

Planning Commission
Thursday, December 15, 2022
6:30 PM Regular Meeting

HYBRID Meeting

IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting

Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom

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

<https://mcminnvilleoregon.zoom.us/j/88150291911?pwd=anPb3lVNUNMN2J2MEliVXdQMDR0QT09>

Meeting ID: 881 5029 1911

Meeting Password: 709821

Or you can call in and listen via zoom: 1 253 215 8782

Meeting ID: 881 5029 1911

Meeting Password: 709821

Public Participation:

Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Public Hearing: To participate in the public hearings, please choose one of the following.

- 1) **Email in advance of the meeting** – Email at any time up to 12 p.m. the day before the meeting to heather.richards@mcminnvilleoregon.gov, that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 3) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, Heather.Richards@mcminnvilleoregon.gov as the chat function is not available when calling in zoom.

----- **MEETING AGENDA ON NEXT PAGE** -----

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Sidonie Winfield, Chair	6:30 PM – REGULAR MEETING
Gary Langenwaller Vice - Chair	1. Call to Order
Matthew Deppe	2. Swearing In of New Commissioner – Megan Murray <i>(Exhibit 1)</i>
Sylla McClellan	3. Minutes:
Meg Murray	<ul style="list-style-type: none"> • September 1, 2022 – <i>(Exhibit 2)</i> • September 15, 2022 – <i>(Exhibit 3)</i> • October 6, 2022 – <i>(Exhibit 4)</i>
Brian Randall	4. Work Session – Short Term Rentals
Beth Rankin	5. Commissioner Member Comments
Lori Schanche	6. Staff Comments
Dan Tucholsky	7. Adjournment

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

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APPLICATION FOR SERVICE ON BOARD OR COMMISSION

Thank you for your interest in serving your community. The information on this form will help the Mayor and City Council learn about the background of persons interested in serving on a particular board or commission.

Name: Megan Murray

Home Phone: _____

Address: _____

Cell Phone: _____

McMinnville, OR 97128

Work Phone: _____

Email: _____

Board, Commission or Committee for which you are an applicant:

- Advisory Board
- Airport Commission
- Board of Appeals
- Budget Committee
- Citizens' Advisory Committee
- Historic Landmark Committee
- Landscape Review Committee
- McMinnville Affordable Housing Task Force
- McMinnville Urban Renewal Advisory Committee (MURAC)
- Planning Commission

Ward in which you reside (if applicable): Ward 2

How many years have you lived in McMinnville? 2006-2013, 2016-present @ 13 years

Educational and occupational background: Portland State University: BA Major-International Studies, Minor-Political Science
19 years in the wine industry.
Small business owner.

Why are you interested in serving? I would like to be more engaged in my community. It is growing and it is an exciting time. I am the mother to two young children who are quickly growing up in our lovely city. I would like to be a part in helping to shape it.

Date 9/8/2022

Signed Megan Murray

EXHIBIT 2 - MINUTES

September 1, 2022
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Gary Langenwalter, Sylla McClellan, Brian Randall, Matt Deppe, Beth Rankin, Lori Schanche, Dan Tucholsky, and Sidonie Winfield

Members Absent:

Staff Present: Heather Richards – Planning Director, Tom Schauer – Senior Planner, and Adam Tate – Associate Planner

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- **June 2, 2022**
- **June 16, 2022**
- **July 21, 2022**

Commissioner Tucholsky moved to approve the June 2, June 16, and July 21, 2022 minutes. The motion was seconded by Commissioner Langenwalter and passed 8-0.

4. Public Hearings:

A. Quasi-Judicial Hearing: Short-Term Rental (STR 7-22)

Request: Request for approval of a permit to use the existing dwelling as a Short-Term Rental.

Location: 790 NW 21st Street (Tax Lot R4417AC 02344)

Application: Emily (Joyce) LaGow

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Chair Winfield said she was acquainted with people in the neighborhood, but it would not affect her decision.

Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing.

Commissioners Schanche and McClellan had visited the site.

Staff Report: Associate Planner Tate presented the staff report. This was a request to approve a permit to use the existing dwelling at 790 NW 21st Street as a short term rental. He discussed the subject site, applicant's site plan, project summary, applicable review criteria, summary of findings, testimony received, and recommended conditions. The applicant stated the property was operating as a short term rental before the application was approved, which was a mistake by the property management company. Staff recommended approval of the application.

Questions: Commissioner Langenwaller asked for clarification on how many days a guest would be allowed to stay. Planning Director Richards said prior to permit approval, the applicant was renting the house out for 30-plus days, but once they got their permit, they planned to use it as a short term rental and rent it for less than 30 days.

Commissioner Deppe asked about the parking. Planning Director Richards said they were supposed to provide one off street parking space per guest room. Anyone was allowed to park on the public street.

Commissioner Schanche asked about a local contact person. Planning Director Richards said they had a local address in the application.

Applicant's Testimony: Emily LaGow read a statement discussing her background, management of the house, code violation on July 4, 2022, parking, and benefits of the rental to the community.

Commissioner Tucholsky asked about the number of bedrooms that would be rented. Ms. LaGow said there would be four bedrooms, with a maximum of eight guests. She would amend the parking rules that they could not park on the street.

Commissioner Schanche asked why the property owner was not contacted about the rental on July 4 and if the management company was local. Corey Tigner, iTrip Vacations, said they were located in Portland. He explained a family was in a different home where the air conditioning had gone out and they moved the family to this home unaware that it had not received approval yet.

Chair Winfield asked why it was in the rental pool when it had not been approved yet. Mr. Tigner said it was in the 30-plus day rental pool. His company had 24 hour phone support to answer calls at any time.

Melissa Wright, property manager, clarified the listing was live for a 30-plus day rental, which was a long term rental situation and was listed as 5 bedroom. This would shift when it went down to a short term rental and would be listed as 4 bedrooms.

Chair Winfield asked about letters mailed to the neighbors. Ms. Wright said letters were mailed to the addresses the City provided.

Chair Winfield asked who the local emergency contact would be. She was concerned about the public testimony that there was not a local emergency contact. Mr. Tigner said that person was listed in the paperwork.

Public Testimony:

Proponents: Emily Smith, Beaverton resident, had decorated this property and spoke about the integrity of the management company. She thought they were responsive at all hours.

Opponents: Mark Fitz, McMinnville resident, said it was a requirement to have a local contact who could make decisions that needed to be made. He said the house was still being advertised without approval. He thought the application should be denied.

Commissioner McClellan had also looked them up, and the house was listed as a long term rental currently.

Nick Grinich, McMinnville resident, agreed about the need for a local contact. He discussed the July 4 incident and how the applicant failed to get the permit before advertising the property. He thought it was willfully operated as a short term rental without a permit and the application should be denied.

Commissioner Langenwaller asked how long the property had been advertised as a short term rental. Planning Director Richards said she had tried it on July 4, and she was able to book it as a short term rental for the next weekend. She had recently tried it again, and it was no longer being advertised as a short term rental.

Kelly Grinich, McMinnville resident, said for two weeks after July 4 she was able to book the house as a short term rental.

Rebuttal: Ms. LaGow said there would be someone on call 24 hours a day, 7 days a week. Ms. Wright asked if they tested the local contact as part of the process and if a listing could exist before the permit, but they could not accept guests into the home.

Planning Director Richards said they did not test local contacts. There had been complaints from neighbors and the neighbors raised the issue that they tried to contact somebody and that person was not available. They did not look at all the listings, but if they got a complaint, they did tests within the system. In this case, they received a complaint and she was able to book the house for two nights when it did not have a short term permit.

Mr. Tigner said the July 4 incident was a combination of factors and rare circumstance. Once they found out about it, they removed it.

Commissioner Tucholsky said there was testimony that it was up for two weeks. Mr. Tigner said they did not go far enough in the booking system. If they had, they would have found it was not available.

There was discussion regarding short term rental code update, upcoming short term rental applications, and options for Commission action.

Chair Winfield closed the public hearing.

The applicant did not waive the 7 day period for submitting final written arguments. The applicant would have until September 9 at 5 p.m. to submit their arguments. The Commission would deliberate and make a decision on this agenda item on October 6, 2022.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Application: Kimco McMinnville LLC, c/o Michael Strahs

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Langenwalter MOVED to CONTINUE the hearing for CPA 2-20/ZC 3-20 to October 20, 2022. The motion was seconded by Commissioner McClellan and PASSED 8-0.

C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. Representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 1-21/ZC 2-21 to October 20, 2022. The motion was seconded by Commissioner Rankin and PASSED 8-0.

D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)

(Continued from June 2, 2022 PC Meeting)

Applicant has requested a continuance to October 20, 2022

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Deppe MOVED to CONTINUE the hearing for CPA 2-21/ZC 3-21 to October 20, 2022. The motion was seconded by Commissioner Tucholsky and PASSED 8-0.

E. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)

(Continued from July 21, 2022 PC Meeting).

Applicant has requested a continuance to February 16, 2023

Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville’s Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the nonfloodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County’s Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Applicant: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Rankin MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to February 16, 2023. The motion was seconded by Commissioner Tucholsky and PASSED 8-0.

5. Action Items

None

6. Commissioner Comments

None

7. Staff Comments

Planning Director Richards discussed the reasons for the continued public hearings. Senior Planner Bilodeau had left the City for a different job. She announced the American Planning Association Conference on October 27-29 if any Commissioner wanted to attend. She then discussed upcoming meetings.

8. Adjournment

Chair Winfield adjourned the meeting at 9:15 p.m.

Heather Richards
Secretary

DRAFT

EXHIBIT 3 - MINUTES

**September 15, 2022
Planning Commission
Work Session**

**5:30 pm
Hybrid Meeting
McMinnville, Oregon**

Members Present: Brian Randall, Beth Rankin, Sidonie Winfield, Sylla McClellan, Matt Deppe, and Lori Schanche

Members Absent: Dan Tucholsky and Gary Langenwalter

Staff Present: Heather Richards – Planning Director, Tom Schauer – Senior Planner, and Susan Muir – Parks and Recreation Director

1. Call to Order

Chair Winfield called the meeting to order at 5:30 p.m.

2. Work Session

A. 5:30 PM – WORK SESSION: PARKS, RECREATION & OPEN SPACE MASTER (PROS) PLAN UPDATE

Parks and Recreation Director Muir gave an overview of the master plan update. She introduced the Jon Pheanis, consultant with MIG.

Mr. Pheanis discussed the project purpose and background, existing 1999 plan, elements of the park system, equitable park and recreation access, planning process and community engagement, meetings, Planning Commission involvement, challenges to address, park condition assessment, opportunities to consider, Oregon state park maps, and next steps.

There was discussion regarding challenges to address through the plan including developments adding walkways to connect to neighborhoods, access, bathroom facilities, cooperation with the School District, ADA accessibility for all ages, green space/open space for smaller lots, parks in the flood plains, trail along the river, and river access.

The Commission also discussed key opportunities including an overlook park and community volunteer program. There was discussion regarding how to conduct the survey.

B. 6:30 PM – WORK SESSION: SHORT-TERM RENTALS

Commissioner McClellan discussed her research on short term rentals.

There was discussion regarding the short term rental guidelines proposal including requiring inspections of the property, finding out how many rentals were in commercial zones, distance limits between permitted properties, typical block lengths, potential spacing standards, how there were minimal complaints and concerns once the rentals were established, limiting number of adults by number of parking spots, raising the cost of permits, listing permit numbers, moratorium for reevaluating the code, limiting the number of short term rentals in the City limits, applying the permit to commercial properties, putting the guidelines on the City’s website, calling the local property management instead of police, providing contact information to neighbors, and next steps.

There was consensus for staff to bring back a map of potential spacing of rentals at 200, 400, and 600 feet, and to bring back recommendations on limiting the number of properties permitted either by a percentage or overall number, and apply the rules to commercial zones.

This topic would be discussed at another Work Session.

3. Citizen Comments

Jim Cratesbender, McMinnville resident, thought there should be a neighborhood meeting or contact with the neighbors so they knew what was going on regarding short term rentals. He thought the further spacing between the rentals, the better.

Mark Davis, McMinnville resident, was concerned about loss of housing and impact of short term rentals on affordable housing. He thought the Transient Lodging Tax should be used to replace the housing they were losing.

Remy Drabkin, McMinnville resident, was also concerned about preserving the affordable housing stock that they had. She asked that the Commission think about what the City was capable of regulating and enforcing for short term rentals. She suggested they look at a recommendation that was right sized for McMinnville.

4. Minutes

None

5. Commissioner Comments

None

6. Staff Comments

None

7. Adjournment

Chair Winfield adjourned the meeting at 8:30 p.m.

EXHIBIT 4 - MINUTES

**October 6, 2022
Planning Commission
Regular Meeting**

**6:30 pm
Hybrid Meeting
McMinnville, Oregon**

Members Present: Brian Randall, Beth Rankin, Sidonie Winfield, Sylla McClellan, Dan Tucholsky, Matt Deppe, Gary Langenwalter, and Lori Schanche

Members Absent:

Staff Present: Heather Richards – Planning Director

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- **July 7, 2022**

Commissioner McClellan moved to approve the July 7, 2022 minutes. The motion was seconded by Commissioner Tucholsky and passed 7-0-1 with Commissioner Schanche abstaining.

4. Action Items:

A. Short-Term Rental (STR 7-22)

Request: Request for approval of a permit to use the existing dwelling as a Short-Term Rental

Location: 790 NW 21st Street - Tax Lot R4417AC 02344

Applicant: Emily (Joyce) LaGow

Planning Director Richards said this hearing was continued from September with the oral testimony closed and written record open for seven days to allow the applicant to provide written rebuttal, which the applicant did submit. Staff recommended denial of the application based on the criteria for parking for five guest rooms and availability of the emergency contact.

There was discussion regarding definition of a guest room, parking requirement, and criteria that were not met.

Commissioner Langenwalter suggested adding two conditions, that the applicant provide a contact that was available 24 hours before the permit was issued and the permit would be revoked if more than four cars were parked at the house at any time.

Commissioner Deppe did not think they should assign intentions, and was inclined to take the applicant at their word. He did not think the applicant had time to comply.

There was discussion regarding staff capacity, compliance with the rules, and how the applicant did not correct the application after the hearing was continued.

Based on the findings of fact and conclusionary findings, Commissioner McClellan MOVED to DENY short-term rental (STR 7-22); SECONDED by Commissioner Langenwalter. The motion PASSED 7-1 with Commissioner Deppe opposed.

City Attorney Kabeiseman gave options for denial of short term rental applications that were doing business without a permit.

5. Work Session Discussion

Long Range Planning Project Advisory Committees

- Fox Ridge Road Area Plan
- Transportation System Plan Update
- Housing Needs Analysis / Economic Opportunity Analysis Update

Planning Director Richards said staff was working on long range planning and as part of the process had created project advisory committees. She asked for Planning Commissioner volunteers to be on these committees.

Chair Winfield and Commissioner Langenwalter volunteered for the Fox Ridge Road Area Plan, Commissioner Rankin and Schanche volunteered for the Transportation System Plan update, and Commissioner Deppe volunteered for the Housing Needs Analysis

6. Commissioner Comments

None

7. Staff Comments

Planning Director Richards discussed staff vacancies.

City Attorney Kabeiseman reviewed what constituted ex parte contacts.

8. Adjournment

Chair Winfield adjourned the meeting at 7:19 p.m.

EXHIBIT 5 – STAFF REPORT

DATE: December 15, 2022
TO: Planning Commission Members
FROM: Heather Richards, Community Development Director
SUBJECT: Short-Term Rentals – McMinnville Municipal Code

STRATEGIC PRIORITY & GOAL:



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

Report in Brief:

This agenda item is a work session to continue discussion of the McMinnville Municipal Code relative to short-term rentals.

Background:

The McMinnville City Council has enacted an extension of the moratorium on short term rental permits from December 29, 2022 to June 29, 2023 while the Planning Commission and Planning Department staff continue to re-evaluate the McMinnville Municipal Code as it pertains to permitting Short-Term Rentals. This action was based primarily on the fact that several residential neighborhoods, especially those closer to the downtown area, are experiencing an increasing number of short terms rentals in their neighborhoods causing residents to become concerned about the quality of life, health, safety and community interaction within the neighborhoods.

Current Code Provisions:

Lodging is represented in many forms in McMinnville. In commercial zones (C1, C2 and C3), lodging is an allowed outright use and does not need any permits. Any rooms rented for short-term stays (30 days or less) are considered lodging.

In McMinnville's residential zones (R1, R2, R3, R4 and OR) lodging is allowed in the form of Short-Term Rentals and Resident Occupied Short-Term Rentals. Both Short-Term Rentals and Resident Occupied Short-Term Rentals are only allowed with a Type 2 permit. Type 2 permits are permits based on clear and objective standards and reviewed by planning staff but with notification to surrounding property owners. Please see attached Resident-Occupied Short Term Rental code provisions and Short Term Rental code provisions. The primary difference between the criteria

for Resident-Occupied Short Term Rental permit criteria and Short Term Rental permit criteria is the 200 foot spacing standard (property line to property line) that is a provision for Short Term Rentals, the requirement for a neighborhood meeting for a Short Term Rental, and the requirement for one off-street parking space per bedroom for Short Term Rentals versus one off-street parking space per guest bedroom of a Resident-Occupied Short Term Rental.

When the McMinnville Planning Commission last evaluated and amended the McMinnville Municipal Code relative to Short Term Rentals in 2018, they wanted to make it easier to permit Resident-Occupied Short Term Rentals and encourage them in commercial zones rather than residential zones.

History of Dialogue:

Short Term Rental permits have been an active dialogue in McMinnville for many years.

- In 2008, the City approved Ordinance No. 4902, adopting regulations that allowed vacation home rentals in residential zones and the office-residential zone as conditional use permits. At this time the permit was permanent and a 660-foot buffer from other vacation home rentals was required.
- In 2012, the City removed the spacing buffer between vacation home rentals largely because the Planning Department had not received any complaints about vacation home rentals in the four years since they were initially allowed.
- In 2014, the City amended the code to transfer the approval of vacation home rentals from the Planning Commission to the Planning Director. At this time they became a Type I permit and not a conditional use permit.
- In 2017, a neighborhood approached the Planning Commission about reconsidering the vacation home rental codes as their neighborhood, which was a historic neighborhood in close proximity to the downtown had seen many homes converted to vacation home rentals recently. The Planning Commission hosted four work sessions and a public hearing and made a recommendation to differentiate between Short Term Rentals where the whole home was rented out as lodging and Resident Occupied Short Term Rentals where the occupant of the home rented out a room as lodging. They also recommended reinstating the 200-foot spacing buffer between Short Term Rentals. This recommendation was adopted by Ordinance No. 5047 on April 10, 2018, and became effective on May 10, 2018.

McMinnville Data for Short Term Rentals:

Below is the data for permitted Short Term Rentals in McMinnville, meaning only those within the residential zones (R1, R2, R3, R4, OR). Short Term Rentals are only allowed in single-dwelling units, common wall single dwelling units (Townhomes) and accessory dwelling units (ADUs). Only one short term rental is allowed per property (ie either ADU or primary dwelling unit) and the spacing standard applies to the property (ie if an ADU or a primary dwelling unit is a permitted short term rental, another short term rental would not be permitted within 200 feet of that property (property line to property line).

Currently, there are 68 permitted short-term rentals in residential zones in McMinnville and 29 permitted Resident Occupied Short Term Rentals. For perspective, there are approximately

13,000 housing units in McMinnville (including multi-family and housing in commercial zones). However, most of the Short-Term Rental permits are still in the neighborhoods closest to the downtown (please see attached map), and in the past nine months sixteen Short Term Rental permits have been issued, compared to an average of five new permits per year previously. There are three additional pending Short Term Rental permit applications as of September 9, 2022 (all submitted prior to the August 2 deadline).

Discussion:

At Planning Commission meetings on September 15, 2022 and October 20, 2022, Commissioner Sylla McClellan and Chair Sidonie Winfield led the Planning Commission through the research that they had conducted, the issues that they had identified and the opportunities for code revisions that they saw practiced in other communities.

Below is the results of those discussions:

RECOMMENDATIONS CONSIDERED:

STR guidelines proposal for discussion.

1. STR is defined as a dwelling unit and one permit will be issued per property (tax lot? Not sure how to define this?). If an ADU is on the property and the permit is issued for the ADU, the home cannot be listed as an STR.
(Staff note: this provision is in the current code.)

Commission Discussion: Keep it in the code

2. A local person (or property manager's) contact information must be provided.
(Staff note: this provision is in the current code.)

Commission Discussion: Local defined as residing within the 97128 zip code. Keep this in the code but add a provision that the contact information is handed out to adjacent properties and YCOM. Add that the contact needs to be available 24/7.

3. All city and state taxes must be remitted in a timely manner.

Commission Discussion: Add to the code.

4. Permitted properties cannot be within 600 feet of one another.

Commission Discussion: On-going. The commission wanted to discuss this further, directing staff to provide maps demonstrating what the spacing standard would look like throughout the city.

5. There is a limit to how many properties can be permitted (this limit could be defined by an actual number or a percentage of residences within the city limits).

Commission Discussion: Ongoing. The commission wanted to discuss this further.

6. Existing permits would not pass-through to new owners should the property change ownership.

(Staff note: this provision is in the current code.)

Commission Discussion: Keep it in the code

7. ~~Establish a moratorium so these rules cannot be changed for five years.~~
8. These same rules would apply to STRs in commercial zones (not sure about this?) Commercial zoning STRs – set a maximum number of rooms. If over this number, the property becomes a B & B or falls under the codes for lodging. Commercial zoning space limits apply? Is the permit for the property or per dwelling unit?

Commission Discussion: Further discussion. Would like a map of all short term rentals in the commercial zones.

9. Operations without current permits will receive a warning letter and then be fined.
(Staff note: currently they are shut down and need to get a permit prior to resuming operations)

Commission Discussion: Add a daily citation to enforcement and a habitual clause denying them the opportunity to apply for a permit for 12 months. See what other communities are doing.

10. STR guidelines will be easier to find on the city's website.
11. The permit number is required to be part of the listing (AirBnB, VRBO, [booking.com](https://www.booking.com), etc) for the STR.

Attachments:

The September 15, 2022 Staff Report included the following attachments:

- Attachment A: Current Short Term Rental Code
- Attachment B: Current Resident-Occupied Short Term Rental Code
- Attachment C: Other Code Provisions That Impact Short-Term Rentals
- Attachment D: Map of Short Term Rentals in McMinnville (September 9, 2022)
- Attachment E: Comparison of 11 Other Communities (2018)
- Attachment F: Short Term Rental Moratorium Ordinance
- Attachment G: Public Testimony Received for Short Term Rental Moratorium Ordinance
- Attachment H: Public Testimony Received from Affordable Housing Committee

The October 20, 2022 Staff Report included the following attachments:

- Attachment I: Comparison chart of short-term rental fees with 11 other communities

- Attachment J: Maps showing spacing standard of 200', 400', and 600' for neighborhood northwest of downtown, with updated Short Term Rental permit data

The Planning Commission asked staff to provide the following additional information, which is attached, to assist with the December 15, 2022 discussion.

- Maps showing 600' spacing standard
- Maps showing STRs in the commercial zones (to be provided at the meeting)
- Review of what penalties other cities do for non-compliance (to be provided at the meeting)

The project webpage with all of the materials is located at: <https://www.mcminnvilleoregon.gov/planning/page/short-term-rental-re-evaluation-g-2-22>

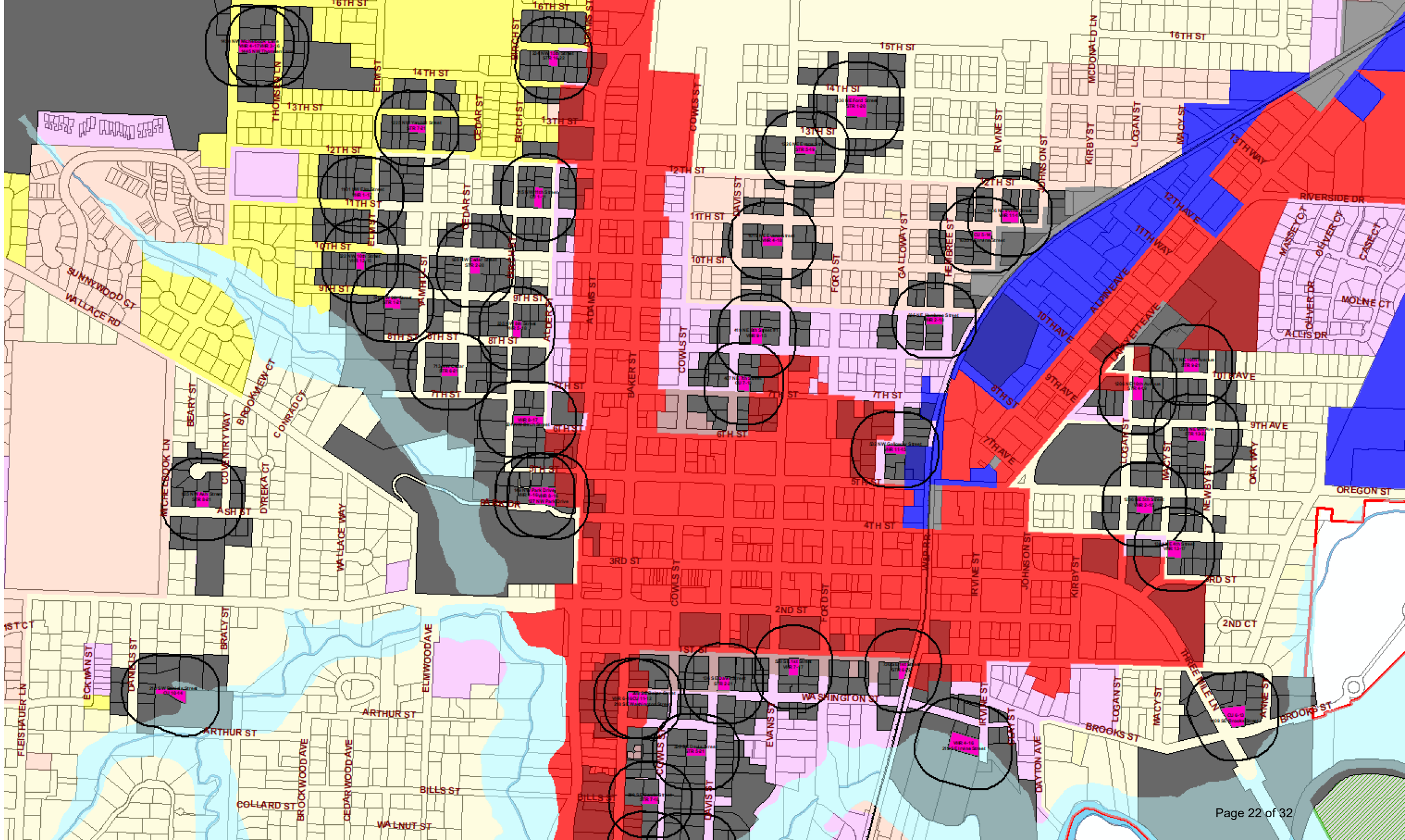
Mapping of ineligible lots

- Which lots are ineligible for a new STR *based on location of existing STRs* and the following separation standards:
 - 200' (current standard)
 - 300'
 - 400'
 - 600'
- Ineligible Residential and O-R lots are *grayed out* on the following slides.
- (Commercial zones are overlaid on top of grayed-out lots).

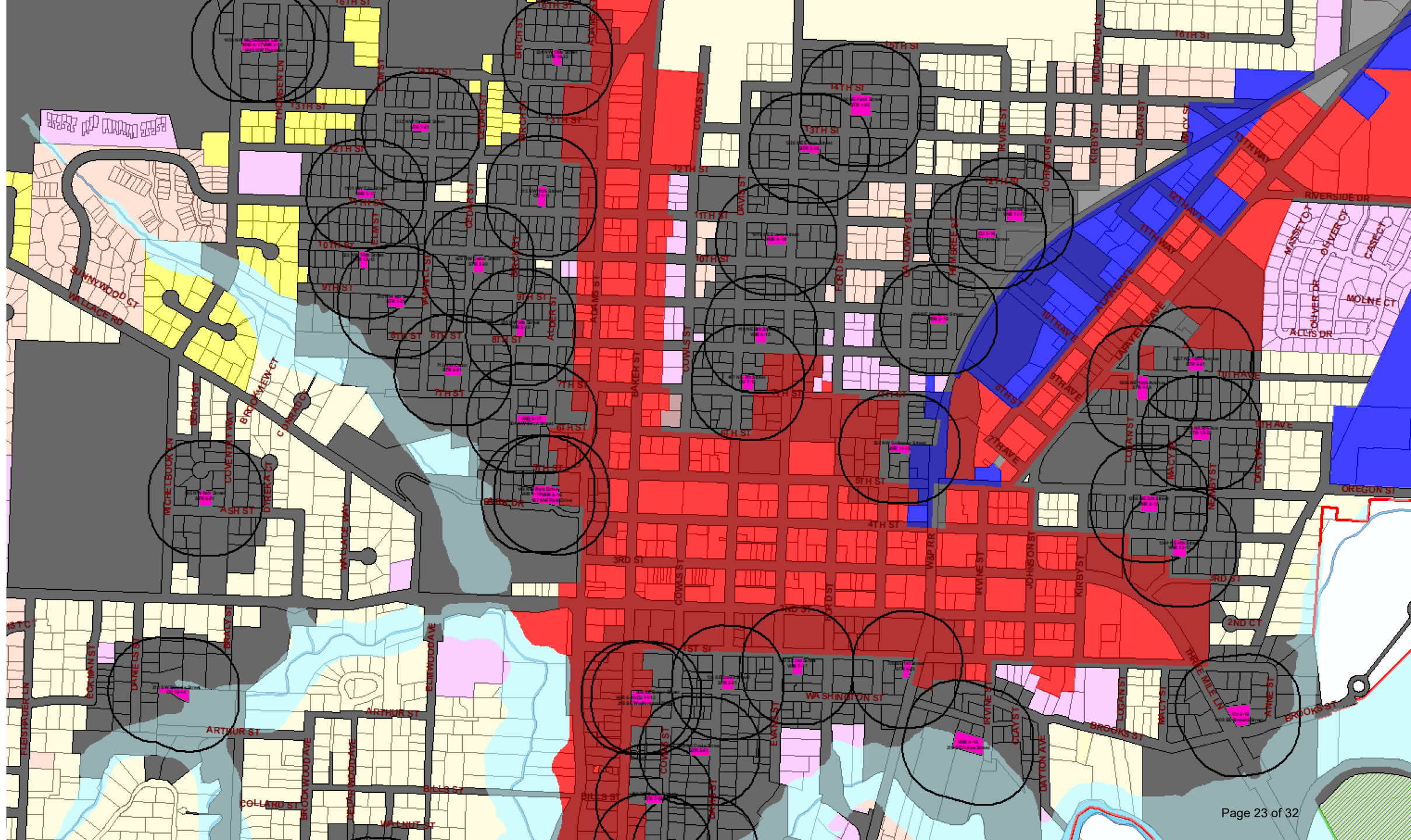
Disclaimers

- These were quick maps without a lot of formatting clean-up
 - Some maps show the street right-of-way shaded
 - The City-wide map shows some parcels outside the City limits and/or outside the UGB that intersect the separation standard, but that wouldn't be subject to City land use regulations until/unless annexed to the City.

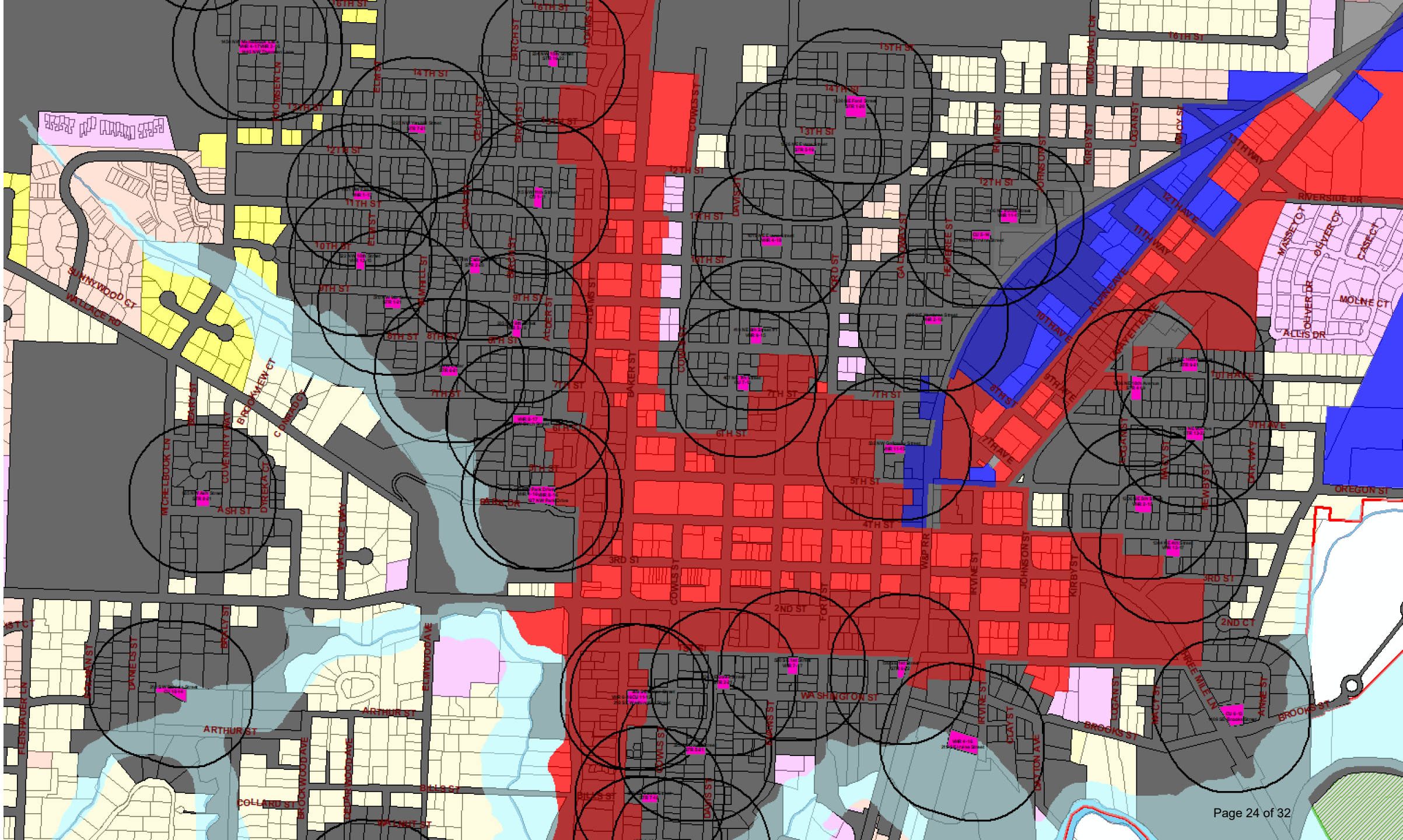
200'



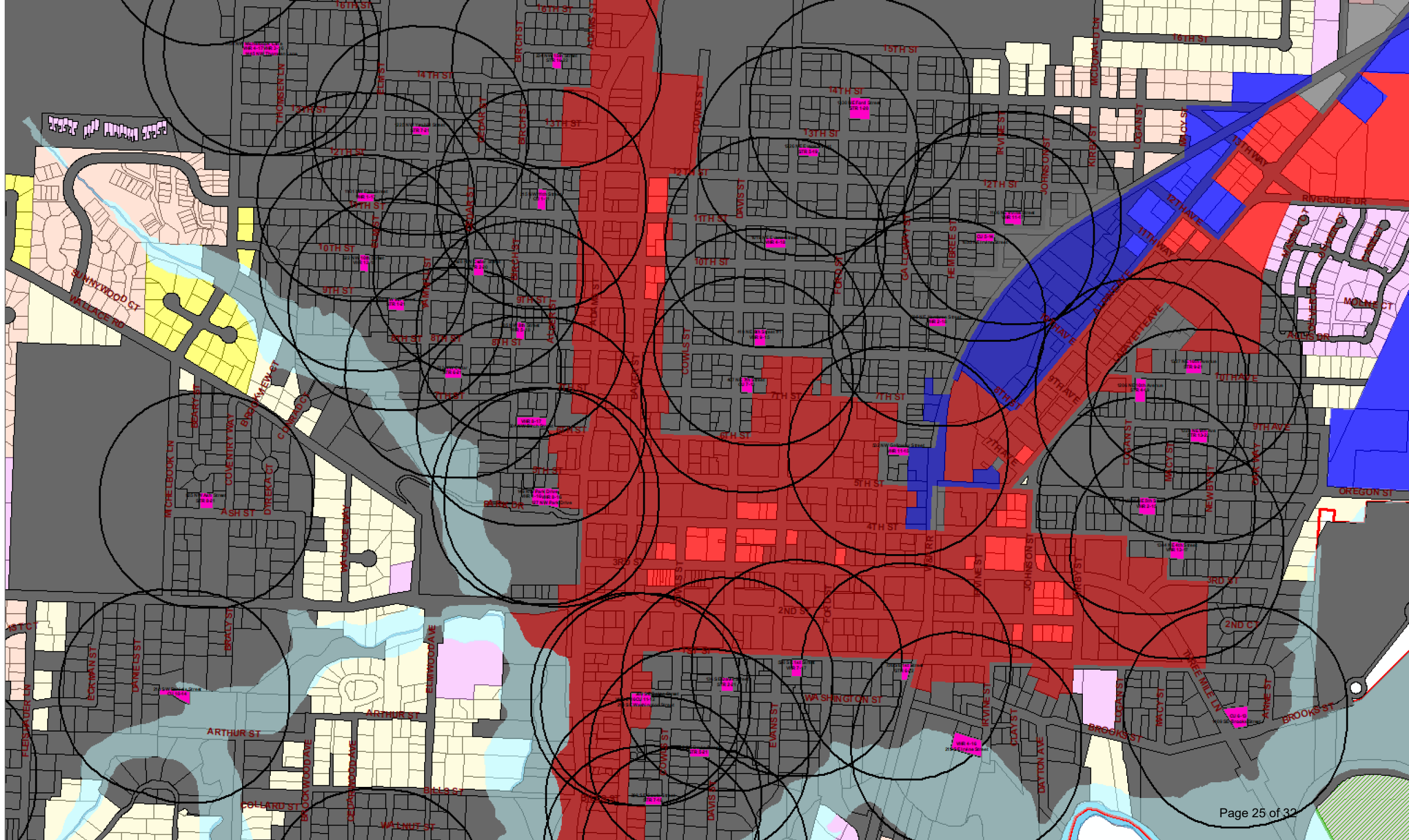
300'



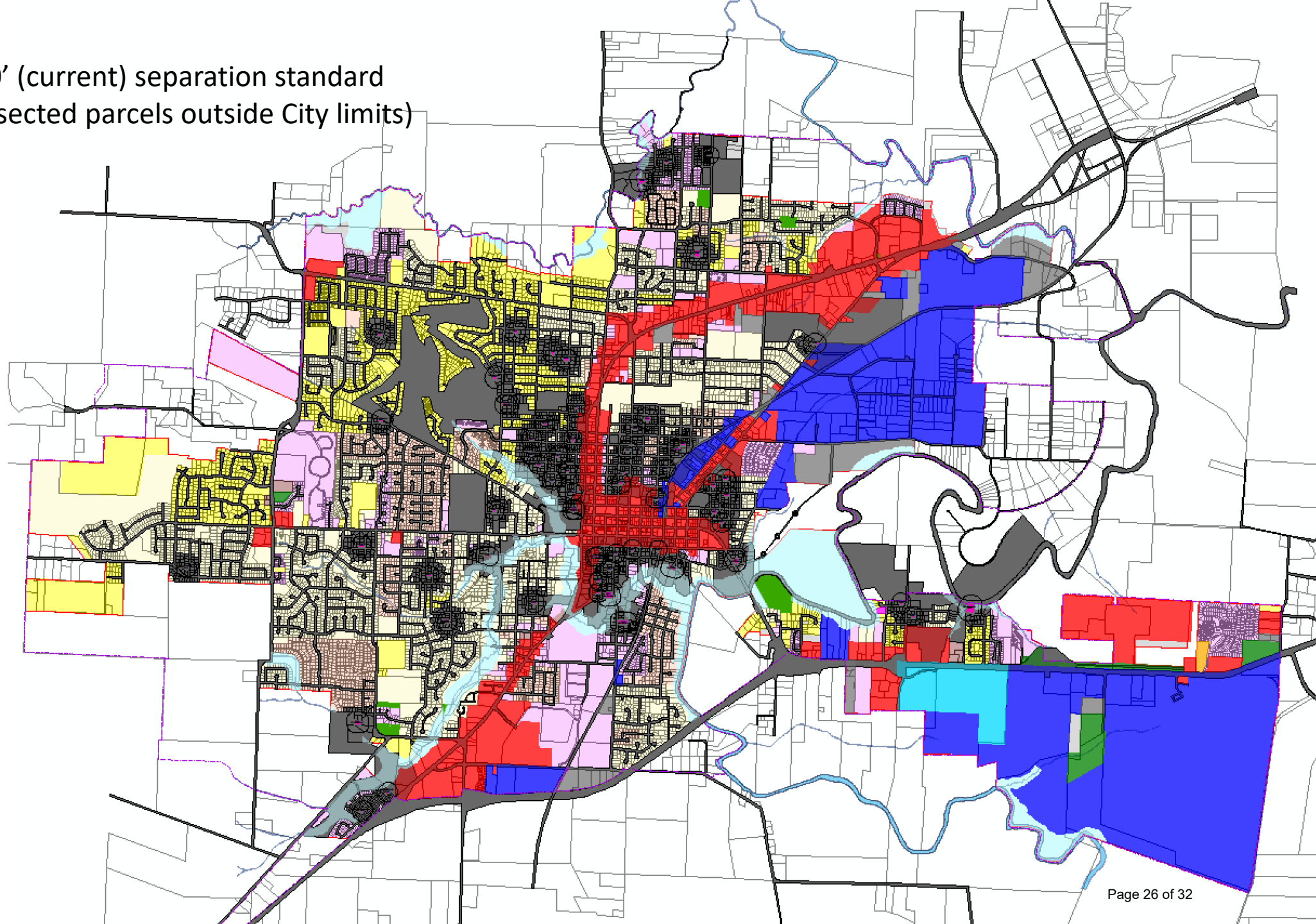
400'



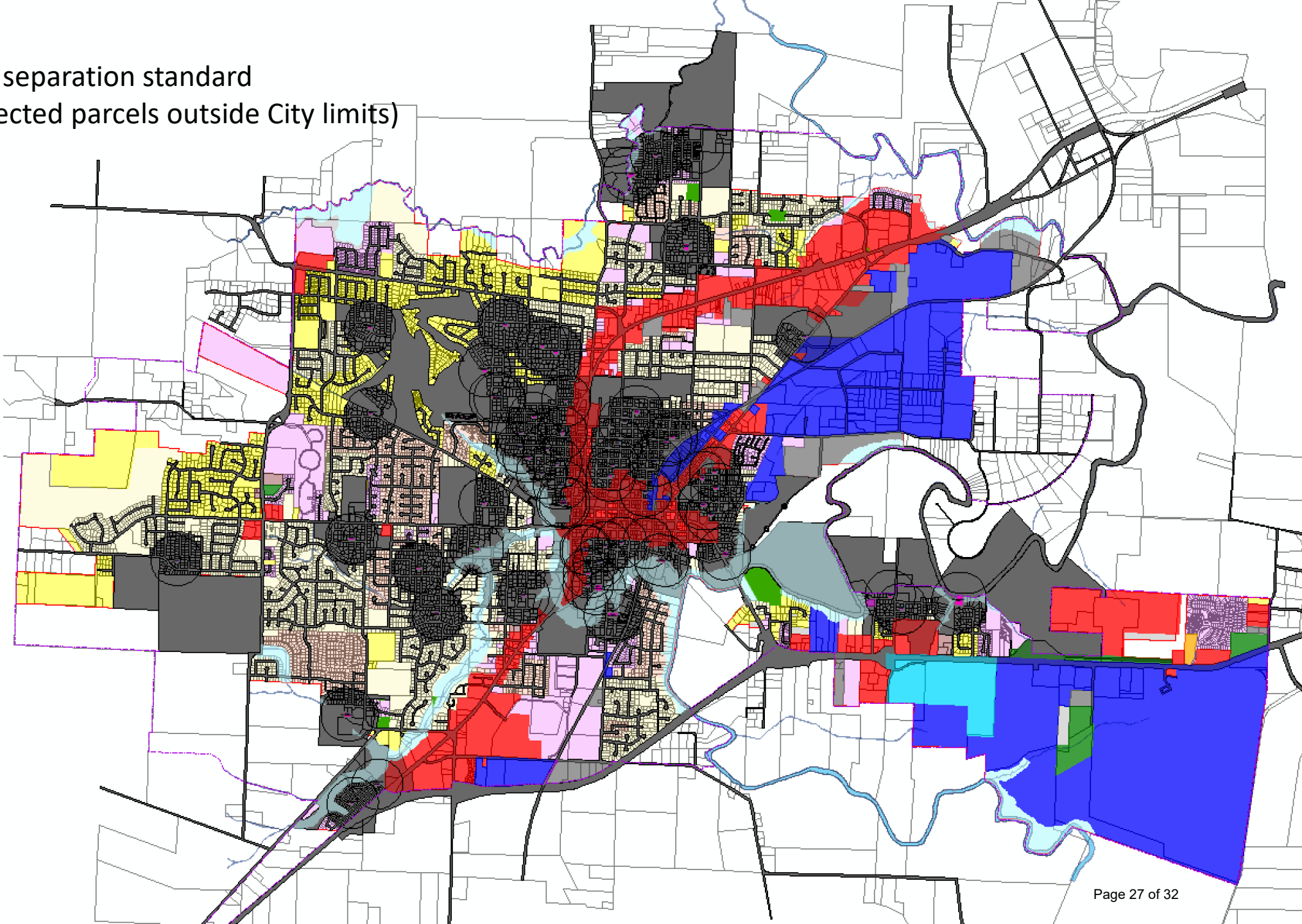
600'



City-Wide Map w/ 200' (current) separation standard
(may show some intersected parcels outside City limits)



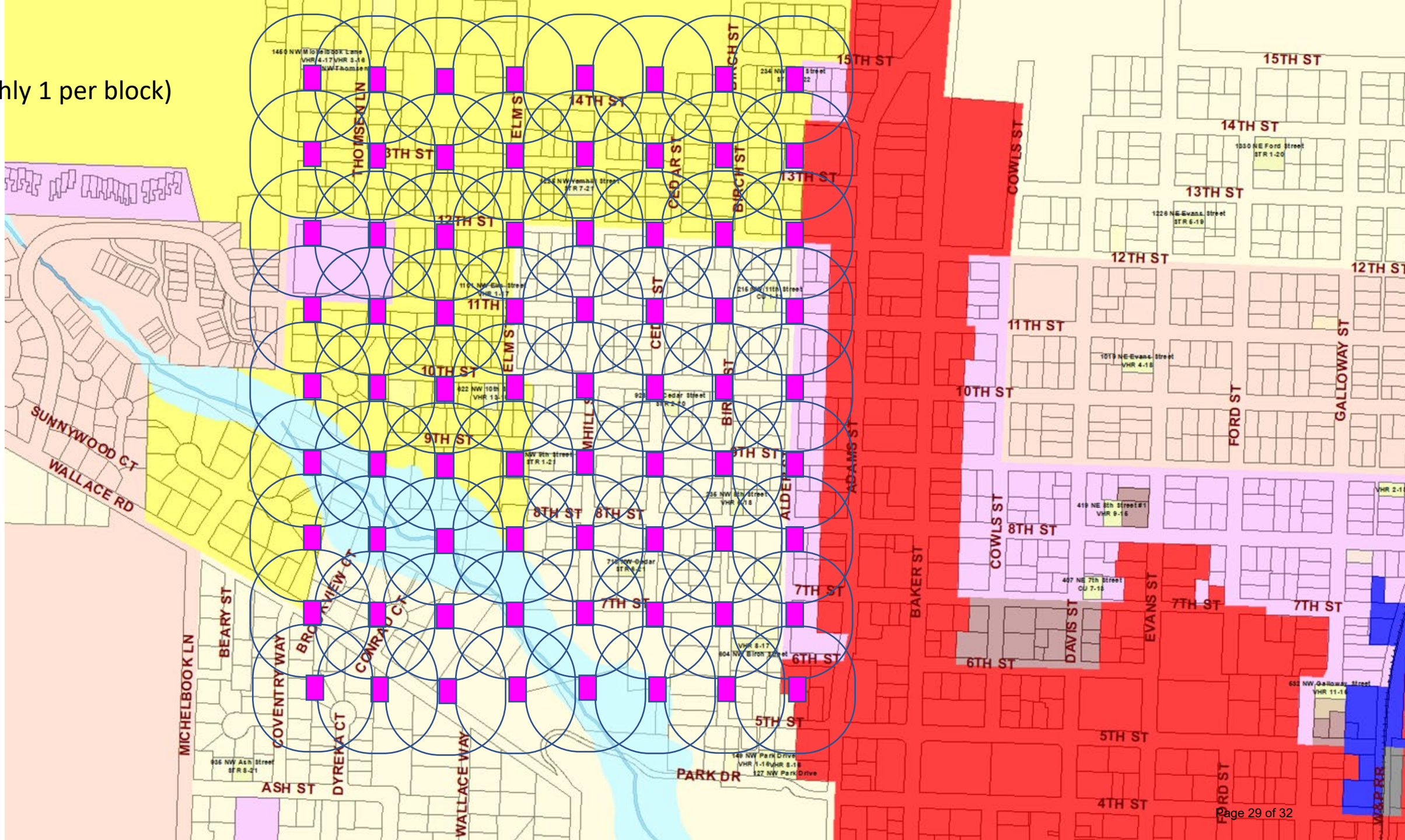
City-Wide Map w/ 600' separation standard
(may show some intersected parcels outside City limits)



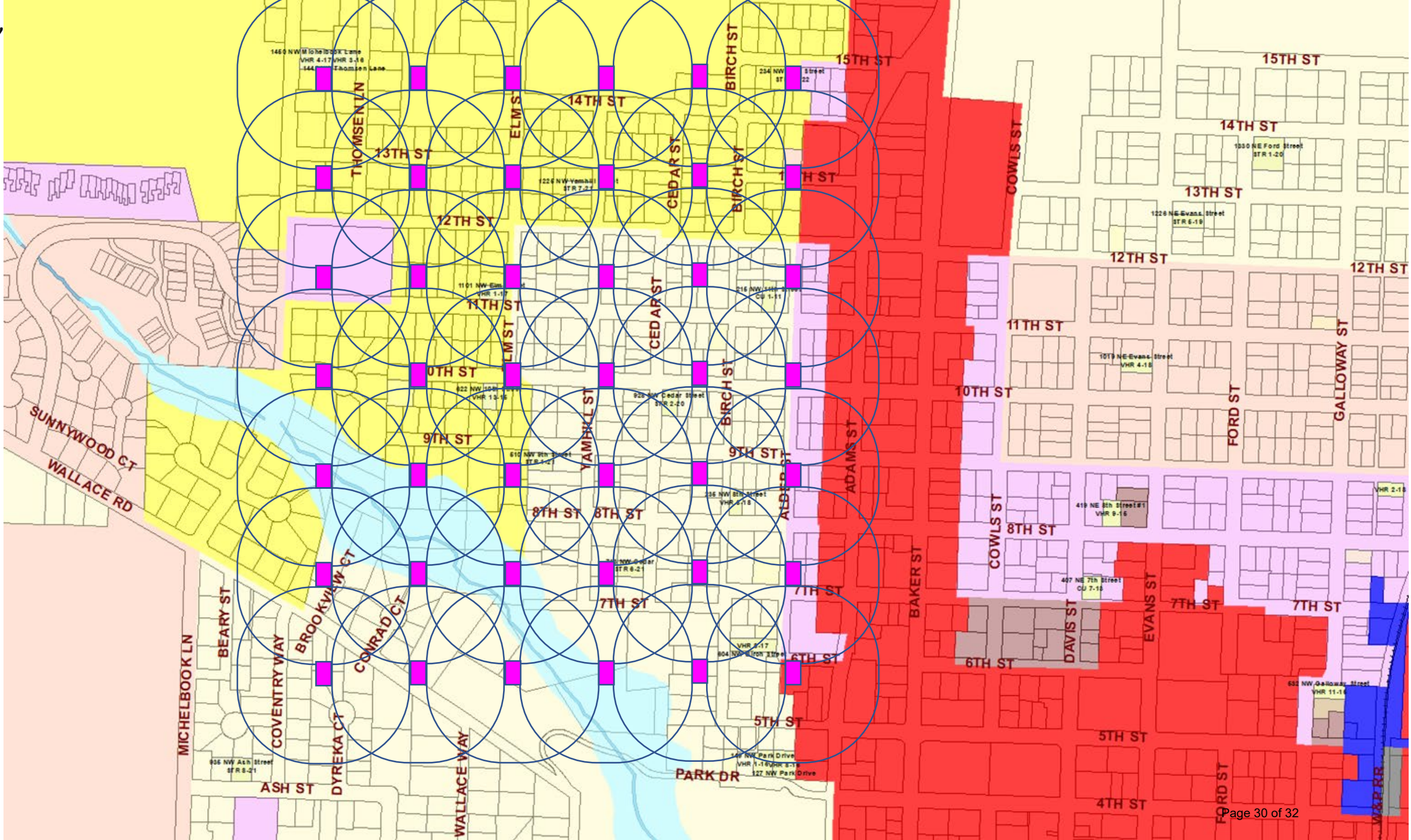
Approximate Number in Roughly Same Area based on different spacing standards

- 200', 300', 400', 600'
- If maximized in a uniform X-Y grid
- Disregarding existing STRs, lot lines, and geographic features
- Overlaid on map for scale and reference

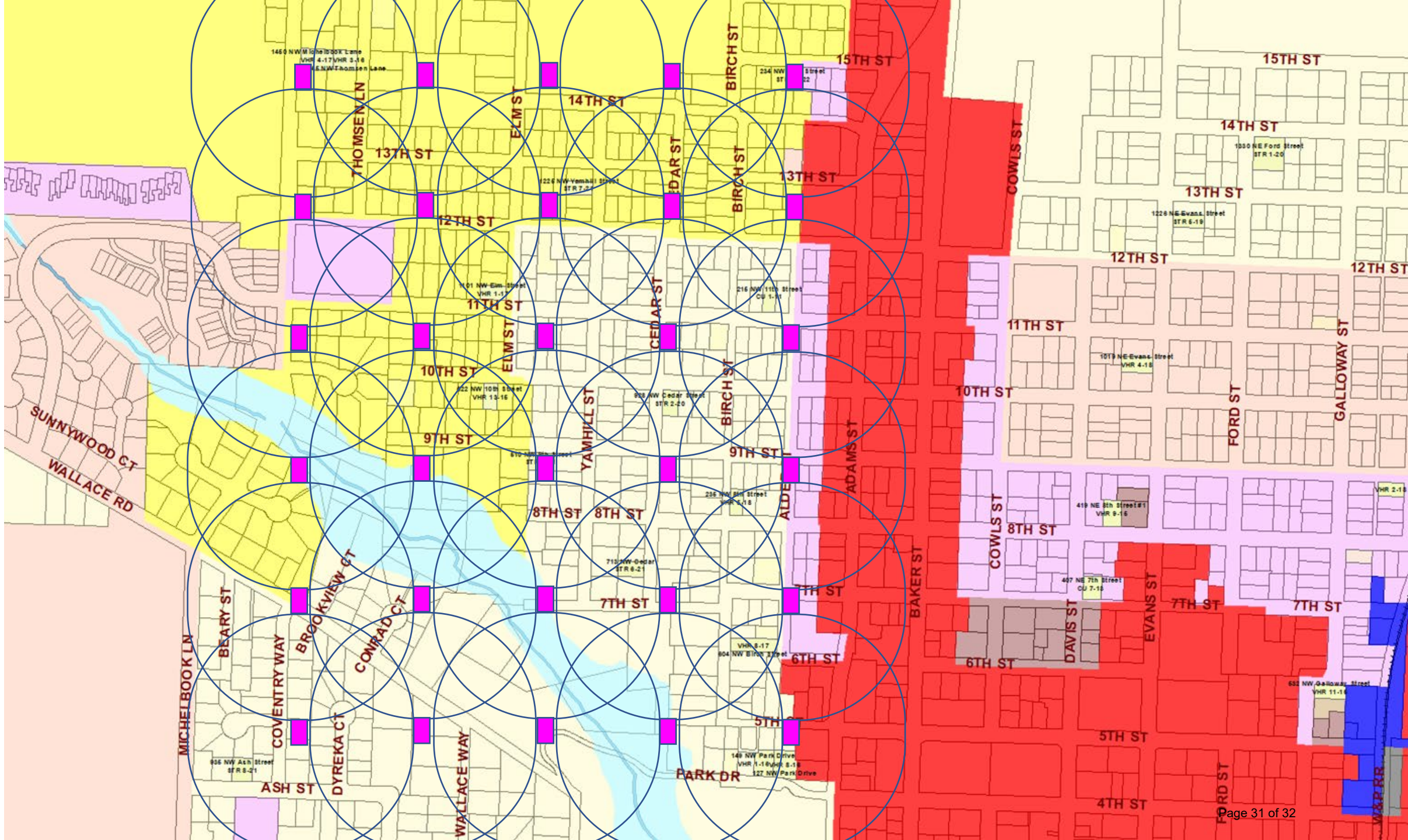
200'
(roughly 1 per block)
~72



300'
~42



400'
~30



600'
~16

