

ORDINANCE NO. 5118

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF SHORT-TERM RENTAL PERMITS FROM SEPTEMBER 1, 2022 TO DECEMBER 29, 2022.

RECITALS:

WHEREAS, McMinnville is experiencing severe constraints in housing land supply which is leading to a deficit in housing units being built in the community to meet housing demand. With a lack of supply and significant demand, housing prices have escalated exponentially in the past couple of years; and

WHEREAS, At the same time, tourism has increased in McMinnville exponentially as well. Increased housing prices and increased demand for tourism lodging has led to a greater than normal demand on housing to be leveraged as short-term rentals; and

WHEREAS, Residential neighborhoods are experiencing an increasing amount of short term rentals causing residents to become concerned about the quality of life, health, safety and community interaction within the neighborhoods; and

WHEREAS, McMinnville's zoning ordinance currently has a spacing separation of 200' between short term rentals. This has proven to be too much density of short-term rentals in some neighborhoods. The City would like to evaluate the impacts of short-term rentals on residential neighborhoods during the moratorium and recommend solutions for moving forward.

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

1. That a moratorium on the issuance of Short Term Rental Permits from September 1, 2022 to December 29, 2022 is necessary per the findings in Exhibit A to this Ordinance.
2. That pending complete applications provided by August 1, 2022 will be processed.
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 12th day of July 2022 by the following votes:

Ayes: Geary, Menke, Chenoweth, Payne

Nays: _____



MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder

EXHIBITS:

- A. Short Term Rental Moratorium Findings

EXHIBIT A to Ordinance No. 5118: FINDINGS FOR SHORT TERM RENTAL MORATORIUM

Per ORS 197.520, the City finds that:

- (1) No city, county or special district may adopt a moratorium on construction or land development unless it first:
 - (a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

FINDING - SATISFIED: Notice was provided to the Department of Land Conservation and Development on May 27, 2022 for a first evidentiary public hearing on July 12, 2022.

- (b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

FINDING - SATISFIED: Exhibit A of Ordinance No. 5188 provides written findings.

- (c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

FINDING - SATISFIED: A public hearing was conducted on July 12, 2022 and was duly noticed in the local newspaper on July 1 and July 5, 2022.

- (2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information, and shall include, but need not be limited to, findings:
 - (a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;
 - (b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

- (D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and

FINDING - SATISFIED: The public harm that could be caused by failure to impose a moratorium outweighs any possible adverse effects on the community, and that the moratorium will not result in an adverse shift in demand for housing, economic development, public facilities and services on buildable lands.

- (E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

FINDING - SATISFIED: The City has sufficient resources available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of this moratorium. Evaluation of the code regulations for Short-Term Rentals will be added to the Planning Department's work plan over the next four months.

- (b) For rural land:

- (A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- (B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- (C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- (D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

FINDING – NOT APPLICABLE

- (4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that: