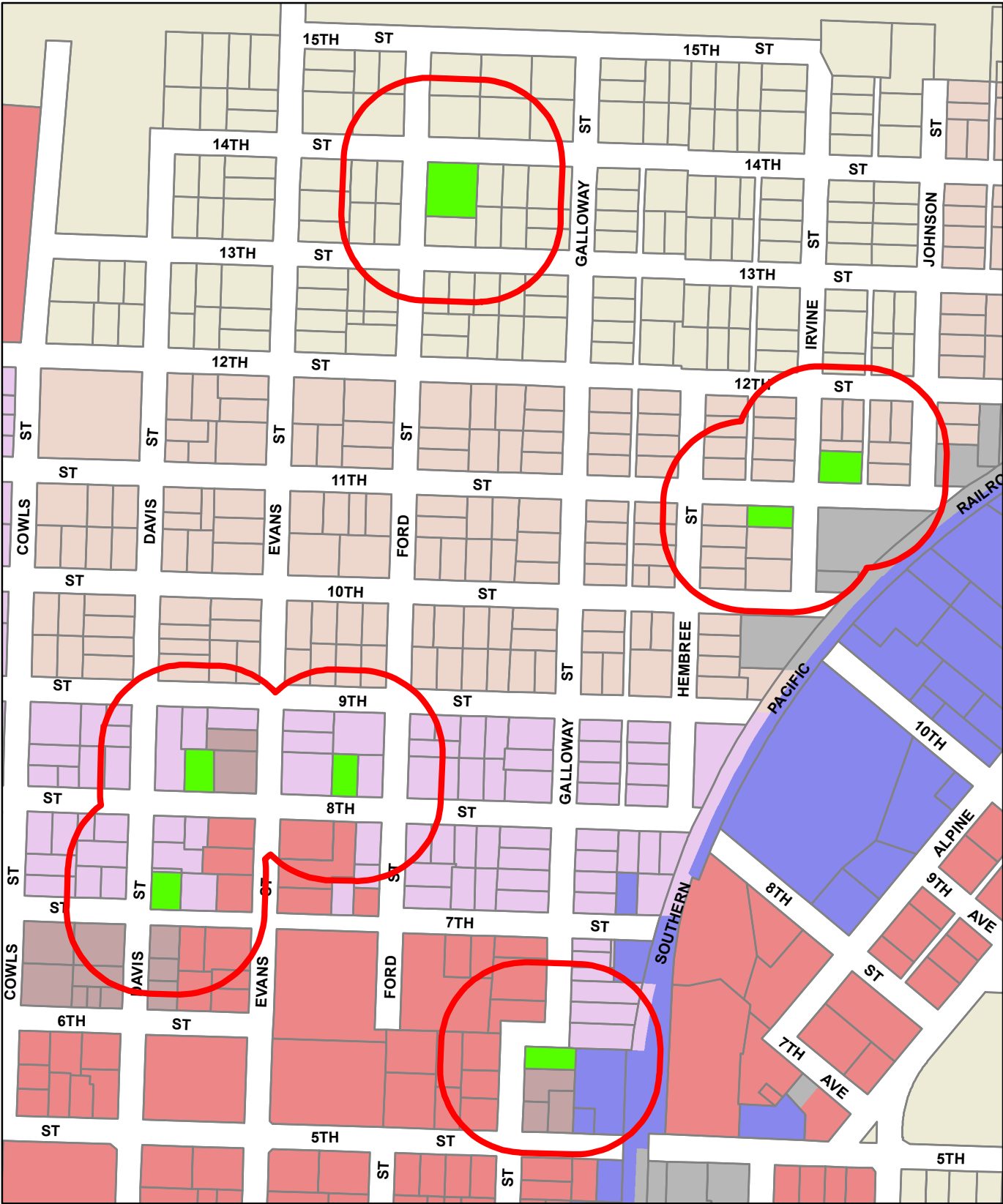
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(503) 434-7311

Zoning		
R-1	C-2	Short Term Rentals
R-2	C-3	200 Foot Buffer
R-3	M-L	
R-4	M-1	
O-R	M-2	
C-1	A-H	
	F-P	



0 125 250 500 Feet

Northeast of Downtown - 200 Foot Spacing Standard



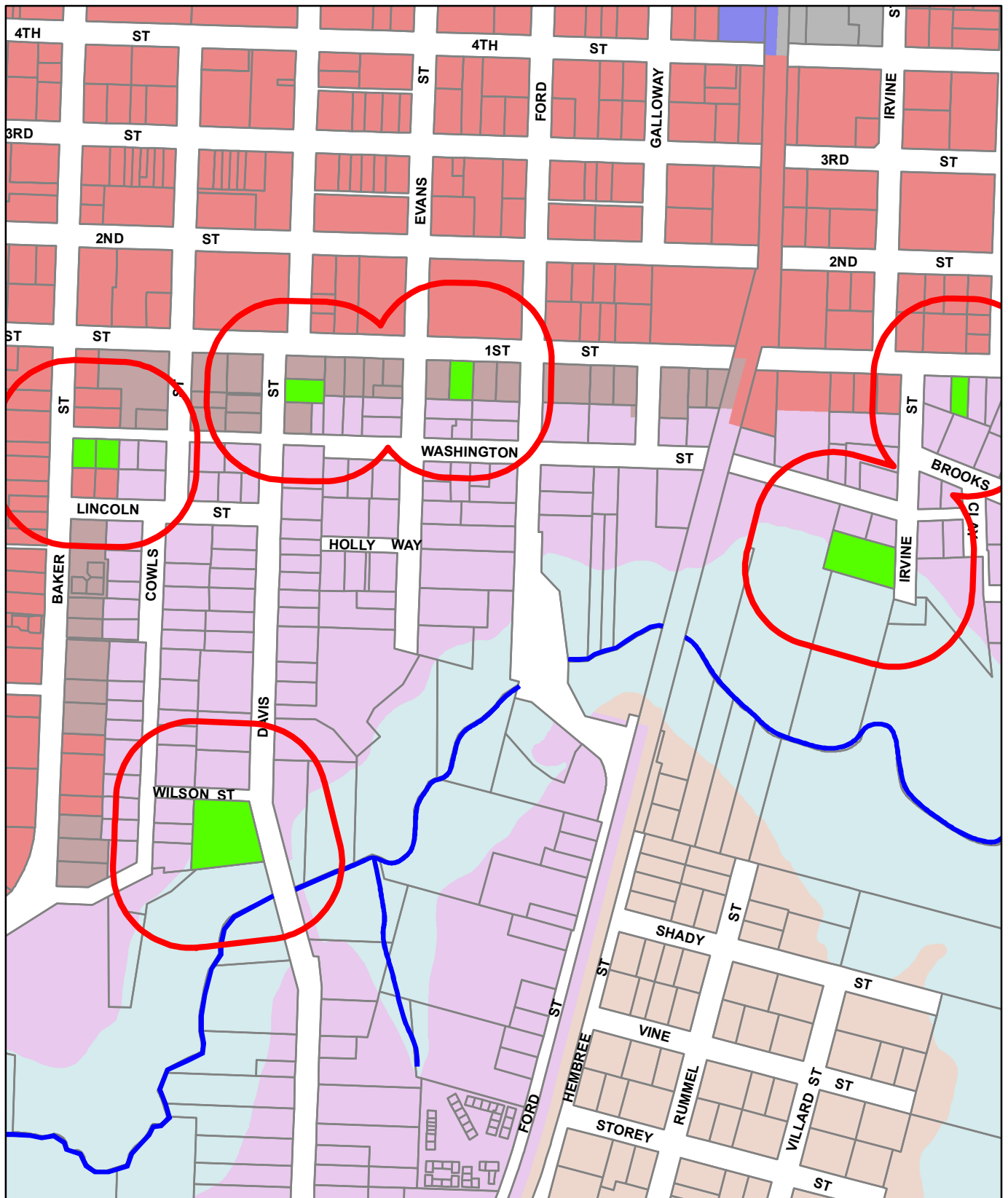
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Zoning		C-2	Short Term Rentals
R-1	C-3		
R-2	M-L		
R-3	M-1		
R-4	M-2		
O-R	A-H		
C-1	F-P		

200 Foot Buffer

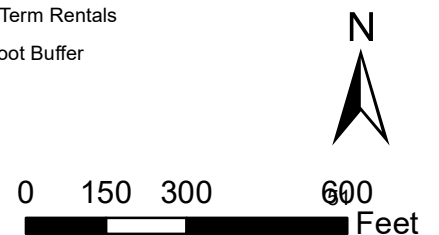


South of Downtown - 200 Foot Spacing Standard

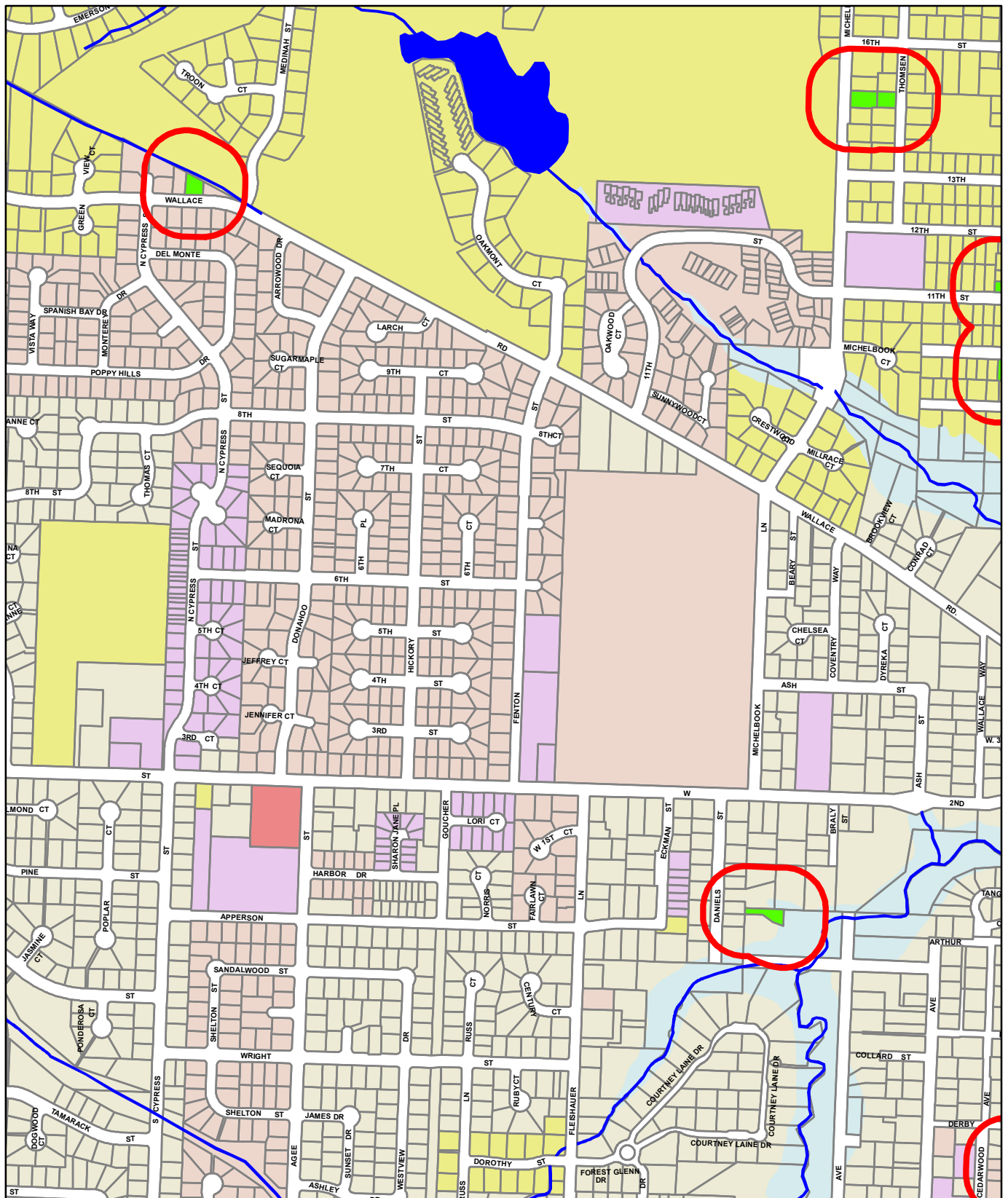


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Zoning		
R-1	C-2	Short Term Rentals
R-2	C-3	200 Foot Buffer
R-3	M-L	
R-4	M-1	
O-R	M-2	
C-1	A-H	
	F-P	



West of Downtown - 200 Foot Spacing Standard



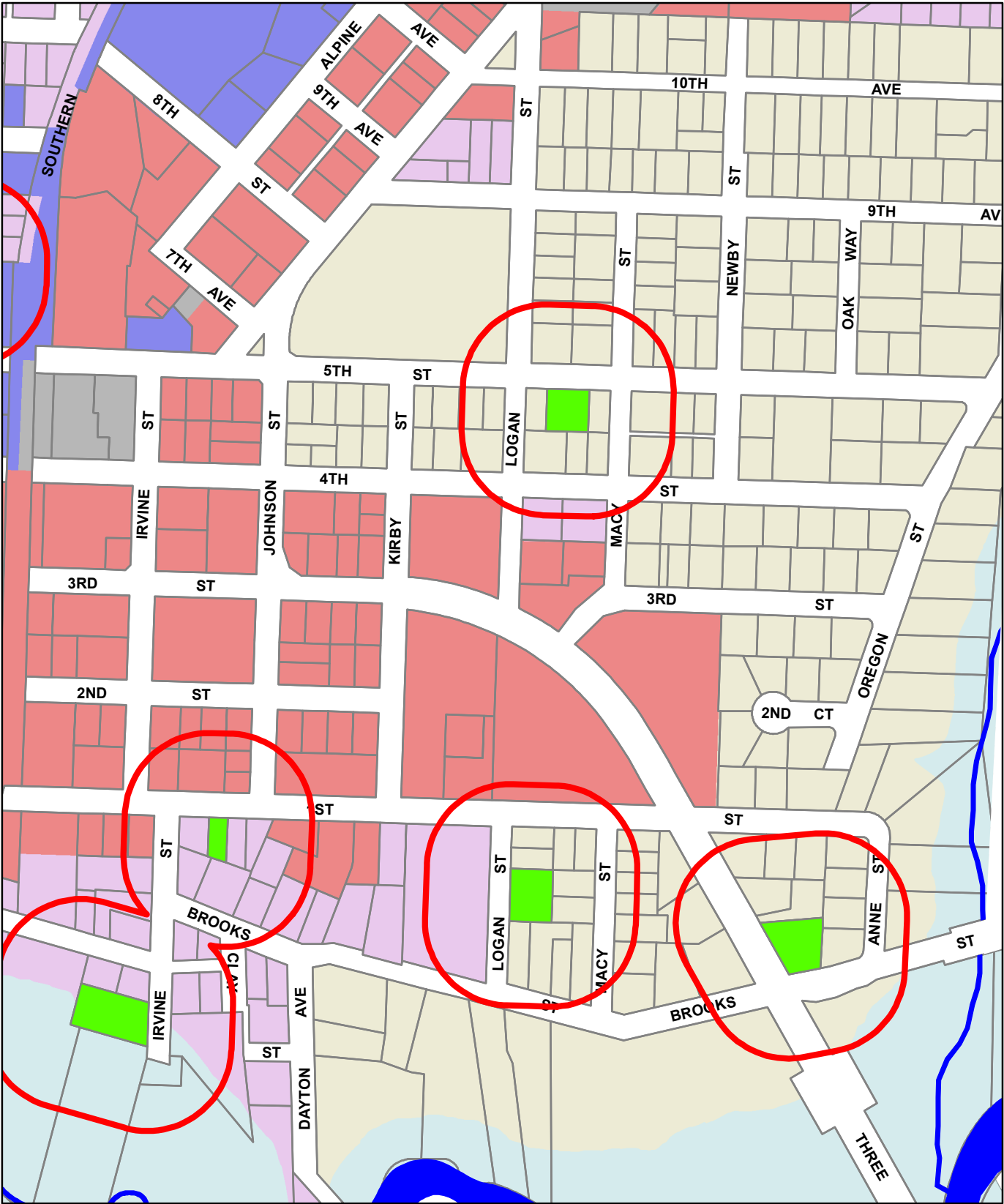
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Zoning		
R-1	C-2	Short Term Rentals
R-2	C-3	200 Foot Buffer
R-3	M-L	
R-4	M-1	
O-R	M-2	
C-1	A-H	
	F-P	



0 250 500 1,000 Feet

East of Downtown - 200 Foot Spacing Standard



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

Zoning		Short Term Rentals
R-1	C-2	
R-2	C-3	
R-3	M-L	
R-4	M-1	
O-R	M-2	
C-1	A-H	
	F-P	
		200 Foot Buffer



ORDINANCE NO. 5047

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE CITY CODE, SPECIFIC TO MULTIPLE CHAPTERS TO UPDATE DEFINITIONS AND THE REGULATION OF SHORT TERM RENTALS AND LODGING ESTABLISHMENTS IN RESIDENTIAL AND COMMERCIAL ZONES

RECITALS:

The McMinnville Planning Department asked the Planning Commission to discuss the City of McMinnville's vacation home rental regulations based on the number of complaints that had been received on multiple recent vacation home rental applications that had been submitted to the Planning Director for review and approval; and

The Planning Commission discussed the vacation home rental regulations and directed staff to complete research into alternative regulations and how they might apply to McMinnville. The Planning Commission discussed the topic of vacation home rentals and analyzed research completed by staff at their September 21, 2017, October 19, 2017, December 21, 2017, and January 18, 2018 work session meetings. An opportunity for public comments was provided at the October 19, 2017 work session meeting. At the January 18, 2018 work session meeting, the Planning Commission directed staff to draft amendments to the McMinnville Zoning Ordinance to incorporate updated regulations and definitions for rental and lodging establishments in the City of McMinnville; and

A public hearing was held before the McMinnville Planning Commission on February 15, 2018, after due notice had been provided in the local newspaper on February 6, 2018. At the February 15, 2018, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing. After deliberation, the Planning Commission voted to recommend approval of G 1-18 to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Decision, Findings of Fact and Conclusionary Findings, as documented in Exhibit A for G 1-18; and
2. That Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance are amended as provided in Exhibits B - J. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font.
3. That this Ordinance shall take effect 30 days after its passage by the City Council:

Passed by the Council this 13th day of March 2018, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY ATTORNEY

CITY RECORDER

EXHIBIT A



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF
LEGISLATIVE AMENDMENTS TO MULTIPLE CHAPTERS OF THE MCMINNVILLE ZONING
ORDINANCE TO UPDATE DEFINITIONS AND THE REGULATION OF SHORT TERM RENTALS
AND LODGING ESTABLISHMENTS IN RESIDENTIAL AND COMMERCIAL ZONES.**

DOCKET: G 1-18

REQUEST: The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the reclassification of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Associate Planner

**DATE DEEMED
COMPLETE:** January 18, 2018

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: February 15, 2018. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: March 13, 2018. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS:

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. Their comments are provided in this decision document.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 1-18) to the McMinnville City Council.

DECISION: APPROVAL

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
 Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

APPLICATION SUMMARY:

The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the re-defining of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of boarding houses or lodging houses.

ATTACHMENTS:

None.

COMMENTS:

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. The following comments have been received:

None Received

Additional Testimony

No notice was provided to property owners for this application. No public testimony was received by the Planning Department prior to the public hearing.

Testimony was provided at the public hearing. Comments in favor of the proposed amendments were provided by Sidonie Winfield, and comments in opposition were provided by Dennis Cuc.

FINDINGS OF FACT

1. The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the re-defining of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of boarding houses or lodging houses.
2. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department,

Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. No comments in opposition have been provided.

3. Public notification of the public hearing held by the Planning Commission was published in the February 6, 2018 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

CONCLUSIONARY FINDINGS:

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.03 – General Provisions:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the legislative amendments in that the proposed amendments incorporate spacing standards and operational requirements for short term rentals that will better protect the character of residential areas of the city and will reduce the intrusion of incompatible uses in residential areas. The spacing standard of 200 feet between short term rentals in residential zones will allow for a concentration of these types of uses that allows for the establishment of additional short term

rental uses, but does not overly burden the existing residents of established residential areas. The spacing standard will not apply in the commercial zones. This will provide ample opportunity for short term rental uses to locate in areas that are planned and zoned for commercial uses, thereby providing these uses to locate in an area that will be mutually beneficial with other surrounding commercial uses. The proposed amendments to the definitions of short term rentals and other lodging establishments will promote the general welfare of the city by better addressing the types of land uses that are operating in the current housing market and rental economy.

CD:sjs

Chapter 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

- 17.06.010 Generally.
- 17.06.015 General Definitions. [...]

17.06.015 General Definitions [...]

~~**Boardinghouse, Lodginghouse or Roominghouse** – A building where lodging with or without meals is provided for compensation for not more than five persons in addition to members of the family occupying such building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

[...]

~~**Hotel** – A building which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **See “Lodging”**~~

[...]

Lodging – A building, or group of buildings, which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation. Lodging includes hotels and motels.

~~**Motel** – A building or group of buildings on the same lot containing guests units, which building or group is intended or used primarily for the accommodation of transient automobile travelers. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **See “Lodging”**~~

[...]

Short Term Rental – The use of an entire dwelling unit by any person or group of person entitled to occupy for rent for a period of no more than 21 (twenty-one) consecutive days. Short term rentals include vacation home rentals approved under the regulations in effect through April 12, 2018.

Short Term Rental, Resident Occupied – The use of no more than two guest sleeping rooms by any person or group of persons entitled to occupy for rent for a period of no more than seven (7) consecutive days. The dwelling unit is occupied by a full-time resident at the time that the guest sleeping rooms within the dwelling unit are available for overnight rental. Resident occupied short term rentals include bed and breakfast establishments approved under the regulations in effect through April 12, 2018.

[...]

Vacation Home Rental – ~~The use of a dwelling unit by any person or group of person entitled to occupy for rent for a period of less than 21 (twenty one) consecutive days. (Ord. 4902 §1(a), 2008).~~

[...]

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.12.010 Permitted uses.
- 17.12.020 Conditional uses.
- 17.12.030 Lot size.
- 17.12.040 Yard requirements.
- 17.12.050 Building height.
- 17.12.060 Density requirements.

17.12.010 Permitted uses. In an R-1 zone, the following uses and their accessory uses are permitted: [...]

N. ~~Bed and breakfast establishments~~ **Resident occupied short term rental**, subject to the provisions of Section 17.72.110 and the following standards:

1. ~~That the structure be designed for and occupied as a single-family residence.~~ **Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a ~~single-family residence.~~
2. That the establishment be owner-occupied **full-time by a resident.**
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the ~~bed and breakfast establishment~~ **short term rental.**
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the ~~bed and breakfast establishment~~ **short term rental** be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;
8. ~~Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below.~~ **must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.**
9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints

based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the ~~bed and breakfast establishment~~ **short term rental** is found to be in violation of the criteria, the Planning Commission may terminate the use.

O. ~~Vacation home rental~~ **Short term rental**, subject to the provisions of Section 17.72.110 and the following standards:

1. **Short term rentals shall not be located within 200 feet of another short term rental, or on the same property as another short term rental.**
2. ~~That the structure be designed for and occupied as a single-family residence.~~ **Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a ~~single-family residence~~.
3. That a minimum of one off-street parking space be provided for each guest room.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
5. That the duration of each ~~guest's~~ **guest's** stay at the residence be limited to ~~less~~ **no more** than 21 (twenty-one) consecutive days.
6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
7. That the property owner shall live within the ~~city limits~~ **geographic area of the 97128 zip code** or shall provide contact information of a person living within the ~~city limits~~ **geographic area of the 97128 zip code** who shall be available to respond immediately to any emergency or complaint related to the ~~vacation home~~ **short term** rental.
8. ~~Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below.~~ **must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.**
9. Complaints on conditions 1 through ~~7~~ **8** above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the ~~vacation home~~ **short term** rental is found to be in violation of the criteria, the Planning Commission may terminate the use. (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499 §1, 1991; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.15

R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

17.15.010 Permitted uses. [...]

17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted: [...]

- N. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N);
- O. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2006; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.18

R-3 TWO-FAMILY RESIDENTIAL ZONE

Sections:

17.18.010 Permitted uses. [...]

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted: [...]

- P. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N).
- Q. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), §5, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4481 §1, 1991; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4221 §1, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

17.21.010 Permitted uses. [...]

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted: [...]

F. ~~Boardinghouse, lodginghouse, or roominghouse;~~ [...]

R. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N); [...]

T. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), 1995; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §2(e), 1984; Ord. 4221 §2, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.24O-R OFFICE/RESIDENTIAL ZONESections:

- 17.24.010 Purpose.
 17.24.020 Permitted buildings and uses. [...]

17.24.020 Permitted buildings and uses. In an office/residential district, the following types of buildings and uses and their accessory uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- A. Subject to the requirements of the R-4 zone, the following residential uses and their accessory uses are permitted:
1. Single-family dwelling.
 2. Common wall, single-family dwelling.
 3. Two-family dwelling (duplex).
 4. Multiple-family dwelling.
 5. Condominium.
 6. ~~Boarding, lodging, or rooming house;~~ [...]
- R. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N), ~~except that subsection 17.12.010(N)(2) shall not apply.~~ [...]
- U. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O) (Ord. 4984 §1, 2014; Ord. 4732, 2000; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §1(g), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.30

C-2 TRAVEL COMMERCIAL ZONE

Sections:

17.30.010 Permitted uses. [...]

17.30.010 Permitted uses. In a C-2 zone, the following uses and their accessory uses are permitted: [...]

B. ~~Boardinghouse, lodginghouse or roominghouse;~~ [...]

D. ~~Hotel and motel~~ **Lodging (hotels and motels)**; [...]

K. ~~Vacation home rental, subject to the provisions of Section 17.12.020(R) excluding (3).~~ (Ord. 4902 §1(g), 2008; (Ord. 4732, 2000; Ord. 4534 §1, 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(i), 1984; Ord. 4279 §1(A), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **Short term rental**;

[...]

Chapter 17.60OFF—STREET PARKING AND LOADINGSections:

- 17.60.010 Applicability of chapter.
- 17.60.020 Property owner's responsibility.
- 17.60.030 Plans required.
- 17.60.040 Spaces—Used to park automobiles only.
- 17.60.050 Spaces—Location.
- 17.60.060 Spaces—Number required. [...]

17.60.060 Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

- | | |
|---|--|
| 1. Bed and breakfast establishments | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room. |
| 2. Boarding house, lodginghouse, or roominghouse | One space per two guest accommodations. |
| 3. Fraternity, sorority, cooperative, or dormitory | One space per two sleeping accommodations. |
| 4. Multiple-family dwelling | One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons. |
| 5. Single-family and two-family dwelling. | Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms. |

6. ~~Vacation home rental~~ **Short term rental and resident occupied short term rental**

One space for each guest room

B. Institutional land use category:

1. Churches, clubs or lodges

One space per every four fixed seats or every eight feet of bench length in the main auditorium or sanctuary. One space per every 75 square feet in the main auditorium when no permanent seats or benches are maintained.

2. College—commercial or business

One space per every three classroom seats.

3. College—residential type

One space per every three full-time equivalent students.

4. Convalescent hospital, nursing home, sanitarium, or rest home

One space per two beds for patients or residents.

5. Day care, preschool, nursery, or kindergarten

One space for each teacher or supervisor.

6. Elementary or junior high school

One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.

7. Hospital

Three spaces per two beds.

8. Library, reading room, museum, or art gallery

One space per 300 square feet of floor area.

9. Other places of public assembly including stadiums

One space per four seats or eight feet of bench length.

10. Senior high school

One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater.

C. Commercial land use category

1. Automobile service station	Two spaces per each lubrication stall, rack, or pit and one per each two gasoline pumps.
2. Auto wash	One and one-half spaces per employee.
3. Banks, financial institutions	One space per 200 square feet of floor area.
4. Barber shop and beauty parlor	One space per each employee plus two spaces per each barber or beauty chair.
5. Bed and breakfast establishment (as amended Ord 4292, July 24, 1984)	One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.
6. Bowling alley	Six spaces per alley.
7. Dance hall, skating rink, pool or billiard parlor, and similar commercial recreational uses without fixed seating	One space per 100 square feet of floor space.
8. Drive-in restaurants or similar drive-in uses for the sale of beverages, food, or refreshments for consumption on the premises.	One space per four seats or one space per 200 square feet of floor area, whichever is greater.
9. Establishments for sale and consumption on the premises of beverages, food, or refreshments	One space per 100 square feet of floor area or one per four seats, whichever is greater.
10. Laundromats and coin operated dry cleaners	One space per every two washing machines.
11. Medical or dental office, including clinic	One space per 200 square feet of floor area.
12. Mortuary	One space per four seats or eight feet of bench length in chapel.
13. <u>Lodging</u> (Motel or hotel)	One space per each guest room. Parking for motel or hotel restaurants or ball rooms must be figured separately as per the requirements of this section.
14. Nursery	One space per 300 square feet of floor area of the building.

- | | |
|---|--|
| 15. Pharmacy | One space per 150 square feet of floor area. |
| 16. Private golf club, swimming pool, club, tennis club, or other similar uses | One space for each two member families, or if anticipated membership has not been achieved, one space for every two member families anticipated at maximum membership or one space for every four persons when facility is used to capacity. |
| 17. Professional office (non-medical or dental) | One space per 300 square feet of floor area. |
| 18. Retail store, except as otherwise specified in this section | One space per 250 square feet of floor area. |
| 19. Retail stores handling bulky merchandise or household furniture | One space per 500 square feet of floor area. |
| 20. Service or repair shop | One space per 400 square feet. |
| 21. Theater | One space per each three seats. |
| 22. Vacation home rental <u>Short term rental and resident occupied short term rental</u> | One space for each guest room |

D. Industrial land use category:

- | | |
|---|--|
| 1. Manufacturing establishment | One space per 1,000 square feet of floor area or two spaces per three employees working on the largest shift during peak season, whichever is greater. |
| 2. Wholesale establishment, warehousing | One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater. |

(Ord 4902 §1(h), 2008; Ord. 4479A §5, 1991; Ord. 4477 §5, 1990; Ord. 4419 §2, 1988) Ord. 4292 §2(j), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS
(as amended by Ord. 4920, January 12, 2010)

[...]

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
Applications and Permits- Director's Review Without Notification	Home Occupation Permit	17.67
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220-Section 12
	Temporary Living Unit Permit	17.54.070
	Downtown Design Review (minor alterations)	17.59.030-040
Applications- Director's Review with Notification	Administrative Variance	17.74.080-090
	Bed and Breakfast <u>Resident Occupied Short Term Rental</u>	17.12.010(N)
	Classification of an Unlisted Use	17.54.010
	Downtown Design Review	17.59.030-040
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130
	Vacation Home Rental <u>Short Term Rental</u>	17.12.010(O)
Applications Public Hearing- Planning Commission	Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)	17.59.030-040
	Annexations* **	Ord. No. 4357
	Appeal of Director's Decision	17.72.170
	Application (Director's Decision) for which a Public Hearing is Requested	17.72.120
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060

	Planned Development Amendment*	17.74.070
	Legislative Amendment *	17.72.120
	Subdivision (more than 10 lots)	17.53.070
	Variance	17.74.100-130
	Zone Change*	17.74.020
Public Hearing- City Council	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
MUAMC***	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
Public Hearing - Historic Landmarks Committee	Demolition of National Register of Historic Places Structure	17.65.050 (D)

* Following Public Hearing, Planning Commission makes recommendation to City Council

** Following City Council recommendation, Annexation requests are subject to voter approval

*** McMinnville Urban Area Management Commission

17.72.095 Neighborhood Meetings.

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
 - a. Comprehensive plan text amendment; or
 - b. Zoning ordinance text amendment; or
 - c. Appeal of a Planning Director's decision; or
 - d. Application with Director's decision for which a public hearing is requested.
2. Tentative Subdivisions (up to 10 lots)

3. ~~Vacation Home Rentals~~ **Short Term Rental**

[...]

17.72.110 Applications – Director's Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
- ~~Bed and Breakfast (Less than three (3) guest sleeping rooms)~~
- Classification of an Unlisted Use
- Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)
- Large Format Commercial Development (variation to standard)
- **Resident Occupied Short Term Rental**
- **Short Term Rental**
- Tentative Partition
- Tentative Subdivision (up to 10 lots)
- Three Mile Lane Design Review
- Transitional Parking Permit
- ~~Vacation Home Rental~~

[...]



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: March 13, 2018
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: **Ordinance No. 5048:** Adopting ADA Policies and Appointing an ADA Coordinator

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This action is the consideration of Ordinance No. 5048, an ordinance adopting a Notice of Non Discrimination under the Americans with Disabilities Act, a Grievance Procedure under the Americans with Disabilities Act, and appointing an ADA Coordinator for the City of McMinnville.

Background:

The American with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

The Rehabilitation Act of 1973, requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Specifically, the City may not, either directly or through contractual arrangements, do any of the following¹:

Attachments:

Ordinance No. 5048 including

Exhibit A: Notice of Non Discrimination Under the Americans with Disabilities Act

Exhibit B: Grievance Procedure Under the Americans with Disabilities Act

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

Discussion:

The Americans with Disabilities Act (ADA) requires cities to establish an ADA program to provide equal access for all residents to the cities' programs and amenities.

This program is comprised of several different components.

1. Start Implementation
2. Appoint an ADA Coordinator
3. Provide Public Notice
4. Adopt a Grievance Procedure
5. Conduct a Self-Evaluation
6. Develop a Transition Plan
7. Create an Action Plan

Ordinance No. 5048 addresses components 1 – 4.

ADA COORDINATOR

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used. A public entity may have more than one ADA Coordinator.

Most states and many counties and municipalities have an overall ADA Coordinator and also have ADA Coordinators at the agency and department level. Some public entities have an employee who oversees employment issues and another to coordinate the non-employment obligations. The ADA Coordinator is the key player in ensuring ADA compliance. The coordinator must have the authority, knowledge, and motivation to implement the regulations effectively.

One of the greatest benefits of having an ADA Coordinator is that the public can identify an employee to contact with their ADA questions or complaints. Having an ADA Coordinator benefits other employees by providing a specific person with knowledge and information about the ADA. And, of course, the person coordinates compliance efforts and is instrumental in ensuring that compliance plans move forward.

Coordinator's Role

- Plan and coordinate compliance efforts.
- Develop and distribute notice about ADA compliance.
- Respond to general inquiries from the public.
- Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures.
- Train staff, boards and commissions on ADA requirements.
- Interact and consult with staff, boards and commission on the ADA.

Attachments:

Ordinance No. 5048 including

Exhibit A: Notice of Non Discrimination Under the Americans with Disabilities Act

Exhibit B: Grievance Procedure Under the Americans with Disabilities Act

- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.

Ordinance No. 5048 appoints the Planning Director or his/her designee as the ADA Coordinator. The City of McMinnville is lucky to have Heather Richards, Planning Director, who has served as the ADA Coordinator in a previous community, and Robert Reygers, Building Inspector II, a certified ADA Coordinator in the Building Division. Robert Reygers will be the designee serving as the ADA Coordinator for the City of McMinnville. Robert studied for and successfully tested as an ADA Coordinator on his own initiative due to his passion for ensuring that everyone has equal access to programs, projects and amenities.

PUBLIC NOTICE

All public entities must provide information to the public, program participants, program beneficiaries, applicants and employees about the ADA and how it applies to the public entity.

GRIEVANCE PROCEDURE

Public entities with 50 or more employees must have a grievance procedure.

A grievance procedure provides people who believe they have been discriminated against because of their disability, or others who believe they have been discriminated against because they have a friend or family member with a disability, with a formal process to make their complaint known. This procedure encourages prompt and equitable resolution of the problem at the local or state level without forcing people to file a federal complaint or a lawsuit.

The Title II regulations do not specify the procedures for the grievance procedure. The public entity may use a grievance procedure that is already in place; there is no need to reinvent the wheel or duplicate existing procedures. If the organization does not already have a grievance procedure, one must be established.

Grievance procedures should include the following:

- A description of the procedures for submitting a grievance.
- The steps that will be taken by the public entity.
- Reasonable, specific time frames for review and resolution of the grievance.
- A two-step review process that allows for appeal.
- Record-keeping for complaints submitted.
- Documentation of steps taken towards resolution.

Steps 5 – 7, Self-Evaluation, Transition Plan and Action Plan, involve a comprehensive review of all city public facilities – buildings, parks and right-of-way – to evaluate barriers for equal access and then establish an action plan to remove the barriers. Some of this work is currently underway, for example curb ramps throughout the city are being inventoried and evaluated. However in FY 18-19, city staff is hoping to establish an Accessibility Advisory Committee to work with city staff on establishing standards and priorities for the Self-Evaluation, Transition Plan and Action Plan, and conducting an inventory of all other city public facilities.

Fiscal Impact:

Attachments:

Ordinance No. 5048 including

Exhibit A: Notice of Non Discrimination Under the Americans with Disabilities Act

Exhibit B: Grievance Procedure Under the Americans with Disabilities Act

None.

Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5048.
2. **REQUEST MORE INFORMATION.**
3. **DO NOT ADOPT** Ordinance No. 5048.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5048.

“I MOVE TO ADOPT ORDINANCE NO. 5048”

HR

Attachments:

Ordinance No. 5048 including

Exhibit A: Notice of Non Discrimination Under the Americans with Disabilities Act

Exhibit B: Grievance Procedure Under the Americans with Disabilities Act

ORDINANCE NO. 5048

AN ORDINANCE ADOPTING A CITY OF MCMINNVILLE NOTICE OF NONDISCRIMINATION AND GRIEVANCE PROCEDURE FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND APPOINTING AN ADA COORDINATOR.

RECITALS:

The City of McMinnville does not discriminate on the basis of disability in the admission or access to, treatment in, or employment in, its programs or activities and strives to make all of our programs and services available to every McMinnville citizen.

The Americans with Disabilities Act (ADA) of 1990 provides guidelines to comply with accessible programs, services and building construction.

Title II of the Americans with Disabilities Act addresses the right of access to public services by individuals with disabilities. According to the *Americans with Disabilities Act Handbook* (U.S. Department of Justice, 1991), the purpose of Title II is to prohibit discrimination on the basis of disability in all services, programs and activities provided or made available by local or state governments and their affiliate agencies. This is regardless of whether they receive federal funding or how many employees they have.

The City of McMinnville assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. In addition, the City of McMinnville also incorporates other State and Federal classes such as disability, religion, age, sex, sexual orientation, gender identity, marital status, or source of income.

The City of McMinnville assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts Exhibit A, the City of McMinnville Notice of Non Discrimination Under the Americans with Disabilities Act; and
2. That the Council adopts Exhibit B, the City of McMinnville Grievance Procedure Under the Americans with Disabilities Act; and
3. That the Council appoints the Planning Director or his/her designee to be the ADA Coordinator for the City of McMinnville.

Passed by the Council this 13th day of March 2018, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY ATTORNEY

CITY RECORDER

EXHIBIT A

CITY OF MCMINNVILLE, OREGON



NOTICE OF NON DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the ADA Coordinator at **503-434-7311, or Access@mcminnvilleoregon.gov**, as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator at **503-434-7311, or Access@mcminnvilleoregon.gov**.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

EXHIBIT B

CITY OF McMinnville, OREGON



GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

City of McMinnville
Attn: ADA Coordinator
231 NE 5th Street
McMinnville, OR 97128
Phone: (503-434-7311)
Email: Access@mcminnvilleoregon.gov

Within 15 calendar days after receipt of the complaint, the ADA Coordinator (or an authorized management designee) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator (or an authorized management designee) will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator (or an authorized management designee) does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his designee.