



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

City Council Meeting Agenda
Tuesday, April 10, 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. Annexations
3. Plastic Bag Ordinance
4. 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 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. PROCLAMATION
 - a. National Child Abuse Prevention Month
5. CONSENT AGENDA
 - a. Consider the Minutes of January 23, 2018 Dinner and Regular City Council Meeting and April 3, 2018 City Council Work Session (Strategic Plan- Stakeholder Charrette).
 - b. Consider request for off-premises with fuel pumps OLCC License from ARS-Fresno, LLC dba Porters 51 located at 1920 NE Lafayette Avenue.
 - c. Consider request from Druthers Wine LLC for Winery OLCC License from Druthers Wine LLC located at 818 SE 1st Street.
 - d. **Resolution No. 2018-16**: A Resolution providing for and approving an Intergovernmental Agreement between the City of McMinnville, and Yamhill County, for equitable sharing of Dog Control licensing revenue.

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.

6. PRESENTATION

- a. Recology – Recycling
- b. Bypass Phase II Statement of Support

7. RESOLUTION

- a. **Resolution No. 2018-17**: A Resolution awarding the contract for the 2018 Street Overlay, Project 2017-11.

8. ORDINANCES

- a. Consider second reading of **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.
- b. Consider second reading of **Ordinance No. 5049**: An Ordinance relating to the parking of Recreational Vehicles, Motor Trucks and Abandoned Vehicles; amending McMinnville Municipal Code (MMC) Chapters 10.04, 10.28, and repealing MMC Chapter 15.28.
- c. Consider first reading with possible second reading of **Ordinance No. 5050**: An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36.

9. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- c. Cash & Investment Report

10. ADJOURNMENT



City of McMinnville
City Attorney's Office
230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: April 10, 2018
TO: Jeff Towery, City Manager
FROM: David Koch, City Attorney
SUBJECT: Revisions to Bag-It-Better Ordinance (MMC Ch. 5.36)

On February 14, 2017, the City Council adopted Ordinance 5018, prohibiting the use of single-use plastic bags at retail establishments and other designated locations within the City. The program was brought forward by Zero Waste McMinnville, and supported unanimously by the Council following a several months long period of community dialogue and discussion. The prohibition was phased in over a 12-month period, with the restrictions applied to retail establishments larger than 10,000 sq. ft., effective September 1, 2017, and all other establishments effective March 1, 2018.

During the initial roll-out of the program, there was a very high rate of compliance, as the City and Zero Waste McMinnville focused their efforts towards education rather than enforcement. The City issued only one warning letter during the initial roll-out period, and there have been no citations or fines issued for non-compliance.

While compliance with the ordinance has been strong, there has been one consistent area of confusion with respect to the ordinance, which has required staff attention to answer questions and provide interpretation of the ordinance language. The area of confusion relates to the definition of "Reusable Bag", and results from changes that were made to the ordinance at the direction of the Council to prohibit relatively thicker plastic bags (2.25 or 4.0 mils) from consideration as "reusable bags". Unfortunately, the changes to the definition resulted in a vague definition that could be interpreted to allow plastic bags:

Reusable bag. A bag made of machine washable cloth **or other material** with handles that is specifically designed and manufactured for long-term multiple reuses.

Some retailers have initially interpreted the highlighted words "or other material" to allow for the use thicker plastic bags as reusable bags. In some cases, this has included relatively thicker plastic bags (2.25 or 4.0 mils) intended to be prohibited, and in other cases, it has included more durable woven synthetic fiber materials intended to be allowed. I have personally discussed this ordinance language, and the Council's intent, with representatives from several local retailers, and many others have been contacted by Zero Waste McMinnville for the same purpose.

I recommend that the City pass a housekeeping amendment to the Ordinance, which will clarify the Council's intent. The proposed amendment is as follows:

5.36.020 Plastic Bag Use; Definitions

11. Reusable bag. A bag made of machine washable cloth, **woven synthetic fiber** or other **non-plastic** material with handles that is specifically designed and manufactured for long-term multiple reuses.

12. Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable **bags, and** biodegradable bags, **and thicker plastic bags (i.e. 2.25 mils or 4.0 mils)**, but does not include reusable bags, recyclable paper bags, or ~~product or produce bags~~ **exempted from the definition of Carryout bag.**

Attachments:

Ordinance No. 5050

Recommendation:

Adopt Ordinance 5050.

ORDINANCE NO. 5050

An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36.

RECITALS

On February 14, 2017, the City Council adopted Ordinance 5018, reducing the negative impacts caused by single use plastic bags and encouraging the use of sustainable reusable products.

The intent of the Council was to reduce the proliferation of single-use plastic bags, including thicker plastic bags (i.e. 2.25 mils or 4.0 mils thick plastic bags), and to encourage the use of cloth fiber and other sustainable products, such as woven synthetic fiber bags.

Since the effective date of the Ordinance 5018, some retail establishments subject to the ban have attempted to interpret the ordinance language that was intended to allow alternative products such as woven synthetic fiber bags as allowing thicker plastic bags that were intended by the Council to be prohibited.

NOW, THEREFORE, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The attached language in Exhibit 1 is incorporated into this Ordinance by reference.
2. This ordinance will take effect 30 days from the date of approval.

Passed by the Council April 10, 2018, by the following votes:

AYES: _____

NAYS: _____

Approved April 10, 2018.

MAYOR

Approved as to Form:

Attest:

CITY ATTORNEY

CITY RECORDER

ORDINANCE NO. 5050

EXHIBIT 1

Section 1. MMC Section 5.36.020 will be amended as follows:

11. Reusable bag. A bag made of machine washable cloth, woven synthetic fiber or other non-plastic material with handles that is specifically designed and manufactured for long-term multiple reuses.

12. Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable bags, and biodegradable bags, and thicker plastic bags (i.e. 2.25 mils or 4.0 mils), but does not include reusable bags, recyclable paper bags, or product or produce bags exempted from the definition of Carryout bag.



PROCLAMATION

Whereas, the Centers for Disease Control and Prevention estimates that 1 in 4 children will suffer significant abuse before the age of 18 and annually over 70,000 Oregonian children are reported to the Department of Human Services as having been abused or neglected with over 10,400 child abuse victims confirmed in 2016 alone; and

Whereas, the physical, emotional, and financial impact of abuse and neglect falls most heavily on children of all ages and abilities, who come from all economic, racial, and social backgrounds; and these crimes affect many more family members, friends, neighbors, educators and family coworkers; and

Whereas, child victims who feel understood and supported are more likely to disclose their victimization, seek services to find healing, and participate in the justice process; and

Whereas, providing victims and their families with knowledge of their rights and available services further strengthens their ability to recover by restoring a sense of self-empowerment; and

Whereas, a trauma-informed response to victims promotes healing and fosters strength in survivors; and

Whereas, we celebrate those who provide help and support to child victims of violence, sexual abuse and neglect and many other life altering crimes and their commitment to respect and enforce victims' rights and to address their needs in support of healing; and

Whereas, National Child Abuse Prevention Awareness Month, April 2018, provides an opportunity to recommit our community to ensuring that all victims of child abuse are afforded their rights; and

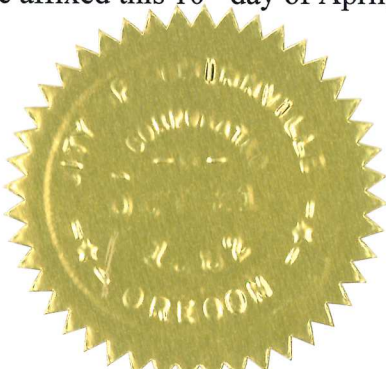
Whereas, McMinnville is dedicated to strengthening child victims and their non-offending families in the aftermath of crime, building resilience in our communities and our victim responders, and working for justice for all victims and survivors; and

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim April 2018 as

National Child Abuse Prevention Month

and reaffirm The City of McMinnville's commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and to express our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 10th day of April, 2018.



Scott A. Hill, Mayor

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

Tuesday, January 23, 2018 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

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

Also present were City Manager Jeff Towery, City Attorney David Koch, Deputy City Attorney Natalee Levine, 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 6:16 p.m.
2. DISCUSS POSSIBLE TIME CHANGE/FORMAT FOR WORK SESSIONS/
CITY COUNCIL MEETINGS.

Mayor Hill shared his thoughts of changing the dinner meeting to a work session. He felt that it would be a great opportunity to make the meetings more productive by having presentations by partners, the community and discussing topics that needed to be handled in a timely manner and issues that are complex or controversial. He suggested that the work sessions take place around 5:40 p.m. It was noted that work sessions will also take place on the third Wednesday of each month at 5:30 p.m.

Discussion ensued regarding timing, joint work sessions with other boards and commissions, and topics for future work sessions.

Cyrus Buchholz of Sheridan asked Council about how the City is helping those in need who want help. He asked where they can find showers. Discussion ensued regarding services the County offers and it was noted that the Community Center is available for showering and that there is a voucher program available to those in need. Council thanked Mr. Buchholz for attending the meeting and raising the issue.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 6:56 p.m.

Melissa Grace, City Recorder

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, January 23, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u> Adam Garvin Kellie Menke, Council President Alan Ruden Wendy Stassens Sal Peralta	<u>Excused Absence</u> Remy Drabkin
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Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Deputy City Attorney Natalee Levine, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Information Systems Director Scott Burke, Parks and Recreation Director Susan Muir, Planning Director Heather Richards, Police Chief Matt Scales and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Councilor Ruden led the pledge of allegiance.
3. OATH OF OFFICE: City Attorney David Koch administered the Oath of Office to appointed Councilor Sal Peralta.
4. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Sean Casey, 3133 Lily Lane, recently moved to Lily Lane. He commented that he had not seen anything being done directly to address neighbors' concerns. He noted that there were numerous RVs and semi-trucks parked near the neighborhood. He expressed his concerns about worrying about family when he was away and stated that he checked his vehicles more often. He kept hearing on public forums that the City wanted to help both sides. He thought it was an unacceptable situation. He had not seen Code Enforcement address this issue, no tires had been marked or vehicles towed.

Caroline O'Brien, 1591 SW Wright Street, stated there was an enormous problem with speeding on her street and Agee Street. She asked that the City consider putting in speed bumps on Agee Street. She was concerned about children riding their bikes to school and felt the fast traffic was a safety issue.

Nick Robinson, 3190 Lily Lane, was trying to be proactive and find solutions, but he was running into a roadblock. He had some discussions with Code Enforcement and police officers, but had received feedback that the ordinances were too vague to be enforced. He was concerned about dogs running at large and the codes not being enforced. He commented on an ORS that said people could not park within ten feet of a fire hydrant. There was a trailer that was parked right on the edge of the yellow paint and Code Enforcement's response was that she did not enforce the code but enforced the paint. He asked at what point they needed to sue the City for the City not acting. He reiterated that he was trying to be proactive.

Myah Lovett, 3157 Hidden Meadow Drive, asked if she could find out if those staying in the RVs in her neighborhood were on the sexual offender list. She expressed concern with them open carrying and would like to know if they were felons. She asked that the City follow State statutes addressing motor homes in the public right-of-way and suggested using the statutes from the City of Newberg regarding RVs. She didn't believe that it should take so long for something to happen. She also commented that it was possible someone had been dumping sewage into the storm water areas. People were looking for places to camp and if there were no policies in place, more would come to McMinnville.

Cheryl Gara, 3136 Hidden Meadow Drive, stated that when she moved into the neighborhood it was a nice place to be. It was clean, beautiful, and great and now there was a camp on Doran Drive. One of her neighbors sold his home for much less than what he thought it was worth because of complaints about those camping on Doran Drive. She saw stray dogs and people walking around that she had never seen before. She felt that it not a nice, safe neighborhood like it used to be. If she were to sell her home, she would not get a fair price for it. She asked for a law where people could not camp overnight on City streets. People would start moving out of the area because McMinnville would become known for allowing camping on streets. That would affect local businesses, and people would not want to move to McMinnville. It was unacceptable for people to permanently camp in their RVs in neighborhoods.

Griffin Zollner, 3743 Hidden Meadow Drive, stated that the people camping on Doran Drive found a loophole to camp on City streets. RV parks were a viable route for this type of lifestyle. He moved here three years ago and feared that the issues of Portland would creep into McMinnville. He didn't see that the issues would get any better if they were allowed to continue to perpetuate. He asked the City Council to imagine if there were piles of belongings and congregated trailers on their street day in and day out, questioning if they wanted to walk down the street, what their property taxes were being used for, and what the

resale value was of their homes. He asked that Council resolve the issue as soon as possible.

Mark Riche, 1427 NW 5th Street, addressed the homeless issue. He noted that homeless needed a place to go and that the City should give them a place to go, a piece of land that the City owned. He felt that it was an ongoing problem. He stated that everyone was being attacked in one way or another. He did not think it would cost the City anything, and he thought the City could donate the land and it could be a write-off. He thought they should ban fortified liquor on Third Street. These problems were spinning out of control, and the way to solve it was to provide a piece of property for a place to be.

Police Chief Scales noted that the Police Department had been out to the area and would continue to monitor the situation. The semi-trucks were only required to be permitted if they were adjacent to a residential area. Since the area on Doran where they were parking was business/industrial, no permit was needed. The issue of RV camping and parking was not going unnoticed, however there were loopholes in the ordinance. The issue would continue to be addressed, but it was complex and multifaceted.

5.

PUBLIC HEARING: To take testimony and evidence on the following matter: Zoning Ordinance Text Amendment: Chapter 17.55, Wireless Communications Facilities.

DOCKET NUMBER: G 4-17

The City of McMinnville was proposing to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to bring it into compliance with current Federal Communications Commission (FCC) regulations and to protect livability in McMinnville.

Mayor Hill explained the rules of the public hearing and called the public hearing to order at 7:34 p.m.

Mayor Hill asked if there was any objection to the Council's jurisdiction to hear this matter. There was none.

Mayor Hill asked if any Councilor had any disclosures to make or would abstain from participating and voting on the application. There was none.

Mayor Hill asked if any Councilor had ex parte contact to declare. There was none.

Planning Director Richards stated that the topic was a Legislative Land Use application being initiated by staff to amend the Code regarding wireless facilities. She explained that the City's first wireless communications facilities chapter of the Zoning Ordinance was adopted in June 2000 and had not been changed since then. Over the last 17 years, the FCC had adopted multiple amendments governing the wireless industry such as: exemption from most

regulations for personal wireless devices and exemptions requiring local agencies to administratively approve minor amendments to existing facilities. It was timely to consider updating the City's regulations to maintain FCC compliance and to consider zoning opportunities to achieve a better community aesthetic. Adoption of the current regulations provided a good foundation for establishing McMinnville's first wireless facilities code. These regulations had allowed wireless towers in industrial zones without height limits. Current regulations also allowed up to 20 additional feet of height to be added by antennas mounted to existing structures in all zones. Landscaping at the antenna base and equipment enclosure required a six foot tall fence and sight obscuring plantings. Placement of antennas mounted to existing structures located in the historic downtown area required Conditional Use approval. She explained current installation and showed local examples of wireless communications towers and alternative support structures. The intent of the amendments was to allow for the flexibility of an evolving technology that was becoming more and more prolific, but started to require aesthetic standards so that the technology was not only a functional asset but also a built environment asset. The amendments included stealth and colocation when possible, minimizing height in residential and special areas, and allowing for small cell technology. They wanted to avoid land use cases and petitions.

She reviewed the process of getting to this decision:

- Identified as a product of the 2017 Planning Commission Work Plan.
- Reviewed and evaluated other community codes.
- Developed a draft and worked with legal counsel for compliance with FCC.
- Held Planning Commission Work Sessions.
- Developed amendments with Crown Castle.
- Planning Commission made a recommendation to City Council on November 16, 2017.
- City Council was introduced to the topic on November 28, 2017.
- Verizon asked for time to review and comment.
- City Council held a Public Hearing on January 23, 2018.

The recommendations for the McMinnville Zoning Ordinance, Chapter 17.55 included deleting the existing Chapter 17.55 and adopting a new chapter because the amendments were extensive. There were also major updates and new elements for wireless communications such as exemptions for those items that did not need to be regulated. She displayed a suggested chart of permitted locations for antenna support structures and antennas (inclusive of small cells) mounted to alternative antenna support structures. There were also development review standards such as visual impact, setbacks and separation, and colocation. She reviewed the application process which included: a public meeting, residential siting analysis, geographical survey, visual impact analysis, design options and alternative site analysis, number of WCF, safety hazards, landscaping, height, and maintenance. There was also a section regarding the owner's responsibility and abandoned facilities. There would be abandoned product at the end of the lifecycle and they needed to make sure that the owner would remove that product and restore the site to original condition.

Planning Director Richards displayed samples of creative stealth towers. Small cells were also addressed in the proposed amendments. She noted that small cells was an emerging technology that allowed for more data and more reach. What was included for small cells was likely to change in the future. There were ways to make the small cells stealth as well that would be an asset to an area, and she showed examples. The additional recommended amendments were: deleting the definition of Radio Frequency Engineer, amending the Visual Impact – Height section that required a report prepared by a Radio Frequency Engineer, and amending the Colocation Feasibility section that must be presented and certified by a Radio Frequency Engineer. Finding a licensed RF Engineer was difficult and most cities were changing the language to allow for a licensed civil engineer to perform those tasks. Another additional amendment was deleting a sentence from the Visual Impact – Accessory Building Size section which stated for facilities required to be approved as stealth facilities, no fencing around the wireless or broadcast communication facilities shall be allowed. These were typically proprietary equipment that the vendor felt needed to be secured. There were other sections in the code that said the equipment needed to be screened by landscaping so it would not be a negative impact. She recommended that they adopt the ordinance as amended.

Councilor Ruden stated that there didn't seem to be a downside to these changes. He asked for Ms. Richards to explain the Conditional Use process. Planning Director Richards explained the Conditional Use process was a land use application and had to meet the criteria of the code. It went through a public process with a neighborhood meeting and public hearing at the Planning Commission.

Councilor Peralta asked about a Conditional Use for the small cell towers, extending the height from ten feet to twenty. What was the reasoning behind that? Planning Director Richards explained that there was concern about height impact in residential areas. The towers needed clearance for the facilities to talk to each other and they had to go up and above the roof and tree lines. If they could not get coverage at ten feet, there was an allowance to go up to 20 feet. She noted that 20 feet would be a Conditional Use process.

Councilor Peralta asked if there were any other notices required other than the 1,000 feet from the facility. Planning Director Richards explained there also needed to be notice posted at the site and a notice in the newspaper if there was a public hearing.

Councilor Peralta asked about the cabinet size, which originally was not to be larger than six cubic feet, and how Verizon had requested that be deleted. Planning Director Richards said the intent was to allow the technology to occur and be functional and have flexibility as it evolved. By putting a box around the size, it could restrict future use. They wanted to mitigate the aesthetic standards and impacts to the site. The focus was more on screening and stealth, and size did not become as important.

Council President Menke asked about the public meeting process and if it was organized by the Planning Department or applicant. Planning Director Richards stated the neighborhood meeting was organized by the applicant. The City offered to provide mailing addresses, but it was the applicant's job to do the mailing and run the meeting. The Planning Department would only go to the neighborhood meeting as an observer, not as a participant.

Councilor Stassens asked about the towers going over 100 feet in industrial areas. Would that be through a Conditional Use? Planning Director Richards said that was done through a feasibility analysis. By federal law they could not prevent the opportunity for this technology to come into the community and operate.

Councilor Stassens asked about the stealth requirements. Planning Director Richards said the amendments required stealth. She noted that if it was collocating, it needed to blend in with the existing facility. If it was coming in as new, it was coming in as stealth. In industrial zones, towers were allowed to be installed. That was where they wanted towers located and they were trying to make it as easy as possible to go there.

Discussion ensued regarding installations on the agricultural holding zone.

Planning Director Richards explained that the future use of the property was not farming in the agricultural holding zone and they wanted to ensure that the infrastructure that would be installed would be compatible to the future development of the area.

Proponent: Meridee Pabst, Verizon representative, thanked staff for their time and careful review of Verizon's suggested changes. She noted that one of the more important changes was the restoration of the allowance for an additional 20 feet for rooftop installations in both residential and commercial zones. She explained that it was a critical option for carriers in order to serve all areas of the City. Carriers needed an option to get above rooftops. The City's interest in aesthetics was now protected by the stealth requirements. She shared that Verizon also supported the proposed changes for small cells. It was a work in progress and Verizon looked forward to working with the City to create some standards that would work for everyone.

Councilor Peralta asked how much additional infrastructure would be needed on rooftops. Ms. Pabst explained carriers were proceeding with developing both new macro sites and installing small cells. Small cells were useful in addressing high capacity need areas, such as downtown. Technology was changing and these things would evolve over time in order to serve the community.

Opponent: None.

Council President Menke moved to close the hearing and proceed to deliberation; seconded by Councilor Stassens. Passed unanimously.

Mayor Hill closed the public hearing at 8:15 p.m.

6.

ORDINANCE

Second reading of Ordinance No. 5043: Second reading of **Ordinance No. 5043**: An Ordinance amending Title 17 of the McMinnville City Code Specific to Chapter 17.06, Definitions, and 17.55 Wireless Communications Facilities to help achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

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

City Attorney Koch read by title only for a second time Ordinance No. 5043.

Councilor Garvin MOVED to adopt Ordinance No. 5043 amending Title 17 of the McMinnville City Code Specific to Chapter 17.06, Definitions, and 17.55 Wireless Communications Facilities to help achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations; SECONDED by Councilor Stassens. Ordinance No. 5043 PASSED by a unanimous roll-call vote.

7.a.

PRESENTATION: Downtown Safety Task Force

Police Chief Scales and Parks and Recreation Director Muir presented. Police Chief Scales noted the names of the Task Force members. Since the November Council check in, the survey was closed and the Task Force reviewed the results, they brainstormed potential solutions to problems, had presentations from Mac City Pastors and Officer Heidt, ranked proposed solutions, identified pros and cons for solutions, and continued improvements to the web page.

Parks and Recreation Director Muir discussed the survey that quantified the summer of 2017. She shared that over 200 people took the survey. The survey was distributed online through the McMinnville Downtown Association, flyers were hand delivered to the neighborhood north of downtown, the survey was emailed to SoDAN (south of downtown neighbors), and was posted on the City's website. She noted that 46% of survey respondents were employees of a downtown business, 20% were downtown residents, 18% were downtown business owners, 12% were others, and 4% were visitors/shoppers. The focus was on what happened in the summer of 2017 and to create a baseline. For the question how many times did you or your employees personally feel unsafe in our downtown, 42% said sometimes, 21% said seldom, 20% said often, 16% said never, and 1% said always. The goal would be to get more who said seldom or never so that people felt safe downtown. For the question how much communication did you personally read, see or hear about regarding what efforts were underway to improved downtown issues, 60% stated some but too little, 21% said none, 18% said about right, and 1% said too much. Parks and Recreation Director Muir stated that they were working on better communication. For the question how many times did you or your employees see or deal with camping or loitering on your property, the majority said 1-5

times. For the question how many times did you or your employees deal with urine or human waste on your property, 59% stated 0 times, 32% said 1-5 times, 4% said 6-10 times, 5% said 10 or more times. For the question how often did you see a police presence or park ranger in downtown, and the majority said never or seldom/sometimes.

Chief Scales shared that the Task Force met for a brainstorming session for prioritizing issues and potential solutions. He noted that Officer Heidt had been working with the courts and patrol officers on excluding persons from downtown. Officer Heidt had seen a decrease in the number of behavior issues downtown and Chief Scales had received calls noting that business owners and residents had also seen a decrease. The next steps for the Task Force were: two more meetings, finalize recommendations including short and long term solutions and measures for success, pros/cons list for solutions, and return to City Council on March 27, 2018 with a final product.

Councilor Stassens asked about what kind of traffic there had been on the website. Police Chief Scales would have to look into that. He talked about working with the *News Register* to tell the story about how the City was handling the problem as well as include that story on the website. Parks and Recreation Director Muir added that the McMinnville Downtown Association also had the exclusions on their website. She would work with them and the City to get a counter to see how many people were accessing the information.

Discussion ensued regarding exclusions and how long people were on the list. Police Chief Scales said people could be excluded for up to 180 days.

Mayor Hill commented on the marked difference that Officer Heidt noted. He thanked the Task Force for their work. He noted the importance of doing things thoughtfully and creating ordinances that were right for the long term.

7.b.

PRESENTATION: Mid Year Budget Report

Finance Director Baragary gave a high level view of the current fiscal year's budget. The Finance Department had updated the forecast as well. The beginning fund balance was higher than anticipated due to increased property tax revenue and personnel services savings in Parks Maintenance, Police, and Fire due to vacant positions. Revenues were higher than projected from marijuana taxes, franchise fees, and transient lodging tax rate increase. She reviewed the expenditures for the fiscal year. The biggest change was the staffing level changes due to adding two positions in the Police Department. PERS rates had also been updated. She displayed a chart of the General Fund reserve based on the adopted budget and compared it to the mid-year estimates. She noted that there was not a lot of variance. By the end of 2018-2019 they could reach the 25% threshold that was adopted as the General Fund reserve policy. The challenges for the future were increased PERS employer contributions rates and increasing health insurance costs. She noted that the option that was currently getting the most traction was the employer incentive fund and explained that the fund would be structured to allow the creation of a

side account to be used to off-set PERS rate increases. What would be a benefit to the side accounts was that PERS would match employer contributions \$.25 on the \$1.00. The side accounts could only be funded with cash on hand, but there might be changes to allow use of bond or loan proceeds.

Finance Director Baragary noted that the state and local marijuana tax revenues should be approximately \$40,000 to \$50,000 for local and \$150,000 for state. Property tax revenue had been increasing about 4%. There would also be a strategic planning process that would help the City determine how to fund some of the upcoming challenges. The first Budget Committee meeting would be held on May 16th.

Councilor Ruden asked about the decreasing General Fund reserves. Finance Director Baragary noted that the figures for the additional possible revenue streams were not included in that table. She thought that was where the strategic planning discussions would assist the City. If they did nothing, they were looking at a significant decrease in the reserves.

City Manager Towery noted that when they were looking 3-4 years out and assumed no proactive decisions, the numbers would get worse. It meant that they needed to make some decisions between now and then.

Mayor Hill noted that they needed to fine-tune the expense portion and to get creative in the revenue portion. They had to have a holistic approach.

Discussion ensued regarding how critical strategic planning was at this time.

City Manager Towery noted the City was being conservative on the revenues and expenditures, and over the long-term they ended up being better off than they thought. The reserves had been stable and he did not think they were in a precarious position at this point.

Councilor Peralta asked about other drivers and costs other than PERS. Finance Director Baragary shared that medical insurance was the most expensive after PERS. One thing that was not incorporated into the forecast was the CPI, which was 3.6%, and would affect the COLA. She had not had time to calculate what that would mean. It had not been that high in other parts of the country.

8. RESOLUTIONS

- 8.a. **Resolution No. 2018-02:** A resolution appointing _____ and _____ as representatives of the City of McMinnville Budget Committee.

Mayor Hill shared that two applications were received (Sherry Markwood and John Mead) for the vacant Budget Committee positions. Council President Menke, Mayor Hill, and Budget Committee Member Peter Hofstetter met on January 10th to interview Ms. Markwood. Because Mr. Mead had several years of experience serving on the Committee and there were two vacancies, it was

determined unnecessary to interview him. These appointees would serve three year terms.

Councilor Ruden MOVED to adopt Resolution No. 2018-02; appointing Sherry Markwood and Peter Hofstetter as representatives of the City of McMinnville Budget Committee; SECONDED by Council President Menke. Motion PASSED unanimously.

- 8.b. **Resolution No. 2018-03:** A Resolution of the City of McMinnville accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2017, per Oregon Revised Statute 457.460.

Planning Director Richards explained that per ORS 457.060 the McMinnville Urban Renewal Agency was required to prepare an Annual Financial Report reporting resources, expenditures, activities, and impact to taxing districts for the previous fiscal year and file it with the governing municipality prior to January 31 of each year, and notice provided in the newspaper of the annual financial report being available for review. She reviewed the highlights of the report noting revenues and expenditures. The tax collected for last fiscal year was \$176,000 and the projects worked on were the Alpine Avenue improvements, Parking Study, Façade Improvement grants, and there were administrative costs for the bonds. She then described the long term obligations and the forecast for this fiscal year's budget revenues and expenditures. The primary project for this year was Alpine Avenue. They would also work on the Third Street improvement project and development assistance program. She then discussed the impact on the overlapping taxing districts in terms of foregone revenue.

Council President Menke MOVED to adopt Resolution No. 2018-03; accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2017, per Oregon Revised Statute 457.460; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 8.c. **Resolution No. 2018-04:** A Resolution awarding the contract for the construction of the Shadden Drive Sanitary Sewer Pipe Bursting Project, Project 2017-12.

Community Development Director Bisset stated that the project represented the rehabilitation of approximately 1,000 feet of eight inch sanitary sewer mainline. He noted that it was being constructed as part of the subdivision development in the area. The project would allow the repair before the street was paved. The funding for the project was contained in the budget for the wastewater services fund. Two quotes were received for the work and Canby Excavating was the low bidder. The work would be completed by March 2018 and he did not anticipate any delays.

Councilor Garvin MOVED to adopt Resolution No. 2018-04; awarding the contract for the construction of the Shadden Drive Sanitary Sewer Pipe Bursting

Project, Project 2017-12; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 8.d. **Resolution No. 2018-05:** A Resolution awarding a Contract Amendment 1 for Professional Services for the Water Reclamation Facility Tertiary Treatment and Disinfection Project, Project No. 2017-2.

Community Development Director Bisset noted that about a year ago a design contract was awarded to CH2MHill for the first phase of the next expansion project at the treatment plant addressing the tertiary treatment process as well as the disinfectant process. It was time to begin Phase 2 of the project explaining that this was the next large capital project in the Water Reclamation Facilities Plan. The scope of work included the development of the design contract documents and bid services for the project.

Council President Menke MOVED to adopt Resolution No. 2018-05 awarding a Contract Amendment 1 for Professional Services for the Water Reclamation Facility Tertiary Treatment and Disinfection Project, Project No. 2017-2; SECONDED by Councilor Ruden. Motion PASSED unanimously.

- 8.e. **Resolution No. 2018-06:** A Resolution Approving an Option and Tower Lease Agreement with Verizon Wireless, LLC.

Fire Chief Leipfert stated that the contract with Verizon was to give access and lease property on the tower to Verizon. There was room to accommodate Verizon on the tower and on the ground, however one of the parking spaces in the parking lot would be lost. There would be a brick wall placed around the tower to accommodate the new infrastructure. The contract included terms that would protect the City's emergency communications system.

Councilor Ruden MOVED to adopt Resolution No. 2018-06 approving an Option and Tower Lease Agreement with Verizon Wireless, LLC; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 8.f. **Resolution No. 2018-07:** A Resolution of the City amending a Deed that was recorded on August 18, 1971, in Film Volume 85, Page 1250, Deed and Mortgage Records of Yamhill County.

Planning Director Richards stated that the City conveyed a piece of property to Evergreen Helicopters Inc. International in 1971. The deed had several restrictions on how the property would be used. One of the restrictions was relative to the specific use of the property for helicopters. The property was now being used as the headquarters for TTR, a software development company. They were moving forward to obtain financing to support their growth and were having difficulties due to the deed restriction. She explained the proposed change to the deed.

Councilor Ruden MOVED to adopt Resolution No. 2018-07 amending a Deed that was recorded on August 18, 1971, in Film Volume 85, Page 1250, Deed and

Mortgage Records of Yamhill County; SECONDED by Council President Menke. Motion PASSED unanimously.

9. CONSENT AGENDA

- a. Consider the Minutes of January 9, 2018 Regular City Council Meeting.
- b. Consider request from Les Brebis, LLC for an OLCC Winery License located at 2803 NE Orchard Avenue.

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

10. ADVICE/ INFORMATION ITEMS

10.a. Reports from Councilors on Committee and Board Assignments

Council President Menke shared that Visit McMinnville had their goal setting meeting and their main focus was on branding. Visit McMinnville would be coming to Council to discuss a feasibility study.

Mayor Hill shared that the Parkway Committee recently met and they were beginning to focus on Phase Two of the Newberg-Dundee Bypass. He announced that the inaugural Mayor's Award event would be held the following week. He shared that it was an opportunity to update citizens and business owners on the accomplishments of the City, where the City was going in 2018, and to recognize three pillars of the community for their outstanding service. The COG Dinner would be held on January 31.

10.b. Department Head Reports

City Manager Towery briefed Council on the Economic Development Strategy and strategic planning efforts.

11. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:22 p.m.

Melissa Grace, City Recorder

CITY OF McMinnville
MINUTES OF THE MCMINNVILLE CITY COUNCIL WORK SESSION
Strategic Plan Stakeholder Charrette
Held at the Police Department Training Room
McMinnville, Oregon

Tuesday, April 3, 2018 at 9:30 a.m.

Presiding: Kellie Menke, Council President

Recording Secretary: Melissa Grace, City Recorder

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	Scott Hill, Mayor
	Sal Peralta	Remy Drabkin
	Wendy Stassens	Alan Ruden

City Staff: City Manager Jeff Towery, City Attorney David Koch, Finance Director Marcia Baragary, Planning Director Heather Richards, Information Systems Scott Burke, Fire Chief Rich Leipfert, Parks and Recreation Susan Muir, Public Works Superintendent David Renshaw, Children's Library Assistant Sam Geary, Permit Tech Sarah Sullivan, Senior Utility Worker Liz Filszar, Wastewater Service Senior Operator Tim Munro, Information Systems Analyst Megan Simmons, Sergeant Dwayne Willis, Library Assistant Rita Martinez-Salas, Circulation Supervisor Adam Carlson, and Youth/ Adult Sports Manager Steve Ganzer.

Community Participants:
Jody Christensen, John Dietz, Tom Tankersley, Ed Gormley, Miriam Vargas Corona, Zack Geary, Dave Haugeberg, Donna Montoya, Gioia Goodrum, Tim Hellie, Bradly James, Carl Peters, Jeff Knapp, Peter Hofsetter, Arturo Vargas, Roni Lucas, John McKeegan, Lucetta Elmer, Julia Cannell, Walt Gowell, Paul Davis, Katie Sours, and Danielle Hoffmann.

AGENDA ITEM

1. CALL TO ORDER: Council President Menke called the meeting to order at 9:39 a.m. Councilor Peralta arrived at 10:08 a.m. creating a quorum of the Council.

2. WELCOME AND INTRODUCTIONS

Attendees introduced themselves.

3. SITUATIONAL ASSESSMENT

Consultant Brian Scott, BDS Planning, summarized the results of the focus groups meeting noting that there were five focus groups: City Staff, Young Leaders, Latino Professionals, Latino Families, and the McMinnville Business Leadership Council. He shared that the focus groups discussed vision, mission and values. He noted that all groups mentioned diversity, an involved community, and economic vitality. They all

wanted to preserve McMinnville's character and a majority advocated resource stewardship. He noted that all focus groups wanted partnerships and collaboration and all wanted equitable services and intentional growth. All groups mentioned inclusivity, and a majority mentioned "embracing change" while preserving "small town visibility" as well as "accountability" and "resource stewardship".

Consultant Gabriel Silberblatt stated that a community survey was conducted with over 1,000 respondents. It was not completely representative or statistically valid; however, there was a good sense of general community perceptions.

- 36% stated they valued the small town identity.
- 29% valued the sense of community.
- 28% of respondents stated that their greatest fear for McMinnville is uncontrolled growth.
- 18% responded loss of identity was their greatest fear for McMinnville.
- 21% of City employees, but only 3% of citizens noted outgrowing infrastructure as a concern.
- Community members and employees were asked to describe McMinnville's single greatest opportunity. The responses fell into five themes: business development and smart growth, infrastructure and city services, strategic planning, tourism, and a stronger identity.

Mr. Scott reviewed the intentions of vision statements. He shared a proposed vision for 2032: With a legacy of strong civic leadership, McMinnville is a diverse and thriving city growing with intention to preserve our small town feel while expanding opportunities for all. He noted that the City Council felt that it may be a good to include the word livability.

Mr. Scott asked for feedback. Some participants felt that the statement was too long. Others felt that it was not too short and perhaps there could be a motto or logo. Discussion ensued regarding making the vision statement more aspirational and descriptive.

Mr. Scott then explained mission statements. He reviewed the current mission statement of McMinnville and stated the proposed mission statement is: The City of McMinnville delivers high-quality and equitably-accessed services in collaboration with partners for a healthy, safe, and prosperous community. Mr. Scott discussed the Council's initial feedback.

Mr. Scott asked for feedback from participants. Discussion ensued regarding whether the mission statement is for the city entity or for the entire community. Mr. Scott noted that the mission was specific to the government function. Mr. Gormley discussed the history of McMinnville explaining that the City's role has been very specific: fire, police, water, and sewer. He asked if the role of the government has changed. Ms. Montoya felt that the equitably-accessed services is an important piece. Ms. Goodrum liked the term partners but asked who is included in the term partners. It was explained that the term includes all partners and was not limited to the usual partners. Ms. Christensen asked that the mission statement gives strength to the City's ability to do what it needs to do. Ms. Vargas Corona suggested there to be an addition of continuously looking for feedback from community members.

Mr. Scott reviewed values statements. He reviewed the existing values. He then discussed the proposed values:

- Inclusivity. We are a compassionate and welcoming community for all.
- Stewardship. We are responsible caretakers of our shared public assets and resources.
- Courage. We are future-orientated, proactively embracing and planning for change that is true to our roots and good for our community.
- Accountability. We believe healthy civil discourse is fostered through responsive service and clear, accurate, useful information.

Mr. Gormley felt that there should be certain expectations on how the government should function. He also felt that it should be a mirror of the community. Mr. Renshaw felt that the current values are easy to implement. He felt that the proposed community values are less descriptive and more difficult to implement for staff members. Council President Menke stated that she really liked the proposed community values. Ms. Vargas Corona felt that equality should be changed to equity. It was suggested that perhaps “true to our roots” should be removed as there are some parts of our roots that we may not want to remain true to.

4. DISCUSSION ON STRATEGIC PRIORITIES

The following draft strategic priorities were discussed:

- Growth and Development Character.
- Housing Opportunities.
- Economic Prosperity.
- City Government Capacity.
- Community Safety.
- Engagement and Inclusion.
- Civic Leadership.

Councilor Peralta stated that a top priority for him was recreational priority. Planning Director Richards shared that there are priorities that would cross-pollinate. Discussion ensued regarding regional involvement and that it would fit well in the economic prosperity priority. Mr. Gormley stated that it is important to personally engage the community especially while growing.

Mr. Scott stated that all participants should choose two strategic priorities they would like to discuss further in groups.

All groups addressed the following for the strategic priorities listed above:

1. What are the elements of this strategic priority for McMinnville?
2. Which elements should the City own, influences, monitor?
3. Agree on a list of 3-5 most critical elements as a group to report out.

Each group reported out on the topic they worked on. The summaries of the group work included:

Growth and Development Character

- Intentional Community Planning.
- Utility.
- Livability.
- Downtown.
- Land Supply.
- Maintain Better-than-average recreation space.
- Short/ Long-range planning/ goals.
- Livability is a mirror that reflects values (distinguishing).
- Communication Infrastructure.
 - Fiber optics, WIFI, physical.
 - Be mindful of unintended consequences.
- Create different types of workforce systems.
- Recruiting, diversifying workforce.
- Internal/ External Communication Opportunity

Housing Opportunities

- Expanding the diversity of housing.
- Incentives for housing.
- Focus on the long term solutions.
- Partnerships with other organization.
- Land Use – Urban growth.
- Farm home program – smaller, starter home.
 - Condos, downtown, planning community.
 - Housing Diversity.
- Just right growth.
- Regulations to protect housing stock.
- Getting workforce to live here.

Economic Prosperity

- Diverse Strong Business.
- Infrastructure.
- Community Planning and Development.
- Regional Partnerships.
 - Strategic Agreements, intentional communication.
- Affordability/ Livability.
- Regional Partnerships.
- Workforce Housing.
- Urban Growth Boundary.
- 20/80 Rule. Identify what the City can do most effectively.
- Workforce and Education.
- Livability/ Infrastructure.
 - Urban Renewal District.
- Facilitate appropriate business development.
- Housing/ Land use.

City Government Capacity

- Funding/ Cash.
- People.
- Facilities.
- Public Education/ Engagement.

- Return on Investment.
- Know core services.
- Partnerships.
- Education and Communication.
- Staffing.

Community Safety

- Resilience/ Readiness/ Planning.
- Asset maintenance/ condition.
- Educating the public accurately.
 - Legislative constraints.
- Taking advantage of partnerships to improve community safety.

Engagement/ Inclusion

- Underrepresentation of Latino Community.
- Build bridges of communication.
- Build capacity to provide venues for minorities to tap into benefits/ services.
- Challenge the business community to be more inclusive.
- Build emotional intelligence and cultural competency.
- Include Youth, Lower Economic Status, Retirees, Disability, LGBTQ+ Community, Latino, Millennials.
- Intentional Servant Leadership.
 - Communication.
 - Cultural Competency.
 - Language.
 - Emotional IQ.
- Engagement: Conscientious effort to place City leaders at regional/ state initiatives.

Civic Leadership

- Explain the benefit.
- Short-term and long-term vision and engagement opportunities.
 - Consider a person's needs to allow participation.
 - Low barrier to participation.
- Equitable leadership.
- Mechanism for training leaders.
 - Candidate training/ academy.
 - Mentorship.
 - Connection to youth leadership.
- Inventory of existing training opportunities.

Discussion ensued regarding finding a solution to regional leadership.

It was noted that it will be critical to engage the community in the various topics particularly growth and development character.

Council President Menke stated that leadership should look for leaders all the way down to student age.

Councilor Stassens noted the limitations that the City could own. She mentioned that there were great ideas; however many of the items the City does not own. Discussion ensued regarding the cross-pollination of the strategic priorities.

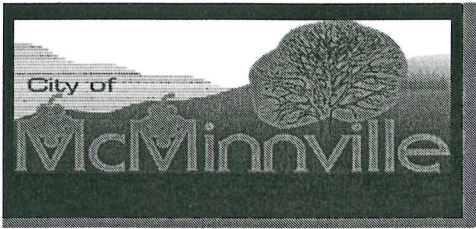
Mr. Scott stated that the vision, mission, and values will go before Council to be adopted. He stated that Work Groups will be formed and will be developing goals and measurable objectives. The Work Groups will meet over the next several months.

City Manager Towery thanked the participants for attending the meeting.

Council President Menke thanked the participants and noted she learned a great deal. She added that their time and ideas are greatly appreciated.

5. ADJOURNMENT: Council President Menke adjourned the meeting at 1:55 p.m.

Melissa Grace, City Recorder



City Recorder Use	
Final Action: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: ARS Fresno LLC DBA Porters 51
BUSINESS LOCATION ADDRESS: 1920 NE Lafayette Ave McMinnville, OR
LIQUOR LICENSE TYPE: Off premises – with fuel pumps

Is the business at this location currently licensed by OLCC

☒ Yes ☐ No

If yes, what is the name of the existing business:

Hours of operation: 5 am to 12 am

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



City Recorder Use	
Final Action: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Druthers Wine LLC
BUSINESS LOCATION ADDRESS: 818 SE 1st Street McMinnville
LIQUOR LICENSE TYPE: Winery

Is the business at this location currently licensed by OLCC

☐ Yes ☒ No

If yes, what is the name of the existing business:

Hours of operation: 10 am – 4 pm Sunday - Saturday

Entertainment: N/A

Hours of Music: N/A

Seating Count: 16, non-permanent high top tables

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: March 22, 2018
TO: Jeff Towery, City Manager
FROM: Matt Scales, Chief of Police
SUBJECT: IGA between Yamhill County and the City of McMinnville (Dog Licensing Revenue)

Report in Brief:

This Intergovernmental Agreement (IGA) is between Yamhill County and the City of McMinnville. This IGA allows Yamhill County to continue to collect dog licensing fees for those who live within the City of McMinnville. Quarterly the City will receive 75% of the revenue for dog licensing fees, while Yamhill County will retain 25% of the revenue fees to offset the administrative costs of running the licensing program.

Background:

Until recently, the Yamhill County Sheriff's Office provided dog control services to the City of McMinnville and its residents. The Sheriff's Office ceased providing dog control services to the City and its residents in October of 2017. The City of McMinnville Police Department now performs dog control services for the City, however has elected to have Yamhill County continue to provide dog licensing services for those who own and keep dogs within the City.

This IGA between Yamhill County and the City provides that Yamhill County will continue to license dogs within the City of McMinnville. Yamhill County will collect the fees associated with dog licensing, and then distribute an equitable amount of dog control licensing revenue to the City to help recover the costs of the City running a dog control program. Yamhill County will retain a portion of the fee to compensate for administrative costs with running the licensing program.

Yamhill County has agreed to remit to the City 75% of all licensing revenue collected from dog owners and keepers residing within the boundaries of McMinnville. Yamhill County will retain 25% of the revenue to cover administrative costs of running the licensing program. Payments to the City will be calculated and made at the end of each quarter in which the dog license fees are collected by the County. This IGA is retroactively effective as of October 1, 2017.

Recommendation:

Staff recommends that the City Council approve the IGA between Yamhill County and the City of McMinnville regarding dog control licensing revenue, and authorize the City Manager to execute the agreement.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN YAMHILL COUNTY AND THE CITY OF McMinnville
REGARDING DOG CONTROL LICENSING REVENUE**

This intergovernmental agreement is between Yamhill County, a political subdivision of the State of Oregon ("County"), and the City of McMinnville, a municipal corporation ("City").

RECITALS:

- A. The City of McMinnville operates its own police department, and does not contract with the Yamhill County Sheriff's Office for police services.
- B. Until recently, the Yamhill County Sheriff's Office provided dog control services to the City of McMinnville and its residents. The Sheriff's Office ceased providing dog control services to the City and its residents in 2017.
- C. At this time, pursuant to ORS 609.100 and County ordinance, the County continues to license dogs throughout Yamhill County, including within the jurisdictional boundaries of City. Except within Yamhill County cities that contract with the Sheriff's Office for police services, cities within Yamhill County, including the City of McMinnville, currently perform dog control functions within their own jurisdictional boundaries.
- D. The purpose of this agreement is to equitably distribute dog control licensing revenue collected by and on behalf of the County, between the County and City, to compensate County for administrative costs associated with the licensing program, and to provide revenue to the City for performing dog control functions within the jurisdictional boundaries of the City.

NOW, THEREFORE;

IT IS HEREBY AGREED BY THE COUNTY AND THE CITY AS FOLLOWS:

- 1. This agreement is entered into between the parties under ORS Chapter 190 governing intergovernmental agreements.
- 2. For the term of this agreement, the City agrees to enforce its own dog control ordinance or ordinances, as well as licensing requirements adopted by the County, within the jurisdictional boundaries of the City.
- 3. The County agrees to continue operating its dog licensing program, and to collect licensing fees from all dog owners and keepers residing in Yamhill County, as specified in the County's Dog Control Ordinance.

4. The County agrees to continue collecting dog license fees from dog owners and keepers residing in Yamhill County, including dog owners and keepers residing within the jurisdictional boundaries of the City.

5. The County agrees to remit to the City 75 percent of all licensing revenue collected from dog owners and keepers residing within the jurisdictional boundaries of the City, and to retain 25 percent of such revenue. Payments shall be calculated and made at the end of each quarter in which dog license fees are collected, by County to City.

6. Each party shall indemnify and hold harmless the other party from all claims, costs, damages or expenses of any kind, including attorney's fees and other costs and expenses of litigation, for personal or property damage arising out of that party's performance required by this agreement. It is the intent of this section that each party assumes any and all liability for its respective torts, errors and omissions.

7. This Agreement may be amended by both parties in writing. No changes to or waivers of provisions of this Agreement will be valid unless they have been reduced to writing and signed by both parties.

8. Both parties shall retain records of services provided under this Agreement for (i) three years after the end of the fiscal year during which they were created; or (ii) any longer period required by law or to complete any audit or resolve pending audit findings.

9. County, through its Sheriff's Office, shall provide reasonable access to the books, documents, papers and records of County and any subcontractor that are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts or transcripts.

10. This Agreement constitutes the entire Agreement between the parties. There are no understandings, agreements or representations, oral or written, regarding this Agreement, that are not specified in this Agreement.

11. This Agreement may be terminated immediately at any time by mutual written consent of both parties or by either party upon thirty (30) days written notice. In addition, either party may terminate this Agreement effective immediately upon receipt of written notice to the other party under any of the following conditions:

- a. Any party breaches any duty, term, or condition of this Agreement; or
- b. Either party commits a fraud or misrepresentation upon the other party.

Following termination, this agreement shall continue to apply to all revenue previously collected by the County and owed to the City under the terms of this Agreement.

This agreement is retroactively effective as of October 1, 2017.

DONE at McMinnville, Oregon on the dates specified below.

CITY OF MCMINNVILLE

YAMHILL COUNTY

By:_____

Jeff Towery
City Manager

By:_____

Mary Starrett
Chair, Yamhill County Board of
Commissioners

Date:_____

Date:_____

FORM APPROVED BY:

TIMOTHY S. SADLO
Senior Assistant County Counsel

RESOLUTION NO. 2018-16

A Resolution providing for and approving an Intergovernmental Agreement between the City of McMinnville, and Yamhill County, for equitable sharing of Dog Control licensing revenue.

RECITALS:

ORS 190.010 permits units of local government to enter into agreements for the performance of duties or the exercise of permitted powers.

COUNTY discontinued dog control services to the CITY and its residents in October 2017.

CITY agrees to enforce its own dog control ordinance or ordinances, as well as requirements adopted by the COUNTY, within the jurisdictional boundaries of the CITY.

COUNTY, acting through its Sheriff's Office, agrees to provide collection services for dog license fees from dog owners and keepers residing in COUNTY, including dog owners and keepers residing within the jurisdictional boundaries of the CITY.

CITY requires, and COUNTY is willing to provide collection services for dog licensing fees from dog owners and keepers residing in CITY pursuant to the terms of this agreement.

COUNTY agrees to remit to the CITY 75 percent of all licensing revenue collected from dog owner and keepers residing within jurisdictional boundaries of the CITY. COUNTY will keep 25 percent of such revenue for administering the dog licensing program for CITY.

COUNTY agrees payments shall be calculated and made at the end of each quarter in which dog license fees are collected, by COUNTY to CITY

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That a Intergovernmental Agreement was prepared by the County Counsel, and submitted to the Council of the City of McMinnville on the 10th day of April 2018, be entered into by and between the City of McMinnville and the Yamhill County
2. The City Manager is hereby authorized and directed to execute the agreement in duplicate and to deliver one executed copy thereof to Yamhill County and to retain one executed copy thereof to be kept on file in the office of the City Recorder.
3. This Resolution shall take effect immediately upon passage and shall continue in full

force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of April 2018 by the following votes:

Ayes: _____

Nays: _____

Approved this 10th day of April 2018.

MAYOR

Approved as to Form:

CITY ATTORNEY



CITY OF MCMINNVILLE
Administration
230 NE SECOND STREET
MCMINNVILLE, OR 97128
503-435-5702

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 10, 2018
TO: Mayor and City Councilors
FROM: Jeff Towery, City Manager
SUBJECT: Recology - Recycling

Background:

Carl Peters, General Manager of Recology, will present an update on recycling challenges. He will also be introducing Leslie Lanzar, Recology's newest Waste Zero Specialist.



CITY OF MCMINNVILLE
Administration
230 NE SECOND STREET
MCMINNVILLE, OR 97128
503-435-5702

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 10, 2018
TO: Mayor and City Councilors
FROM: Jeff Towery, City Manager
SUBJECT: Bypass Phase II Statement of Support

Background:

The Yamhill County Parkway Committee has drafted a statement of support for Phase II of the Bypass. The cities of Dundee, McMinnville and Newberg, Yamhill County, The Confederated Tribes of Grand Ronde and the Yamhill County Parkway Committee have been asked to affirm their continuing support for Phase II and the ultimate complete of the Bypass.

Please refer to the attached statement.

YAMHILL COUNTY PARKWAY COMMITTEE

MAILING ADDRESS
P.O. BOX 480
McMINNVILLE, OR 97128
PHONE: (503) 472-5141
FAX: (503) 472-4713

DAVID C. HAUGEBERG, CHAIR
DAVID RUSS, MAYOR-DUNDEE
TED CRAWFORD, COUNCILOR-DUNDEE
KELLIE MENKE, COUNCILOR-MCMINNVILLE
BOB ANDREWS, MAYOR-NEWBERG
SCOTT HILL, MAYOR-MCMINNVILLE
STAN PRIMOZICH-YAMHILL COUNTY COMMISSIONER

MIKE RAGSDALE
JIM SNELL
BRETT BAKER
CURTIS WALKER
SCOTT ESSIN, COUNCILOR NEWBERG
DENISE HARVEY, COUNCIL MEMBER-
THE CONFEDERATED TRIBES OF GRAND RONDE

STATEMENT OF SUPPORT

The Cities of Dundee, McMinnville and Newberg, Yamhill County, The Confederated Tribes of Grand Ronde and the Yamhill County Parkway Committee have for decades supported the development and construction of an eleven mile expressway (Bypass) extending current Hwy 18 from Dayton to Dundee and continuing around Dundee and Newberg to connect with Hwy 99W at the east end of Newberg. This support has included a voluntary financial investment of \$20 million by these entities.

Phase I of the Bypass which goes from Hwy 99W at Dundee to Hwy 219 on the east side of Newberg has been completed. A portion of the cost thereof was paid for from the \$20 million invested by the foregoing entities. As a result of Phase I cost savings, a portion of this \$20 million was not expended for Phase I and the foregoing entities authorized these savings to be used for the development of Phase II of the Bypass.

Phase II of the Bypass will extend the Bypass from Hwy 219 northeasterly and reconnect with Hwy 99W at the northeast end of Newberg. The Oregon Legislature passed and the Governor signed legislation in 2017 providing \$22 million for Phase II design and engineering to go with approximately \$18 million of Phase I savings for Phase II right of way and Hwy 219 interchange construction. The Oregon Transportation Commission has included the \$22 million in the Statewide Transportation Improvement Program with a designation of making the project "shovel ready."

The undersigned entities acknowledge and agree that the full benefits of the Bypass have not and will not be achieved with the construction of Phase I. The parties further agree that Phase II is the next critical component of the Bypass and that the entire Bypass must be completed.

Therefore, the Cities of Dundee, McMinnville and Newberg, Yamhill County, The Confederated Tribes of Grand Ronde and the Yamhill County Parkway Committee affirm their continuing support for the construction of Phase II and ultimate completion of the Bypass.

City of Dundee

Yamhill County

Mayor

Commission Chair

City of McMinnville

The Confederated Tribes of Grand Ronde

Mayor

Council Member

City of Newberg

Yamhill County Parkway Committee

Mayor

Chair



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 10, 2018
TO: Jeff Towery, City Manager
FROM: Roy Markee, Engineering Project Manager
VIA: Mike Bisset, Community Development Director
SUBJECT: 2018 Street Overlay Project Contract Award

Council Goal:

Plan and Construct Capital Projects – Continue to plan and implement Transportation Bond improvements.

Report in Brief:

This action is the consideration of a resolution to award a public improvement contract in the amount of \$1,021,459.86 to H&H Paving Co. for the construction of the 2018 Street Overlay, Project 2017-11.

Background:

Voters approved the 2014 transportation bond measure which included \$5,300,000 in street repair and repaving projects. The work detailed in the 2018 Street Overlay project are streets identified in the 2014 transportation bond measure. This is the fourth year of overlay projects contained in the bond measure.

The 2018 Street Overlay project work includes grinding and removal of asphalt, followed by asphalt overlays and striping on segments of 23 City streets. The project scope also includes the upgrade of 54 handicap ramps and miscellaneous striping, sidewalk, and curb work.

The attached project vicinity map reflects the work areas covered by the contract. The project work is expected to start in May and be completed by August 31, 2018.

Discussion:

On Tuesday, March 27, 2018, eight bids were received, opened, and publicly read for the construction of the 2018 Street Overlay, Project 2017-11. The bid results are as follows:

- | | |
|-------------------------------|----------------|
| • H&H Paving Co. | \$1,021,459.86 |
| • Pacific Excavation | \$1,042,000.00 |
| • Brix Paving | \$1,054,170.60 |
| • Kodiak Pacific Construction | \$1,060,000.00 |
| • North Santiam Paving | \$1,070,780.40 |
| • Roy Houck Paving | \$1,084,711.60 |
| • Baker Rock | \$1,110,013.96 |
| • S2 Contractors | \$1,191,075.20 |

The construction estimate for this work was \$1,072,000.00.

The bids were checked for completeness, including a review of the following:

- Was the bid submitted, on time, in a properly sealed and labeled envelope?
- Was the Bid Form properly filled out and executed?
- Was a Bid Bond included?
- Was the First Tier Subcontractor Form turned in on time?

Seven of the bids were complete and met the City's requirements. One bidder (S2 Contractors) failed to turn in the First Tier Subcontractor form, and thus their bid was deemed non-responsive. A detailed breakdown of the received bids is on file in the Engineering Department.

The bid from H&H Paving Co., in the amount of \$1,021,459.86, was deemed to be the lowest responsible and responsive bid.

Attachments:

1. Resolution
2. Project Vicinity Map

Fiscal Impact:

The project is funded by 2014 transportation bond proceeds, and the project is included in the adopted FY18 and proposed FY19 Transportation Fund (fund 45) budgets.

Recommendation:

Staff recommends that the City Council adopt the attached resolution awarding the public improvement contract for the construction of the 2018 Street Overlay, Project 2017-11, in the amount of \$1,021,459.86, to H&H Paving Co.

RESOLUTION NO. 2018-17

A Resolution awarding the contract for the 2018 Street Overlay, Project 2017-11.

RECITALS:

At 2:00pm on March 27, 2018, eight bids for the 2018 Street Overlay, Project 2017-11, were publicly opened and read aloud.

The low bidder, H&H Paving Co., met all of the bid requirements, and should be considered the lowest responsible bidder.

This project is funded by the 2014 transportation bond proceeds, and the project is included in the adopted FY18 and proposed FY19 Transportation Fund (Fund 45) budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. That entry into a public improvement contract with H&H Paving Co., in the amount of \$1,021,459.86, with a substantial completion date of August 31, 2018 for the 2018 Street Overlay, Project 2017-11, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the public improvement contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of April 2018 by the following votes:

Ayes: _____

Nays: _____

Approved this 10th day of April 2018.

MAYOR

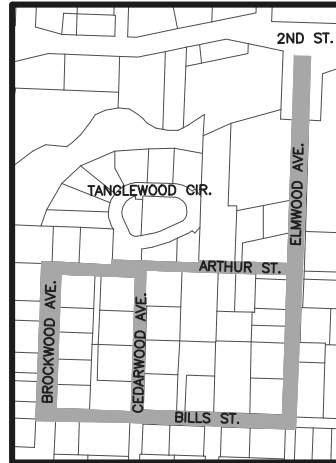
Approved as to form:

CITY ATTORNEY

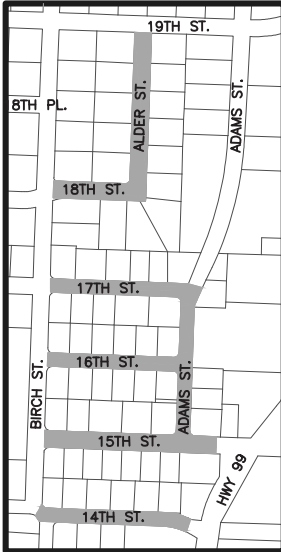
19TH NORTH



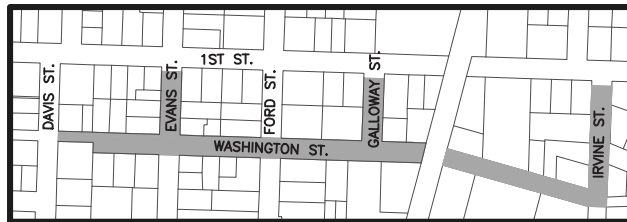
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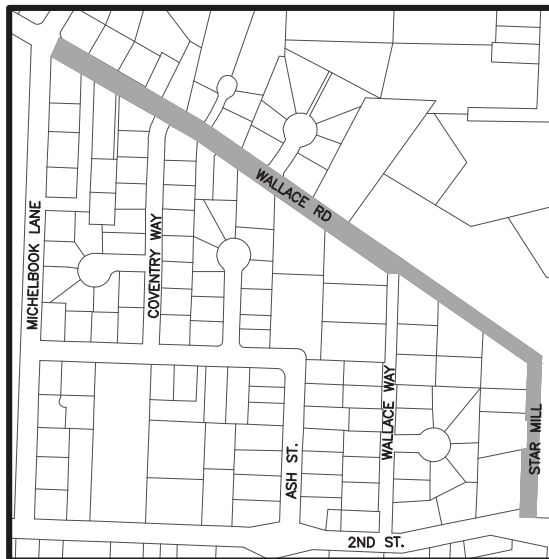
MEMORIAL EAST



ST. JAMES



WALLACE ROAD EAST



FORD ST.



CITY OF McMINNVILLE, OREGON
ENGINEERING DEPARTMENT

2018 STREET OVERLAY

VICINITY MAP

SCALE: N/A
Drawn: RM
Checked: LS/RS/JD
Date: DECEMBER 7, 2018
Project No. 2017-11
SHEET 1 of 1



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 10, 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 second reading and 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.

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

The City Council held a first hearing of the ordinance and the proposed zoning text amendments on March 13, 2018. During deliberation, the Council directed staff to explore a few additional minor amendments, and to bring the additional amendments back to City Council at a future meeting for consideration during a second reading of the ordinance.

A copy of the draft zoning text amendments, as recommended by the Planning Commission and with the additional amendments discussed by the City Council, 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 were described in detail in the previous staff report presented to City Council on March 13, 2018. Below are descriptions of the additional amendments that were discussed and suggested by the City Council during the first reading of the ordinance.

Timeframe for Short Term Rentals:

The existing definitions of Vacation Home Rental and Bed and Breakfast describe the length of time that the dwelling units or sleeping rooms can be rented and still be considered the short term rental uses of a vacation home rental or bed and breakfast. The Planning Commission had reviewed and discussed these timeframes during their series of work session discussions, but ultimately had decided not to propose to change the existing definitions. However, during the course of the research completed by staff on the regulations in other cities in Oregon, a more typical timeframe for short term rental uses was 30 days.

Upon further research, staff has determined that the 30 day timeframe is likely based in Oregon Revised Statutes (ORS) language (ORS 90.100 (49)) that defines “transient occupancy”, in part, as the occupancy of transient lodging for a period that does not exceed 30 days. However, “transient occupancy” also requires rent to not be collected more than 6 days in advance and requires that the owner to provide daily or every two-day maid and linen service, which often is not provided in common short term rental situations. The ORS do also define “vacation occupancy” (ORS 90.100 (50)), as occupancy in a dwelling unit in which the occupant rents for vacation purposes only, not as a principal residence. The ORS allows this type of occupancy for up to 45 days. Both “transient occupancy” and “vacation occupancy” are excluded from the requirements of ORS Chapter 90 (Residential Landlord and Tenant), which are the laws that regulate the relationship and rights between landlords and tenants.

Based on City Council discussion on the timeframes for short term rentals and a request that the timeframes be more consistent with other communities and typical residential rental agreements, staff is suggesting that the definitions of “Short Term Rental” and “Short Term Rental, Resident Occupied” be amended to allow the occupation of the dwelling unit or sleeping room, respectively, for a period of “no more than 30 (thirty) consecutive days”. This would allow for rentals that fall under the ORS definitions of “transient occupancy” and “vacation occupancy”, which are exempt from the laws and regulations on the relationship between landlords and tenants. Also, the 30 day timeframe is more consistent with typical rental agreements, where rental periods of more than 30 days would either fall into longer term leases or month-to-month rental agreements. If the 30 day timeframe is adopted, any rental for a longer period of time would be classified by the City as a standard rental, subject to any type of rental agreement between the parties involved. The City does not regulate long-term rentals, so those types of situation would not be subject to any local regulations or requirements.

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Use of Duplexes for Short Term Rentals:

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:

“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 had recommended 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).

During the City Council deliberation, there was discussion on whether short term rentals should be allowed in two-family dwelling (duplex) units. There was discussion on the fact that duplex uses are often used as rental housing and can be a more affordable housing option in the city when compared to rental of a full single family dwelling. The Planning Commission had discussed the preservation of more naturally occurring affordable housing during their work session discussions, and had decided not to allow short term rentals in multiple-family dwelling units for the same reason of preserving more affordable housing opportunities. The use of duplexes for short term rentals was originally included as a way to allow more options for short term rental uses, given the new spacing standard would limit opportunities for short term rentals overall. However, staff does not believe that the Planning Commission would seriously object to an amendment to not allow short term rentals in duplex units, in an effort to preserve more naturally occurring affordable housing options.

Therefore, staff is recommending that an amendment be made to the previously proposed amendments to not allow short term rentals in two-family (duplex) dwelling units. Specifically, the following amendments to the existing 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, and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a single-family residence.

Licensing and Renewal Requirements:

The Planning Commission had recommended 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.

Attachments:

Maps of 200 Foot Spacing Standard Application

Ordinance No. 5047 including

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The existing language also 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.

The City Council also discussed during the first reading whether the licensing process should be linked to property ownership. Specifically, the Council had asked staff to investigate whether the permits issued to operate short term rentals could terminate or become void upon change in ownership. The reasoning for the Council interest in this was to provide another means of removing short term rentals that are nonconforming in terms of the newly required spacing standard of 200 feet between short term rental uses.

During the course of the research that was conducted during the Planning Commission work sessions, staff had found that one other community, Manzanita, had linked their short term rental licenses/permits to property ownership. Specifically, Manzanita's regulations (in Section 3 (c) of Ordinance 10-03) state the following:

"The short term rental license is issued to the owner and does not transfer with the sale or conveyance of the property. All short term rental license holders must report to the City any change of ownership of their short term rental, in whatever form, before the conveyance deed is recorded. The transfer of the property from (1) a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust or (2) the transfer of ownership pursuant to a will or bequest upon the death of the owner is not deemed not to be a transfer of ownership for purposes of this Ordinance."

If the City Council is interested in having the permits for short term rentals be associated with property ownership, staff is suggesting that the City follow a similar process as the process in Manzanita, in that all permits will be issued to the current owner and that the permits become void upon a change in ownership. Staff is also suggesting that the transfer of property to a trust or through a will not be considered a change of ownership, as these generally represent involuntary changes in ownership. Changes in ownership could be required to be reported to the City, but if they are not, the City would become aware of the change in ownership at either the time of the required annual permit renewal or when the new owner attempts to register as a transient lodging provider in order to pay the required transient lodging tax. Staff believes that having this process apply to all holders of short term rental permits would be fair and more straight-forward in administering, and would still meet the intent of the City Council in having nonconforming short term rentals slowly phase out of the system. It would subject more properties to the review and permitting process, but it would also ensure that the new owners would be aware of and following all of the applicable requirements of the City's short term rental program.

Specifically, staff is suggesting the following language be added as a standard to Section 17.12.010 (N) and Section 17.12.010 (O):

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

8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
 - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.

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

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 10th day of April 2018, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY

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.

BODY: McMinnville City Council

DATE & TIME: March 13, 2018 (first reading of Ordinance No. 5047), and April 10, 2018 (second reading of Ordinance No. 5047). Meetings 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.

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 30 (thirty) consecutive days. Short term rentals include vacation home rentals approved under the regulations in effect through May 10, 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 30 (thirty) 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 May 10, 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, 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~~ **30 (thirty)** 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 shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:**

- a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. ~~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.**
10. Complaints on conditions 1 through ~~89~~ 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, 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 **30 (thirty)** ~~24 (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 shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:**
 - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or

b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.

9. ~~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.**
10. Complaints on conditions 1 through ~~7~~**9** 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
City Attorney's Office
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MEMORANDUM

DATE: April 10, 2018
TO: Jeff Towery, City Manager
FROM: David Koch, City Attorney
SUBJECT: ORD 5049 – Recreational Vehicles, Motor Trucks and Abandoned Vehicles

On March 27, 2018, the City Council had a first reading for proposed Ordinance 5049. Following review and discussion by the Council, the ordinance was passed to a second reading with instruction to staff to make certain amendments to the ordinance.

The following amendments are proposed to the Ordinance

(1) Amend the ordinance with respect to the definition of the term Recreational Vehicle. The amendment is similar to the language that was provided to the Council at the meeting on March 27th, with changes to reflect Council discussion.

(2) Provisions were added to allow for a Recreational Vehicle Parking Permit program to be administered by the Police Department. The program would allow for a 72-hour parking permit to be issued not more than 4 times per calendar year to a single Recreational Vehicle. The Permit must be displayed in the window of the vehicle and the vehicle must be parked within 200 feet (approximately 1 block) of property owned or leased by the applicant. Consecutive permits could not be obtained.

Staff intends to bring forward the topic of parking fines and parking enforcement options, to include a program for booting and/or towing vehicles, for discussion at a future Council meeting.

Attachments:

Ordinance 5049

Recommendation:

Adopt Ordinance 5049

ORDINANCE 5049
EXHIBIT 1

Section 1. MMC Section 10.04.030 will be amended as follows:

10.04.030 Definitions. In addition to those definitions contained in the ORS chapters set forth in Section 10.04.020, the following words or phrases, except where the context clearly indicates a different meaning, shall be defined as follows:

A. **"Abandoned Vehicle" means a vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:**

(1) The vehicle does not have a lawfully affixed, unexpired registration plate, fails to display current registration or fails to have vehicle insurance as required by the State of Oregon;

(2) The vehicle appears to be inoperative or disabled;

(3) The vehicle appears to be wrecked, partially dismantled or junked; or

(4) The vehicle appears to have been abandoned by its owner.

B. "Bicycle" means a non-motorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of ten inches or having two or more wheels where any one wheel has a diameter in excess of fifteen inches.

C. "Bus stop" means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

D. "Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the council to be a holiday.

E. "Loading zone" means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

F. "Motor vehicle" means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that vehicle may be exempt from licensing under the motor vehicle laws of the state.

G. "Park" or "parking" means the condition of:

(1) A motor vehicle that is stopped while occupied by its operator with the engine turned off;

(2) A motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.

H. "Pedestrian" means a person on the public right-of-way except:

(1) The operator or passenger of a motor vehicle or bicycle;

(2) A person leading, driving or riding an animal or animal-drawn conveyance.

I. **"Recreational vehicle" means a vehicular-type unit that:**

(1) Contains sleeping facilities;

(2) Is designed or used:

(a) for human occupancy, and

(b) as temporary living quarters for recreational, seasonal, or emergency use; and,

(3) Has its own motive power or is mounted on or towed by another vehicle.

J. "Stand" or "standing" means the stopping of a motor vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic-control device or for other traffic.

K. "Stop" means complete cessation of movement.

L. "Street" and "other property open to public travel":

(1) When used in this title or in the ORS chapters incorporated in this title, shall be considered synonymous, unless the context precludes such construction. "Street," as defined in this title and

the ORS chapters incorporated by reference in this title, includes alleys, sidewalks, grass or parking strips, and parking areas and accessways owned or maintained by the city.

(2) "Other property open to public travel" means property whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by express or implied invitation other than streets as defined in subsection A of this section, and excepting public school property, county property, or property under the jurisdiction of the State Board of Higher Education. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

M. "Taxicab stand" means a space on the edge of a roadway designated by sign for use by taxicabs.

N. "Traffic-control device" means a device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.

O. "Traffic lane" means that area of the roadway used for the movement of a single line of traffic.

P. **"Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.** "Vehicle," as used in subsequent sections of this title, includes bicycles.

Section 2. MMC Section 10.28.030 will be amended as follows:

10.28.030 Parking or standing—Prohibited in designated locations. In addition to the state motor vehicle laws prohibiting parking, no person shall park or leave standing, in the following places:

A. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized by state statute, by this Code, or by the Chief of Police or his or her designee;

B. A vehicle in an alley, other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of thirty consecutive minutes;

C. A motor truck, as defined by ORS 801.355, on a street between the hours of nine p.m. and seven a.m. of the following day ~~in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation~~ unless a revocable permit is obtained from the city Police Department. The permit shall be for a six month or a twelve-month period and may be renewed. The cost of the permit will be set by resolution determined by the McMinnville City Council. In the event a complaint(s) is received from a resident in the area of the parked truck, the Chief of Police or his or her designee shall investigate the complaint and may revoke said permit, and the cost of the permit shall be forfeited by the permittee;

D. A vehicle upon a parkway or freeway, except as authorized by state statute, by this Code, or by the Chief of Police or his or her designee.

E. A vehicle on a curb painted yellow, except as specifically authorized by signage.

F. A vehicle within the area between the curb or roadway and sidewalk line commonly known as the planting strip, except where improved parking areas have been approved and marked by the City engineering department.

G. A vehicle in such a manner that the vehicle blocks all or any part of any driveway.

H. A vehicle in such a manner that the vehicle blocks all or any part of a public sidewalk.

I. A Recreational Vehicle on any public highway, road, street, or right-of-way within the city, except for the immediate loading or unloading of persons or property, or by permit issued pursuant to MMC Section 10.28.205.

Section 3. MMC Section 10.28.080 will be amended as follows:

10.28.080 Parking—For sale, repair or storage prohibited when. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising from the vehicle;
- D. Selling merchandise from the vehicle, except when authorized by this Code or by the Chief of Police or his or her designee;

~~E.~~ **Abandoning the vehicle. Abandoned Vehicles may be tagged for tow immediately.**

Abandoned vehicles may be towed 24 hours after the notice has been affixed to the vehicle at the owner's expense. ~~Storage or as junk for more than seventy-two hours. After a vehicle has been stored on a public street for more than one hundred forty-four consecutive hours and has received two parking citations for storage or junk, the Chief of Police or his or her designee may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another.~~

- 1. ~~For purposes of this subsection the following definition is adopted: "storage" means leaving a vehicle parked upon a public street for more than seventy-two hours.~~
- 2. ~~Moving a to a new location more than three hundred feet (as measured in a straight line from the site where the violations occurred) shall interrupt the running of the seventy-two hour period.~~

Section 4. MMC Section 10.28.205 will be added:

10.28.205 **Recreational Vehicle Parking Permit. Upon application and payment of the established permit fee, the Chief of Police or their designee will issue a Parking Permit allowing for a Recreational Vehicle to be parked on any public highway, road, street, or right-of-way within the city, if the following conditions are met:**

- 1. The permit will be valid for not more than 72 consecutive hours;**
- 2. The permit must be displayed on a Recreational Vehicle that is parked within 200 feet of residential real property owned or leased by the permit applicant;**
- 3. A single Recreational Vehicle may not be issued more than four (4) parking permits during a calendar year, regardless of location parked;**
- 4. The starting time for Recreational Vehicle parking permit may not be less than 72-hours after the expiration time of a previous permit issued for the same Recreational Vehicle;**
- 5. The permit does not allow for parking of a Recreational Vehicle in excess of any posted time limit for parking.**

Section 5. MMC Chapter 15.28 will be repealed:

~~Chapter 15.28~~
~~TRAILER HOUSES~~

Sections:

~~15.28.010 Trailer house defined.~~

~~15.28.020 License required—Requirements.~~
~~15.28.030 Parking for more than four hours—Permit required—Exceptions.~~
~~15.28.040 Parking permit applicability.~~
~~15.28.050 Wheel removal or placement on foundation not to affect applicability of provisions.~~
~~15.28.060 Sanitary disposal system use regulation.~~
~~15.28.070 Violation—Penalty.~~

~~15.28.010 Trailer house defined. The term “trailer house” means a vehicle or mobile home used for living or sleeping purposes, which is or has been equipped with wheels for the purpose of transporting the same upon the public streets or highways, and constructed in such a manner as to permit occupancy as a dwelling or sleeping quarters for one or more persons. The term “trailer house” also includes any self-propelled living quarters. (Ord. 2931 §1, 1960).~~

~~15.28.020 License required—Requirements.~~

~~A. No person shall park or place any trailer house used for sleeping or living purposes within any commercial or industrial zone within the city without first obtaining a license from the city. An application for a license shall be filed with the city recorder. The application shall contain a general description of the trailer, year, model and make, and the purpose for which the trailer will be used and exact location thereof. Upon the filing of the application the building inspector shall inspect the premises upon which the trailer house will be located and the general layout as to sewer and water facilities.~~

~~B. The council reserves the right to reject any application or refuse to grant the permit. If the council is satisfied that the location of said trailer house will not violate any of the sanitary rules or regulations or disturb or become a nuisance to the residents of the area in which the trailer house will be located, the council may grant a nontransferable permit for a period of not exceeding two years in which such applicant may place or park said trailer house and use the same for living or sleeping purposes. Such permit may upon proper application be renewed or extended by the council. Upon the filing of the application, the applicant shall pay to the city recorder a filing fee of ten dollars. (Ord. 3341 §1, 1967; Ord. 2931 §3, 1960).~~

~~15.28.030 Parking for more than four hours—Permit required—Exceptions.~~

~~A. It is unlawful to park or place any trailer house used for sleeping or living purposes within the city for a period of time exceeding four hours, excepting in a trailer court or within any commercial or industrial zone as designated by the zoning ordinances after obtaining a nontransferable permit from the council as set forth in this chapter. The parking of trailer houses in the city which are not used for sleeping or living quarters are not regulated by this chapter but are regulated by the general ordinances of the city regulating vehicular parking when parked on the city street or alleys. (Ord. 4660 §1.b, 1998; Ord. 2931 §2, 1960).~~

~~15.28.040 Parking permit applicability. Subsection A of Section 15.28.030 shall not apply to those trailer houses outside trailer courts and within the residential zones of the city which as of August 1, 1960, were being used as a place of residence; provided, however, that should any such trailer house be moved from its present location, it shall immediately lose its classification under this chapter; and provided, further, the council reserves the right to order the discontinuance within a reasonable time of the use of a trailer house for sleeping or living purposes within a residential zone upon reasonable notice or by amendment of this chapter. (Ord. 2931 §5, 1960).~~

~~15.28.050 — Wheel removal or placement on foundation not to affect applicability of provisions. The removal of the wheels or the placement of a trailer house on posts, footings or permanent or temporary foundation shall not be considered as removing said trailer house from the regulations contained in this chapter. (Ord. 2931 §4, 1960).~~

~~15.28.060 — Sanitary disposal system use regulation. It is unlawful for any person occupying or using any trailer house within the city to use any toilet, sink, lavatory or similar equipment therein unless the same are connected with a public sewer or an approved septic tank in accordance with the ordinances of the city. (Ord. 2931 §6, 1960).~~

~~15.28.070 — Violation — Penalty. Any person, firm or corporation violating any provision of this chapter, or failing to comply thereto, shall, upon conviction, in the recorder's court, be subject to a fine not exceeding three hundred dollars and to imprisonment in the city jail not exceeding ten days. Each day during which the violation continues shall be considered a separate violation hereunder. (Ord. 2931 §7, 1960).~~

ORDINANCE NO. 5049

An Ordinance relating to the parking of Recreational Vehicles, Motor Trucks and Abandoned Vehicles; amending McMinnville Municipal Code (MMC) Chapters 10.04, 10.28, and repealing MMC Chapter 15.28.

RECITALS:

The parking of Recreational Vehicles, Motor Trucks, and Abandoned Vehicles in the public right-of-way can have a negative impact on the livability and safety of neighborhoods throughout the City.

Current City ordinances do not provide timely response in the case of abandoned vehicles and do not adequately regulate the parking of Recreational Vehicles or Motor Trucks within the City, resulting in negative impacts that may occur when such vehicles are parked in and near residential neighborhoods or for extended period of time in any location.

There is an immediate need to address these issues through ordinance revisions, as the parking of Recreational Vehicles, Motor Trucks, and Abandoned Vehicles within the City presents an immediate threat to the public health, welfare and safety.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the attached Exhibit 1, which are incorporated by this reference, are hereby adopted.
2. An emergency is hereby declared, and this ordinance will take effect at 12:00 p.m. (noon) on Wednesday, April 18, 2018.

Passed by the Council on _____, 20____, by the following votes:

Ayes: _____

Nays: _____

Approved on _____, 20____.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

ORDINANCE NO. 5050

An Ordinance relating to the definition of plastic bags; Amending McMinnville Municipal Code Chapter 5.36.

RECITALS

On February 14, 2017, the City Council adopted Ordinance 5018, reducing the negative impacts caused by single use plastic bags and encouraging the use of sustainable reusable products.

The intent of the Council was to reduce the proliferation of single-use plastic bags, including thicker plastic bags (i.e. 2.25 mils or 4.0 mils thick plastic bags), and to encourage the use of cloth fiber and other sustainable products, such as woven synthetic fiber bags.

Since the effective date of the Ordinance 5018, some retail establishments subject to the ban have attempted to interpret the ordinance language that was intended to allow alternative products such as woven synthetic fiber bags as allowing thicker plastic bags that were intended by the Council to be prohibited.

NOW, THEREFORE, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The attached language in Exhibit 1 is incorporated into this Ordinance by reference.
2. This ordinance will take effect 30 days from the date of approval.

Passed by the Council April 10, 2018, by the following votes:

AYES: _____

NAYS: _____

Approved April 10, 2018.

MAYOR

Approved as to Form:

Attest:

CITY ATTORNEY

CITY RECORDER

ORDINANCE NO. 5050

EXHIBIT 1

Section 1. MMC Section 5.36.020 will be amended as follows:

11. Reusable bag. A bag made of machine washable cloth, woven synthetic fiber or other non-plastic material with handles that is specifically designed and manufactured for long-term multiple reuses.

12. Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable bags, and biodegradable bags, and thicker plastic bags (i.e. 2.25 mils or 4.0 mils), but does not include reusable bags, recyclable paper bags, or product or produce bags exempted from the definition of Carryout bag.

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
January 2018

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$3,086,220.91	\$8,641,614.55	\$11,727,835.46
05	Special Assessment	539.90	151,618.82	152,158.72
07	Transient Lodging Tax	941.08	120,000.00	120,941.08
10	Telecommunications	808.04	1,030.00	1,838.04
15	Emergency Communications	688.66	84,094.81	84,783.47
20	Street (State Tax)	966.30	1,794,990.14	1,795,956.44
25	Airport Maintenance	82.77	(3,174,250.97)	(3,174,168.20)
40	Public Safety Facility Construction	95.27	2,805.24	2,900.51
45	Transportation	120.28	5,798,300.54	5,798,420.82
50	Park Development	25.64	1,250,986.55	1,251,012.19
58	Urban Renewal	444.08	504,134.78	504,578.86
59	Urban Renewal Debt Service	114.68	414,441.17	414,555.85
60	Debt Service	998.48	3,293,637.55	3,294,636.03
70	Building	693.03	1,242,000.00	1,242,693.03
75	Sewer	998.40	1,111,839.51	1,112,837.91
77	Sewer Capital	27.56	22,360,103.65	22,360,131.21
79	Ambulance	974.05	(205,164.72)	(204,190.67)
80	Information Systems & Services	780.55	281,713.61	282,494.16
85	Insurance Reserve	971.19	1,757,290.54	1,758,261.73
CITY TOTALS		3,096,490.87	45,431,185.77	48,527,676.64

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	CASH VALUE
			RATE	
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 3,096,490.87
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	2,004,978.09
N/A	State of Oregon	Local Government Investment Pool (LGIP)	1.74%	37,204,795.69
N/A	State of Oregon	Park Improvement Bonds (LGIP)	1.74%	686,275.87
N/A	State of Oregon	Transportation Bond (LGIP)	1.74%	4,153,322.01
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	1.74%	707,739.41
N/A	MassMutual Financial Group	Group Annuity	3.00%	674,074.70
				<u>\$ 48,527,676.64</u>