



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

AGENDA
McMinnville Affordable Housing Task Force
ZOOM Online Meeting
Wednesday, September 23, 2020, 10:00 AM-11:30 AM

*Please note that this meeting will be conducted
 Via ZOOM meeting software due to the COVID-19 event.*

ZOOM Meeting: You may join online via the following link:

<https://mcminnvilleoregon.zoom.us/j/98107138613?pwd=QUZvbW5ZWEpPWVB5MVRVckdKeEFIZz09>

Zoom ID: 981 0713 8613
Zoom Password: 611654

Or you can call in and listen via zoom: 1-669-900-9128
ID: 981 0713 8613

Task Force Members	Time	Agenda Items
Remy Drabkin, Chair	10:00 AM	1. Call to Order / Introductions
Kellie Menke, Vice-Chair	10:05 AM	2. Minutes: None
Marcus Straw, Business	10:05 AM	3. Action / Discussion Items: <ul style="list-style-type: none"> • Equity & Inclusion, <i>Exhibit 1</i> • Action Plan Work, <i>Exhibit 2</i>
Jon Johnson, Business	10:20 AM	
Alan Ruden, Developer	11:00 AM	4. Citizen Comments
<i>Vacant</i> , Developer	11:10 AM	5. Task Force Member Comments/Updates
Alexandra Hendgen, Nonprofit/Housing	11:20 AM	6. Staff Comments/Updates
Mary Stern, Nonprofit/Housing	11:30 AM	7. Adjournment
Mark Davis, Citizen at Large		
<i>Vacant</i> , Youth		
Lindsey Manfrin County Ex-Officio		

Please note that these documents are also available on the City's website www.mcminnvilleoregon.gov; click on Government, click on Boards and Commissions, click on McMinnville Affordable Housing Task Force. You may also request a copy from the Planning Department at the Community Development Center, 231 NE 5th Street, 503-434-7311.



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

EXHIBIT 1 - STAFF REPORT

DATE: September 23, 2020
TO: Affordable Housing Task Force Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Equity and Inclusion – Work Update

STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This is an update on the discussion of evaluating McMinnville's housing program and policies for equity and social injustice issues.

Update:

At the August 26 meeting, staff updated the Task Force on a proposal to hire a Linfield student as an intern to help the McMinnville Affordable Housing Task Force research what other communities have discovered in terms of barriers in their programs and policies for housing equity and diversity and best practices to remove those barriers and incentivize housing equity and diversity and applicability to McMinnville.

The City has hired Lex Kron to perform this work. The scope of work is attached. The work includes a presentation of findings to a joint work session of the Affordable Housing Task Force and Planning Commission in October.

Housing Equity and Inclusion – Scope of Work

Project Component	Total Hours
<p>Task 1: Development of the Project Charter (Issue Statement, Approach for Research, Technical Memorandum Outline, Public Presentation Plan)</p> <p><i>Deliverable: Project Charter</i></p>	8 Hours
<p>Task 2: Research Utilizing industry (Planning) resources such as the APA, ULI, and other resources, conduct research identifying what types of systemic housing injustices are found in city regulations, and/or how to evaluate city regulations for housing injustices.</p> <p><i>Deliverable: Draft a memo of learning lessons and best practices from research.</i></p>	30 Hours
<p>Task 3: Evaluate McMinnville Regulations With the learning lessons and best practices uncovered in the research, review and evaluate McMinnville regulations for potential systemic housing injustices.</p> <p><i>Deliverable: Draft a memo of potential systemic housing injustices identified in McMinnville regulations and how McMinnville can remove the injustices.</i></p>	30 Hours
<p>Task 4: Technical Memorandum Draft a technical memorandum combining the two memorandums from Task 2 and Task 3, and prepare for public presentation.</p> <p><i>Deliverable: Final Technical Memorandum and Presentation of Findings</i></p>	30 Hours
<p>Task 5: Public Presentation of Findings Present findings to a joint work session of the McMinnville Affordable Housing Task Force and the McMinnville Planning Commission. October 15, 7:00 PM.</p> <p><i>Deliverable: Presentation</i></p>	2 Hours



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

EXHIBIT 2 - STAFF REPORT

DATE: September 23, 2020
TO: Affordable Housing Task Force Members
FROM: Tom Schauer, Senior Planner
SUBJECT: MAHTF Action Plan – Short-Term Action items
STRATEGIC PRIORITY & GOAL:



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This is an update and discussion of the MAHTF's short-term actions in the action plan.

Update:

The action plan includes seven short-term actions to be completed by the end of calendar year 2020. **See attached.** Three of those relate to work already in progress locally. There are four other items to be started. Some of those relate to other regulatory considerations. Items to be started follow:

1. Review emergency shelter zoning ordinance provisions and revise as necessary to provide allowance for tiny homes or temporary shelter to residents suffering from homelessness

McMinnville has an existing Safe Overnight Parking Program. HB 4212 included provisions governing emergency shelter as well as additional provisions governing overnight vehicular camping and transitional housing accommodations.

2. Evaluate the impact of a density bonus for developers including affordable housing units

This work could be affected by the specific implementation of middle housing regulations. However, there are potentially provisions that could be implemented prior to enactment of middle housing standards.

5. Allow Co-Housing and Group Quarters (SROs, etc.)

This work could occur independent of other work.

7. Evaluate parking code as a barrier to housing

This work may be dependent on /affected by the outcome of state rulemaking to implement middle housing statutes.

It might be preferable to prioritize work on Items 1 and 5 until some key issues have been resolved related to Items 2 and 7. For Item 2, there could also be initial discussion of different models for implementing density bonuses for both ownership and rental housing.

For Item 1:

- Are there any potential changes to the Safe Overnight Parking Program to be considered?
- Is there a further need to review emergency shelter zoning ordinance provisions with HB 4212 in effect or to respond to HB4212 provisions? If those provisions sunset, should permanent provisions of the zoning ordinance be considered at this time to continue after the HB 4212 provisions sunset?

For Item 2:

- Density bonuses for affordable housing can be implemented in a number of different ways, for both owner occupied and rental housing. This work can begin with a summary of different ways to provide density bonuses, examples, and pros and cons.

For Item 5:

- This work could begin with a survey of communities that allow for these uses, case studies, lessons learned, etc.

DISCUSSION DRAFT

McMinnville Affordable Housing Task Force 2020-2022 Action Plan – Short-Term Actions

Item (Resolution 2020-08)	Status	Coordination
ON-GOING:		
1. Evaluate Programs to Fund Affordable Housing (City Influence): <ul style="list-style-type: none"> • Transient lodging tax funds for affordable housing • Urban renewal funds or tax increment financing • Construction Excise Tax • Community Development Block Grant funds 		
2. Support Partners Pursuit of Affordable Housing Funds for: <ul style="list-style-type: none"> • Low Income Housing Tax Credit • Home Ownership Programs • Oregon Affordable Housing Tax Credit • Housing Rehabilitation Program • State Affordable Housing Funding 		
IMMEDIATE/SHORT-TERM ACTIONS (COMPLETED BY 12/31/20)		
1. Review emergency shelter zoning ordinance provisions and revise as necessary to provide allowance for tiny homes or temporary shelter to residents suffering from homelessness	Start	HB 4212, ORS 446.265, City of McMinnville Safe Overnight Parking Program
2. Evaluate the impact of a density bonus for developers including affordable housing units	Start	Implementation of new middle housing standards may affect the way certain density provisions are applied. Density bonus provisions for affordable housing could still be developed and implemented in the interim and adapted if necessary once middle housing standards are adopted.
3. Allow Duplexes, Cottages, Townhomes, Row Houses and Tri- and Quad-Plexes in single family zones with appropriate design and development standards	In process	
4. Promote infill development, allowing flexibility in existing zones with appropriate design and development standards	In process	
5. Allow Co-Housing and Group Quarters (SROs, etc.)	Start	This work could progress largely independent of other work.
6. Allow small or “tiny” homes and identify opportunities for tiny home developments	In process	
7. Evaluate parking code as a barrier to housing	Start	Dependent on middle housing rulemaking, which may establish minimum standards that could pre-empt certain local minimum parking standards.

**Enrolled
House Bill 4212**

Sponsored by Representative KOTEK; Representatives KENY-GUYER, LEIF, NERON, NOSSE, PRUSAK, REARDON, SCHOUTEN, SOLLMAN, WILLIAMS (at the request of Joint Committee on the First Special Session of 2020)

CHAPTER

AN ACT

Relating to strategies to protect Oregonians from the effects of the COVID-19 pandemic; creating new provisions; amending ORS 18.784, 93.810, 194.225, 194.290, 194.305, 194.400 and 458.685; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

**LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY
PUBLIC MEETINGS AND OPERATIONS**

SECTION 1. (1) Notwithstanding ORS 192.610 to 192.690, the governing body of a public body may hold all meetings by telephone or video conferencing technology or through some other electronic or virtual means. When a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means, the public body shall make available a method by which the public can listen to or observe the meeting. If a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means:

(a) The public body does not have to provide a physical space for the public to attend the meeting; and

(b) If the telephone or video conferencing technology allows the public body to do so, the public body shall record the meeting and make the recording available to the public. This paragraph does not apply to executive sessions.

(2) If the governing body of the public body elects not to use telephone or video conferencing technology or other electronic or virtual means to conduct meetings, all persons attending meetings held in person must maintain social distancing, including maintaining intervals of six feet or more between individuals, wherever possible.

(3) For any executive session at which the media are permitted to attend, whether conducted in person or using electronic or virtual means, the governing body shall provide a means for media to attend the executive session through telephone or other electronic or virtual means.

(4) Notwithstanding ORS 192.610 to 192.690 or any other applicable law or policy, any public testimony or comment taken during a meeting need not be taken in person if the public body provides an opportunity to submit testimony or comment by telephone or video conferencing technology, or through other electronic or virtual means, or provides a means

(e) If the court proceeds under paragraph (b)(B) of this subsection, the defendant shall continue to be eligible for security release and the court may maintain, lower or raise the security amount at the hearing.

(f) As used in this subsection:

(A) "Good cause" means situations described in ORS 136.295 (4)(b), circumstances caused by the COVID-19 pandemic or public health measures resulting from the COVID-19 pandemic.

(B) "Person crime" means a person felony or person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(C) "Release decision" has the meaning given that term in ORS 135.230.

(4)(a) Notwithstanding any other statute or rule to the contrary, during the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 90 days after the declaration and any extension is no longer in effect, the Chief Justice may direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device or simultaneous electronic transmission.

(b) If an appearance is set to occur by electronic means as described in paragraph (a) of this subsection, a presiding judge may instead order that the appearance be in person if, upon the request of a party, the presiding judge determines that there is a particular need for an in-person hearing or that a party has a constitutional right to an in-person hearing.

(5) The Chief Justice may delegate the exercise of any of the powers described in this section to the presiding judge of a court.

(6) Nothing in this section affects the rights of a defendant under the Oregon and United States Constitutions.

SECTION 7. (1) If the expiration of the time to commence an action or give notice of a claim falls within the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, or within 90 days after the declaration and any extension is no longer in effect, the expiration of the time to commence the action or give notice of the claim is extended to a date 90 days after the declaration and any extension is no longer in effect.

(2) Subsection (1) of this section applies to:

(a) Time periods for commencing an action established in ORS chapter 12;

(b) The time period for commencing an action for wrongful death established in ORS 30.020;

(c) The time period for commencing an action or giving a notice of claim under ORS 30.275; and

(d) Any other time limitation for the commencement of a civil cause of action or the giving of notice of a civil claim established by statute.

(3) Subsection (1) of this section does not apply to:

(a) Time limitations for the commencement of criminal actions;

(b) The initiation of an appeal to the magistrate division of the Oregon Tax Court or an appeal from the magistrate division to the regular division;

(c) The initiation of an appeal or judicial review proceeding in the Court of Appeals; or

(d) The initiation of any type of case or proceeding in the Supreme Court.

SECTION 8. (1) Sections 6 and 7 of this 2020 special session Act are repealed on December 31, 2021.

(2) The repeal of section 6 of this 2020 special session Act by subsection (1) of this section does not affect the release status of a defendant determined under section 6 (3) of this 2020 special session Act.

EMERGENCY SHELTER

SECTION 9. ORS 446.265 and sections 10 and 11 of this 2020 special session Act are added to and made a part of ORS chapter 197.

SECTION 10. (1) As used in this section and section 11 of this 2020 special session Act, “emergency shelter” means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.

(2) A building used as an emergency shelter under an approval granted under section 11 of this 2020 special session Act:

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

SECTION 11. (1) A local government shall approve an application for the development or use of land for an emergency shelter on any property, notwithstanding ORS chapter 195, 197, 215 or 227 or ORS 197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any statewide land use planning goal, rule of the Land Conservation and Development Commission, local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide land use planning goal relating to natural disasters and hazards, including floodplains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

(e) Has adequate transportation access to commercial and medical services; and

(f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years’ experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, veterans’ shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from

unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5) The approval of an emergency shelter under this section is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

SECTION 12. Sections 10 and 11 of this 2020 special session Act are repealed 90 days after the effective date of this 2020 special session Act.

SECTION 12a. The repeal of sections 10 and 11 of this 2020 special session Act by section 12 of this 2020 special session Act does not affect an application for the development of land for an emergency shelter that was completed and submitted before the date of the repeal.

SECTION 13. (1) Notwithstanding ORS 203.082 (2), a political subdivision may allow any person to offer any number of overnight camping spaces on the person's property to homeless individuals who are living in vehicles, without regard to whether the motor vehicle was designed for use as temporary living quarters. A religious institution offering camping space under this section shall also provide campers with access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

(2) A local government may regulate vehicle camping spaces under this section as transitional housing accommodations under ORS 446.265.

SECTION 14. Section 13 of this 2020 special session Act is repealed 90 days after the effective date of this 2020 special session Act.

SECTION 15. Section 16 of this 2020 special session Act is added to and made a part of ORS 458.600 to 458.665.

SECTION 16. (1) As used in this section:

(a) "Low-barrier emergency shelter" means an emergency shelter, as defined in section 10 of this 2020 special session Act, that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.

(b) "Navigation center" means a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.

(2) The Oregon Department of Administrative Services may award grants to local governments to:

(a) Plan the location, development or operations of a navigation center;

(b) Construct, purchase or lease a building for use as a navigation center;

(c) Operate a navigation center that has been constructed, purchased or leased under paragraph (b) of this subsection; or

(d) Contract for the performance of activities described in this subsection.

SECTION 17. Section 16 of this 2020 special session Act is repealed on January 2, 2022.

NOTE: Section 18 was deleted by amendment. Subsequent sections were not renumbered.

NOTARIAL ACTS

SECTION 19. Section 20 of this 2020 special session Act is added to and made a part of ORS chapter 194.

SECTION 20. (1) As used in this section:

(a) "Communication technology" means an electronic device or process that:

(A) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a visual, hearing or speech impairment.

(b) "Foreign state" means a jurisdiction other than the United States, a state or a federally recognized Indian tribe.

HB 4212, Section 13:

SECTION 13. (1) Notwithstanding ORS 203.082 (2), a political subdivision may allow any person to offer any number of overnight camping spaces on the person's property to homeless individuals who are living in vehicles, without regard to whether the motor vehicle was designed for use as temporary living quarters. A religious institution offering camping space under this section shall also provide campers with access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

(2) A local government may regulate vehicle camping spaces under this section as transitional housing accommodations under ORS 446.265.

ORS 446.265:

446.265 Transitional housing accommodations; regulation and limitations; definition. (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

(4) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 §6; 2019 c.411 §1; 2019 c.422 §13]