



City Council Meeting Agenda

Tuesday, January 25, 2022

7:00 p.m. – Regular City Council Meeting

EXECUTIVE SESSION – to immediately follow the Regular City Council Meeting (CLOSED TO THE PUBLIC)

Welcome! Civic Hall will be closed to the public. Until improvements of COVID cases in Yamhill County improve meetings will be held via Zoom and live broadcast ONLY.

The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to Claudia.Cisneros@mcminnvilleoregon.gov;*
- *If appearing via telephone only please sign up prior to the meeting by emailing the City Recorder at Claudia.Cisneros@mcminnvilleoregon.gov as the chat function is not available when calling in zoom;*
- *Join the zoom meeting; send a chat directly to City Recorder, Claudia Cisneros, to request to speak and use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide your First and Last name, Address, contact information (email or phone)***

*You can live broadcasts the City Council Meeting on cable channels Xfinity 11 and 331,
Frontier 29 or webstream here:*

www.mcm11.org/live

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/89378589705?pwd=VFYvamZvbWxlSC81KzRHR2xCUjlfZz09>

Zoom ID: 893 7858 9705

Zoom Password: 049423

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

ID: 893 7858 9705

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND LIVE BROADCAST ONLY

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO COMMUNITY MEMBERS 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. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.*
4. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
 - c. November 2021 Cash and Investment Report (in packet)

5. CONSENT AGENDA

- a. Consider **Resolution No. 2022-03**: A Resolution approving code compliance liens on properties to recover unpaid corrective action cost and civil penalty citations.

6. RESOLUTION

- a. Consider **Resolution No. 2022-05**: A Resolution initiating the proceedings and setting a date and time for a public hearing to vacate a portion of SE Clay Street (RV 1-21).
- b. Consider **Resolution No. 2022-06**: A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations via Intrafund Transfers and Contingency Transfers.
- c. Consider **Resolution No. 2022-07**: A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.

7. ORDINANCE

- a. Consider first reading with a possible second reading of **Ordinance No. 5109**: An Ordinance of the City of McMinnville Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code Relating to Abandoned Vehicles.
- b. Consider first reading with a possible second reading of **Ordinance No. 5110**: An Ordinance Approving a Zone Change from O-R (Office Residential) to C-3 (General Commercial) for a 0.2 Acre Parcel at 436 SE Baker Street.

8. ADJOURNMENT OF REGULAR MEETING

EXECUTIVE SESSION – IMMEDIATELY FOLLOW THE CITY COUNCIL REGULAR MEETING - VIA ZOOM (NOT OPEN TO THE PUBLIC)

1. CALL TO ORDER

2. **Executive Session pursuant to ORS 192.660(2)(h)**: To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

3. ADJOURNMENT

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: 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 or Claudia.Cisneros@mcminvilleoregon.gov.

From: [Ellie Gunn](#)
To: [Claudia Cisneros](#)
Subject: Comment for City Council
Date: Monday, January 24, 2022 3:27:51 PM

This message originated outside of the City of McMinnville.

To the City Council:

On behalf of SODAN (South of Downtown Association of Neighbors) we would like to urge the Council to get the garbage off our streets. Attached is a photo on SE Washington Street by Galloway showing a pickup with a dubious Washington plate and an unoccupied RV being stored on the street. Behind them on the other side of the street is a tall wooden trailer full of junk that hasn't moved for months.

The pickup moves occasionally to add more junk to the collection, but the RV has only moved once in the past few months when the police tagged it, and that move was merely directly across the street. No one has occupied the RV and its present location makes it difficult for adjacent residents to safely exit their driveway and for other large vehicles to get past. The owner of this junk collection stays with a resident a block away on Ford Street and gets belligerent when asked politely to move his vehicles, insisting he has a legal right to leave them there as long as he moves them after they are tagged by the police.

We fail to understand why unlicensed vehicles and trailers are allowed to park on our streets. We thought there was an Oregon law requiring vehicles to be licensed like ours are. We are also perplexed when we look at the Council packet for this meeting and see that the code enforcement team is going on private property to clean up messes like the one left in our neighborhood on public property.

We hope that whatever solution the Council comes up with does not allow the vehicles to be moved a short distance to come into compliance, forcing citizens to complain again and the police to tag them again, so they get moved again, in an endless process. This is a big waste of police resources and adds to the frustration of neighbors.

Thank you for your service to the community and your diligence in resolving this mess.

Ellie Gunn, SODAN Board



CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
November 2021

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$1,958,996.95	\$11,308,512.71	\$13,267,509.66
05	Special Assessment	\$234.27	\$5,493,109.17	\$5,493,343.44
07	Transient Lodging Tax	\$192.95	\$371,000.00	\$371,192.95
10	Telecommunications	\$816.70	(\$1,970.00)	(\$1,153.30)
15	Emergency Communications	\$119.90	\$88,094.81	\$88,214.71
20	Street (State Tax)	\$258.03	\$2,305,450.85	\$2,305,708.88
25	Airport Maintenance	\$69.35	(\$708,250.97)	(\$708,181.62)
45	Transportation	\$589.11	\$3,206,494.92	\$3,207,084.03
50	Park Development	\$11.39	\$1,934,441.49	\$1,934,452.88
58	Urban Renewal	\$717.99	\$205,019.86	\$205,737.85
59	Urban Renewal Debt Service	\$557.24	\$612,939.95	\$613,497.19
60	Debt Service	\$871.34	\$2,598,530.80	\$2,599,402.14
70	Building	\$210.97	\$1,834,240.37	\$1,834,451.34
75	Wastewater Services	\$490.30	\$2,572,557.73	\$2,573,048.03
77	Wastewater Capital	\$270.13	\$38,696,103.65	\$38,696,373.78
80	Information Systems & Services	\$719.40	\$195,742.38	\$196,461.78
85	Insurance Reserve	\$711.80	\$533,290.54	\$534,002.34
CITY TOTALS		1,965,837.82	71,245,308.26	73,211,146.08

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 1,965,837.82
N/A	Key Bank of Oregon	Money Market Savings Account	0.01%	\$ 22,536,517.53
N/A	State of Oregon	Local Government Investment Pool (LGIP)	0.49%	\$ 47,664,947.00
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	0.49%	\$ 210,588.70
N/A	MassMutual Financial Group	Group Annuity	3.00%	\$ 833,255.03
				<u>\$ 73,211,146.08</u>
				\$ -

STAFF REPORT

DATE: January 25, 2022
TO: McMinnville City Council
FROM: Nic Miles, Code Compliance Officer
SUBJECT: Resolution No. 2022 – 03, Unpaid Citations and Abatement Costs

STRATEGIC PRIORITY & GOAL:



COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.

OBJECTIVE/S: Build a community culture of safety (consider safety best practices)

Report in Brief:

This is the consideration of Resolution No. 2022-03, approving liens on property that have not paid for the costs associated with property nuisance abatements per Section 8.10 of the McMinnville Municipal Code. These liens represent the few property nuisances that were not able to be resolved voluntarily.

Background:

In October 2019, City Council voted to approve amendments to Title 2 and Title 8 of the McMinnville Municipal Code. Those updates provided code compliance staff with more efficient tools for addressing property maintenance and health and safety concerns in an expeditious time frame. Since that time, code compliance staff has continued to resolve most complaints through voluntary compliance. For those property owners who do not voluntarily comply, the City will abate the property and then invoice the property owner for the full costs of the abatement including staff time. Per Section 2.50.250(F) of the McMinnville Municipal Code, if the property owner refuses to pay the invoice, the City has the right to lien the property for the unpaid invoice per the McMinnville Municipal Code after City Council approval. Resolution No. 2022-03 represents unpaid civil penalty citations and corrective action costs for five properties with unpaid invoices from citations or abatements in the final quarter of 2021.

Discussion:

Unpaid Abatement Costs:

1432 NE 10th Ave.

Boarding Up and Securing of Fire-Damaged Structure: \$951.89

- Code compliance staff was contacted by the fire department regarding a vacant residential structure that had experienced a fire. Crews had to remove several doors, windows, and entryways to extinguish the fire. Due to the extent of the damage, and previous history with the

property owners neglecting property maintenance, the structure was deemed unsafe by code compliance staff and was boarded up and secured by a vendor.

1037 NE 28th St.

Junk and Discarded Vehicle Removal: \$549.93

- Code compliance staff received complaints from multiple neighbors regarding a property that appeared to have recently become vacant. The previous tenants placed a large sectional couch, furniture, electronics and other discarded material in the front yard and driveway. In addition, a discarded vehicle was located on the property. Vendors removed all junk and debris as well as the discarded vehicle.

2000 SE Davis St.

Weed Removal: \$2486.14

- Code compliance staff responded to complaints of excessively overgrown weeds at a vacant residential property. Despite attempts to reach the property owners, no voluntary efforts were made toward resolving the issue. Due to non-compliance, a citation was issued, and a vendor was subsequently hired to abate the noxious vegetation.

926 SE Villard St.

Barking Dogs: \$750.00

- Code compliance staff received complaints from multiple neighbors regarding barking dogs at this address. Despite several attempts to contact the property owners both in person and by mail, the barking issues continued to cause a nuisance in the neighborhood. The lien amount represents three separate \$250 citations.

696 NW Fenton St.

Discarded Vehicles: \$250.00

- Code compliance staff received complaints from a neighbor regarding multiple discarded vehicles at this property. Due to the property owners not making progress toward resolving the violations, one citation was issued. Since issuance of the citation, the property owners made progress toward resolving the issues and have continued to work with code compliance staff.

Attachments:

1. Before/After 1432 NE 10th Ave.
2. Before/After 1037 NE 28th St.
3. Before/After 2000 SE Davis St.
4. Resolution No. 2022-03

Fiscal Impact:

Placing these unpaid citations and abatement costs will result in eventual full cost recovery, including administrative time and resources.

Recommendation:

Staff recommends that these unpaid citations and abatement costs be placed on the lien docket







Oct 25, 2021 at 9:55:24 AM



Oct 25, 2021 at 9:55:17 AM



Oct 25, 2021 at 9:55:37 AM



Oct 25, 2021 at 9:54:23 AM







Nov 2, 2021 at 9:13:01 AM



Nov 2, 2021 at 9:13:27 AM



Nov 2, 2021 at 9:13:41 AM



RESOLUTION NO. 2022-03

A Resolution approving code compliance liens on properties to recover unpaid corrective action cost and civil penalty citations.

RECITALS:

Whereas, on August 13, 2019, the McMinnville City Council adopted Ordinances No. 5078 and 5079, amending the McMinnville Municipal Code to restructure the code compliance program with an emphasis on efficiency, timeliness, voluntary compliance, and the ability to abate properties and issue civil penalties when voluntary compliance was not achieved; and

Whereas, per Section 2.50.250(F) of the McMinnville Municipal Code, if the city needs to obtain a correction action warrant to abate properties that were not voluntarily abated for public safety, health, and welfare, the city can bill the property owner for the full cost recovery of that abatement; and

Whereas, per Section 2.50.250(F)(2) of the McMinnville Municipal Code, if the property owner refuses to pay the full costs of the correction action within thirty (30) days, the City Council can lien the property by resolution; and

Whereas, per Section 2.50.310 of the McMinnville Municipal Code, the city can issue a Notice of Civil Penalty to the property owner; and

Whereas, per Section 2.50.250(F)(2) of the McMinnville Municipal Code, if the property owner refuses to pay the civil penalties within thirty (30) days, the City Council can lien the property by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, that the following properties have been assessed either corrective action costs or civil penalties that after due process and notification, the property owners have refused to pay within thirty (30) days and are now approved to be recorded as liens on the property:

Property Address	Violation Type	Amount of Lien
696 NW Fenton Street	Civil Penalty Citation	\$250.00
926 SE Villard Street	Civil Penalty Citation	\$750.00
1432 NE 10 th Avenue	Corrective Action Costs	\$951.89
1037 NE 28 th Street	Corrective Action Costs	\$549.93
2000 SE Davis Street	Corrective Action Costs	\$2,486.14

Adopted by the Common Council of the City of McMinnville at a meeting held the 25th day of January 2022 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth

Nays: _____

Approved this 25th day of January 2022.



MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder



STAFF REPORT

DATE: January 25, 2022
TO: Jeff Towery, City Manager
FROM: Josh Adelman, Project Manager
SUBJECT: SE Clay Street Vacation Request (RV 1-21)

Report in Brief:

A resolution initiating the proceedings and setting a date and time for a public hearing to consider the proposed vacation of a portion of SE Clay Street between SE Washington Street and SE Dayton Avenue (RV 1-21).

Background:

The processes for the vacation of public right of way within incorporated cities are outlined in Oregon Revised Statutes (ORS) Chapter 271. The vacation process may be initiated by the adjacent property owners. Under that process, the property owners must file a petition with the City describing the area to be vacated, outlining the purpose for which the vacated area will be used, and noting the reason(s) the vacation is in the best public interest.

The petition must include written consent from all owners abutting the vacation area, and the written consent from two-thirds of the "affected" property owners. Statute prescribes the definition of "affected" properties, and it is generally all properties within 200' laterally on each side of the vacated area and within 400' beyond the extension of the vacated area.

Upon receipt of a completed vacation petition, the City Council, via Resolution, shall set a public hearing date to consider public testimony regarding the proposed vacation. Affected utilities are notified of the proposal and allowed to comment. Notice of the hearing is published in the local newspaper, and the notice is posted at each end of the proposed vacation area.

Upon conclusion of the public hearing, the City Council will consider an Ordinance to vacate the subject area. If the vacation Ordinance is adopted by the City Council, it is recorded with the County Clerk's office, and title to the vacated area is attached to the adjacent properties.

The application fee for the property owner initiated vacation process is \$750.00. Those fees cover the costs of processing the application, publishing and mailing the vacation hearing notices, and the fees to record the adopted vacation ordinance.

Discussion:

The City has received a completed vacation petition, and associated application fee, from Mark Prine requesting that the City initiate the proceedings to vacate roughly 100' of SE Clay Street

between SE Washington Street and SE Dayton Avenue. That portion of SE Clay Street is narrow and unimproved. There is an existing building encroaching into the public right-of-way. The applicant has indicated that the vacation of the right-of-way will help facilitate redevelopment of the adjacent properties.

The vacation petition included written consent from all owners abutting the vacation area (225 SE Dayton Ave & 311 SE Dayton Ave). Additionally, the well written consent from 15 of the 22 affected property owners was received, meeting the “two-thirds” requirement in statute.

Per Chapter 271 of the Oregon Revised Statutes (ORS), the City Council shall fix a time for a formal hearing upon the request, and shall cause the proper notice of the hearing to be published and posted.

The proposed timeline for the vacation process is as follows:

- January 25th: City Council resolution initiating the vacation process and setting a hearing date of March 8, 2022
- January 26th: Notice of proposed vacation to affected utilities
- February 9th: Deadline for comments from affected utilities
- February 22nd: Post notice of the proposed vacation at ends of the vacation area
Publish 1st notice of the proposed vacation in the News Register
- March 1st: Publish 2nd notice of the proposed vacation in the News Register
- March 8th: City Council hearing & adoption of vacation ordinance
- April 8th: Vacation ordinance effective & recorded

Attachments:

1. Resolution No. 2022-05
2. Resolution Exhibit A
3. Completed street vacation application materials
4. Clay Street Right-of-Way

Recommendation:

Staff recommends that the City Council adopt the attached resolution initiating the proceedings and setting a date and time for a public hearing to vacate a portion of SE Clay Street (RV 1-21).

RESOLUTION NO. 2022 –05

A Resolution initiating the proceedings and setting a date and time for a public hearing to vacate a portion of SE Clay Street (RV 1-21).

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

1. That proceedings be initiated for the purpose of vacating the area as described as follows and as shown on attached Exhibit "A":

A tract of land located in the southwest one-quarter of section 21, township 4 south, range 4 west, Willamette meridian, city of McMinnville, Yamhill County, Oregon, being more particularly described as follows:

Beginning at a 3/4" iron pipe marking the northeast corner of lot 3 of the plat of "Newby's second addition", Yamhill county records; thence along the easterly extension of the northerly line of said lot 3 north 88° 08'20" east, 16.00 feet to the west line of that tract of land described in instrument no. 202011816, recorded July 14, 2020, Yamhill county deed records; thence along said west line south 01°16'26" east, 80.52 feet to the southwest corner of said tract; thence along the southerly extension of said west line south 01 °16'26" east, 37.69 feet to the north line of that tract of land described in instrument no. 202113856, recorded July 2, 2021, Yamhill county deed records; thence along said north line north 87°44'45" west, 14.54 feet to the east line of that tract of land described in instrument no. 201711481, recorded July 17, 2017, Yamhill county deed records; thence along said east line north 05"47'59" west, 18.87 feet to an angle point on said east line; thence continuing along said east line north 01"16'26" west, 98.34 feet to the point of beginning.

Contains 1,868 square feet, more or less

2. That this resolution, having been duly discussed by the Council, shall constitute an initiation of such vacation proceedings.
3. That the Council does hereby and herein fix the 8th day of March 2022 at the hour of 7:00 p.m. in the McMinnville Civic Hall in the City of McMinnville, Oregon, as the time and place for the hearing upon said proposed vacation and objections thereto, if any.
4. That the Recorder is hereby instructed to give notice of such hearing by publishing a notice in the News Register, the City's official newspaper, once each week for two consecutive weeks prior to said hearing, which notice shall describe the area to be vacated, and within five days after the date of the first publication of said notice, to post or cause to be posted at or near each end of said proposed vacation, a copy of such notice which shall be headed, "Notice of Street Vacation", and such notice shall be posted in at least two conspicuous locations in such proposed vacation as above described.

5. 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 25th day of January 2022 by the following votes:

Ayes: _____ Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth _____

Nays: _____

Approved this 25th day of January 2022.



MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

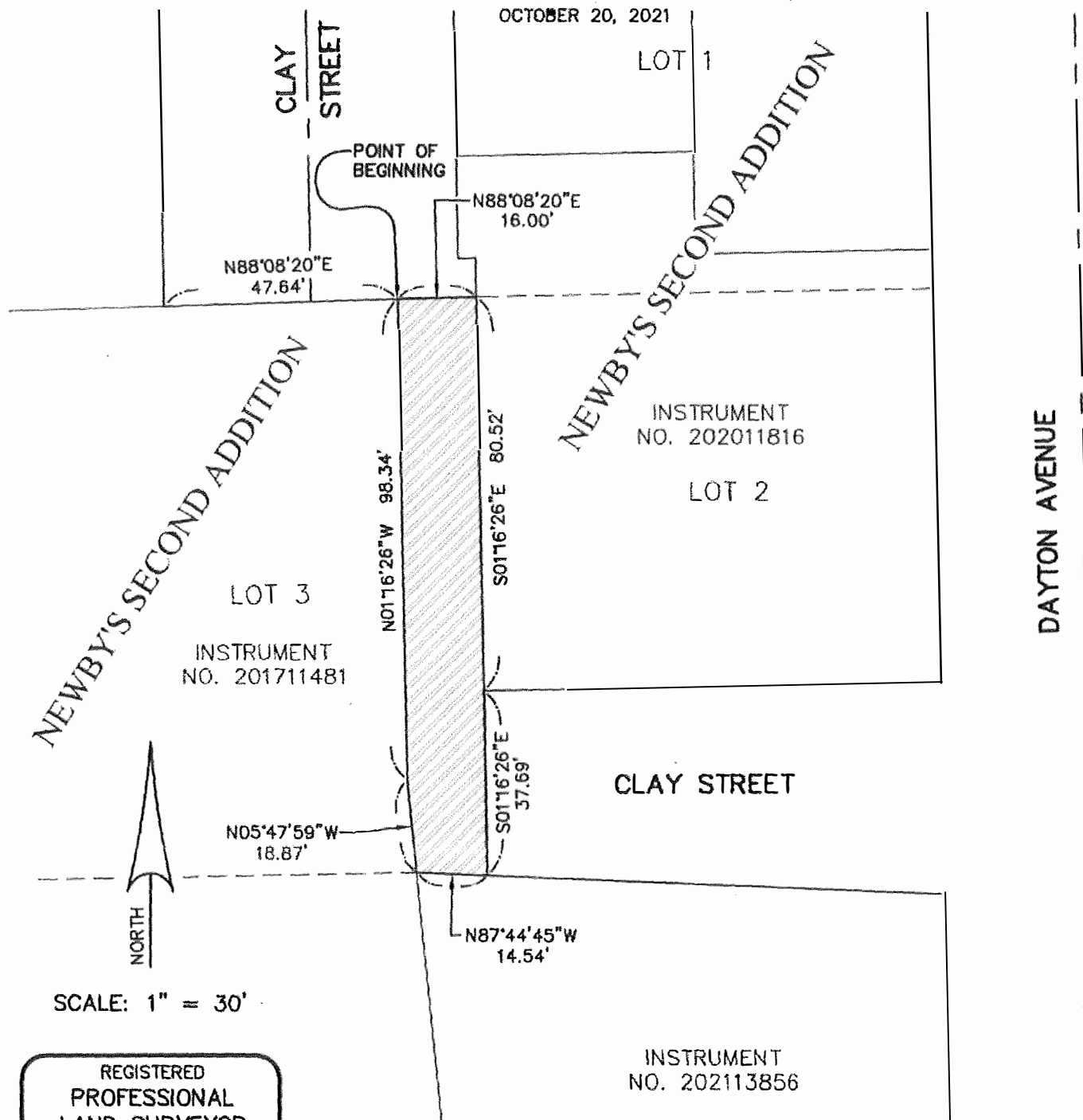
A. Right of Way Vacation Map

EXHIBIT A

EXHIBIT B

RIGHT-OF-WAY VACATION
 LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21,
 TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
 CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

OCTOBER 20, 2021



SCALE: 1" = 30'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 11, 2005
 DARREN S. HARR
 56181

RENEWAL DATE: 6-30-23

LEGEND:



— RIGHT-OF-WAY VACATION
 AREA=1,868 SQUARE FEET
 (0.043 ACRES)

PREPARED BY:

TerraCalc
 Land Surveying Inc.
 1615 N.E. Miller Street
 McMinnville, OR 97128
 (503) 857-0935
 www.Terra-calc.com



Engineering Department
 231 NE Fifth Street
 McMinnville, Oregon 97128
 (503) 434 – 7312 Office
 (503) 474 – 4955 Fax
www.mcminnvilleoregon.gov

ROAD/STREET VACATION APPLICATION

We, the undersigned, request the described vacation and hereby acknowledge that we have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of our knowledge.

Site Information

Site Address: 223 SE Clay St. McMinnville, OR 97128
 Subdivision Name: Newbys Second Addition
 Lot Number(s): R4421CA03000
 Map & Tax Lot(s): Tax Lot 03000
 Type of Vacation: Street Right-of-way Easement Other
 Reason for Vacation: The vacation would result in the existing building no longer encroaching into the public right-of-way.
 Proposed Use: I intend to use the property as allowed by existing zoning of existing property.

Applicant Information

Applicant's Name: Mark Prine
 Mailing Address: P.O. Box 304
 City, State, Zip: Yamhill, OR 97148
 Phone Number: 503-550-5112 Fax Number: _____
 Email Address: donumdei.mark@gmail.com
 Applicant's Signature: Mark Prine Date: 9/16/21
 Applicant's Signature: _____ Date: _____

Note: A metes and bounds legal description and a map of the property to be vacated, prepared and stamped by a licensed surveyor, must be attached to this vacation application.

Office Use Only:				
File No. _____	Date Received _____	Fee _____	Receipt No. _____	Staff Member _____
Council Date: _____	Published Date(s): _____	Public Hearing Date: _____		



Engineering Department
231 NE Fifth Street
McMinnville, Oregon 97128
(503) 434 – 7312 Office
(503) 474 – 4955 Fax
www.mcminnvilleoregon.gov

VACATION PETITION

Instructions and Required Information

1. Upon receipt of a completed Vacation Application, supporting materials, and the application deposit, the Engineering Department will forward the petition forms, instructions, a printed list of owners in the affected area, and the affected area map to the applicant.
2. The applicant must collect the signatures of 100% of the abutting (persons owning the property immediately adjoining that part of the street or alley to be vacated) property owners. An example of the abutting area is outlined on the attached map.
3. The applicant must collect the signatures of two-thirds (2/3rd) of the affected property owners. "The real property affected thereby shall be deemed to be the land lying on either side of the street or portion of thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall be counted." (ORS 271.080(2)). An example of the affected area is outlined on the attached map.
4. The applicant must also sign the petition forms.
5. After the completed petitions are returned to the Engineering Department, the Vacation Application and the petitions will be submitted to the City Council for acceptance. If accepted the City Council will set a Public Hearing date.



Engineering Department
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McMinnville, Oregon 97128
(503) 434 – 7312 Office
(503) 474 – 4955 Fax
www.mcminnvilleoregon.gov

VACATION PETITION

To: The Honorable Mayor and Council
of the City of McMinnville, Oregon

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, being the owners of the respective lots and parcels of land set opposite our respective names, do hereby consent to the vacation for purpose of Council jurisdiction and consideration, of all that portion of:

(insert metes and bounds legal description here)

in the City of McMinnville, County of Yamhill, State of Oregon, and we do hereby represent and guarantee that we are the lawful owner of the property set opposite our respective names.

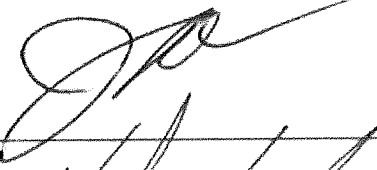
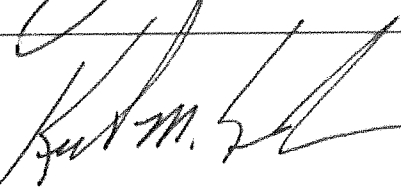
Reason for vacation: The vacation would result in the existing building no longer encroaching into the public right-of-way. The right-of-way is unimproved and seldom used, and therefore not of any significant public benefit.

Proposed use of vacated property: I intend to continue to use the property as allowed by the existing zoning of the existing property. The proposed use is residential.



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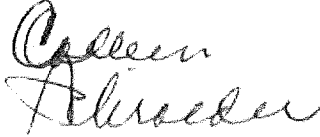

ABUTTING PROPERTY OWNER SIGNATURES (100%)

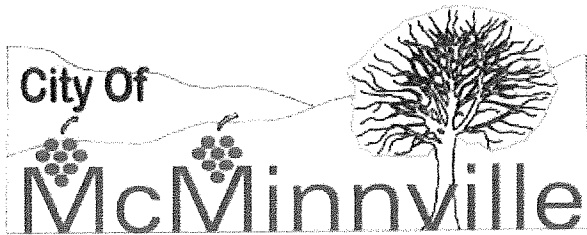
Owner Name/Address/Map & Tax Lot Number	Signature*	Date Signed
225 SE Dayton Ave. McMinnville, OR 97128 R4421CA2700		8/29/21
311 ^{SE} Dayton Ave McMinnville, OR 97128 R4421CA03100		8/29/21



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AFFECTED PROPERTY OWNER SIGNATURES (2/3^{rds})

Owner Name/Address/Map & Tax Lot Number	Signature*	Date Signed
1020 SE Brooks St. McMinnville, OR 97128 R4421CA02800		
922 SE Washington St. McMinnville, OR 97128 R4421CA02901		8/29/21
* 920 SE Washington St. McMinnville, OR 97128 R4421CA02900		
920 SE Brooks St. McMinnville, OR 97128 R4421CA02600		8-29-21
302 SE Dayton Ave McMinnville, OR 97128 R4421CA03900		8/29/21
City 320 SE Irvine St McMinnville, OR 97128 R4421CA03300		
* 310 SE Dayton Ave McMinnville, OR 97128 R4421DB03800		
300 SE Dayton Ave McMinnville, OR 97128 R4421DB03700		8/29/21



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AFFECTED PROPERTY OWNER SIGNATURES (2/3^{rds})

Owner Name/Address/Map & Tax Lot Number	Signature*	Date Signed
922 SE Brooks St. McMinnville R4421CA 02500	David R. Diebel	8/29/21
1040 SE Brooks St McMinnville R 4421CA 02701		
120 SE Irvine St. McMinnville R4421CA 00900		8-29 2021
925 SE Brooks St. McMinnville R4421CA 01001		9-15-21
945 SE Brooks St. McMinnville R4421CA 01101		9-9-21
X 1005 SE Brooks St. McMinnville R4421CA 01201		
1045 SE Brooks St. McMinnville R4421CA 01202	Alexandra Gaulton office mgr.	9/9/21
Scrap 1101 SE Brooks St. McMinnville R4421CA 01300	Alexandra Gaulton office mgr.	9/9/21



Engineering Department
 231 NE Fifth Street
 McMinnville, Oregon 97128
 (503) 434 - 7312 Office
 (503) 474 - 4955 Fax
www.mcminnvilleoregon.gov

AFFECTED PROPERTY OWNER SIGNATURES (2/3rds)




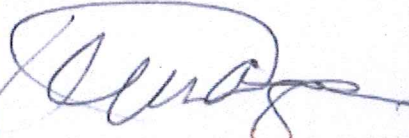
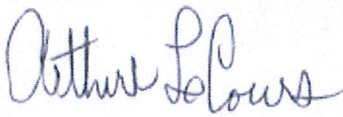
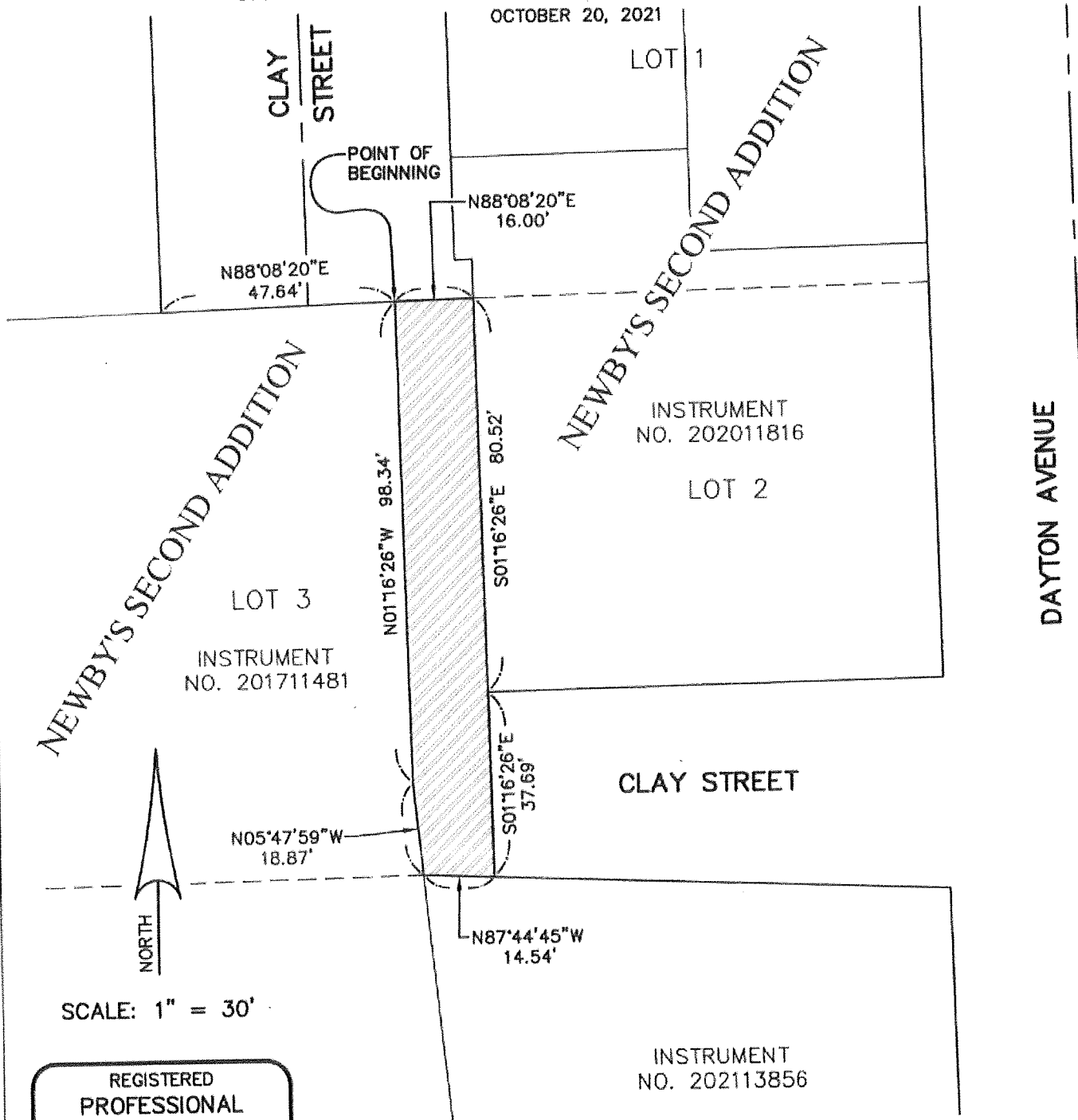
Owner Name/Address/Map & Tax Lot Number	Signature*	Date Signed
<i>Habitat for Humanity</i> 1030 SE 1st St. McMinnville R4421CA00400		9-14-21
<i>Webster Heating</i> 1020 SE 1st St. McMinnville R4421CA00500		9-9-21
<i>*</i> 940 SE 1st St McMinnville R4421CA00600		
920 SE 1st St. McMinnville R4421CA 01000		9-12-21
914 SE 1st St. McMinnville R4421CA00700		9/12/21
906 SE 1st St. McMinnville R4421CA00800		08/29/21

EXHIBIT B

RIGHT-OF-WAY VACATION
LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21,
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

OCTOBER 20, 2021



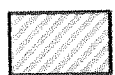
SCALE: 1" = 30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
JANUARY 11, 2005
DARREN S. HARR
56181

RENEWAL DATE: 6-30-23

LEGEND:

 - RIGHT-OF-WAY VACATION
AREA=1,868 SQUARE FEET
(0.043 ACRES)

PREPARED BY:
TerraCalc
Land Surveying^{INC.}
1615 N.E. Miller Street
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com

EXHIBIT A

LEGAL DESCRIPTION:
RIGHT-OF-WAY VACATION
OCTOBER 20, 2021

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

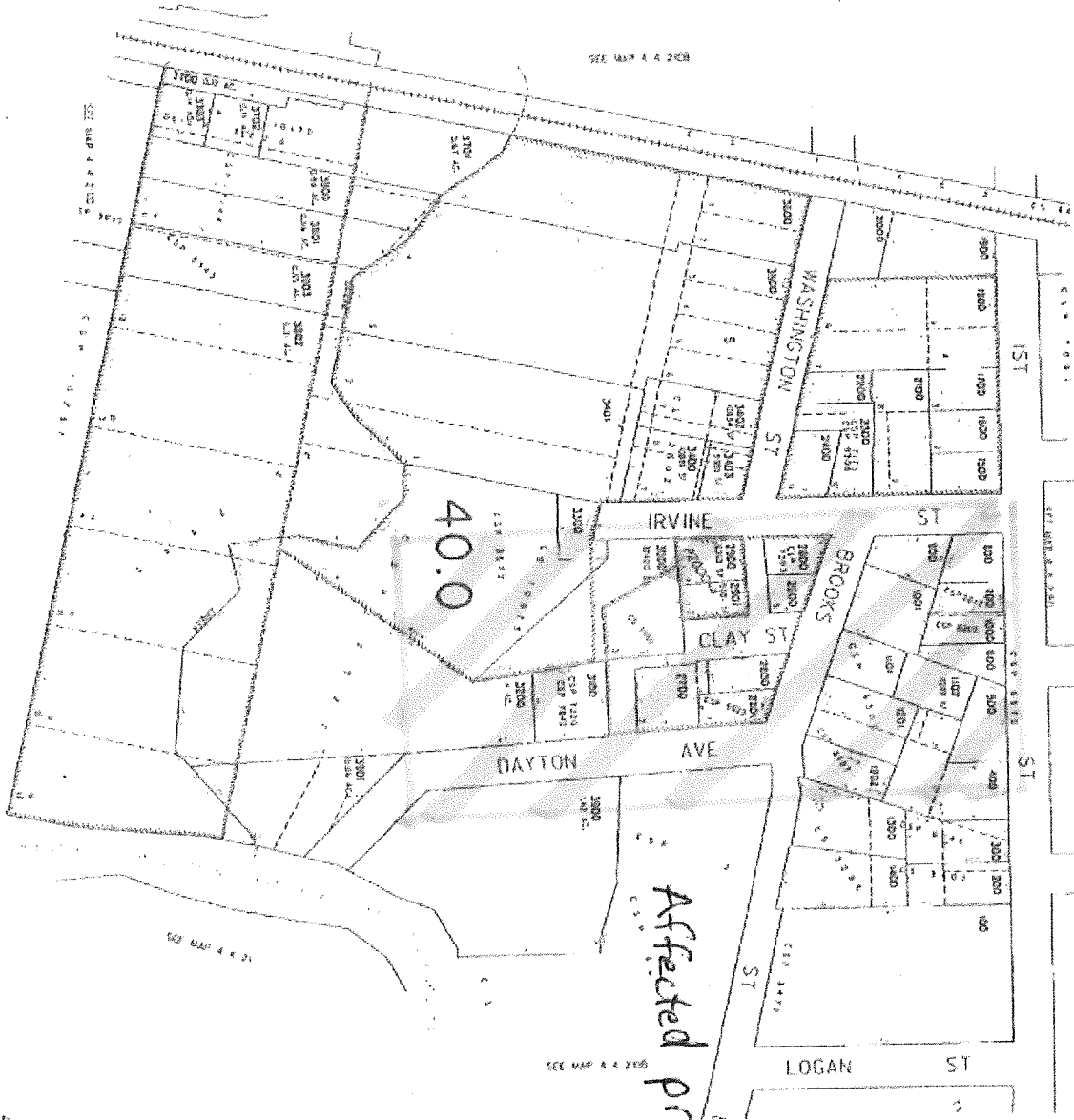
BEGINNING AT A 3/4" IRON PIPE MARKING THE NORTHEAST CORNER OF LOT 3 OF THE PLAT OF "NEWBY'S SECOND ADDITION", YAMHILL COUNTY RECORDS; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 3 NORTH 88°08'20" EAST, 16.00 FEET TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 202011816, RECORDED JULY 14, 2020, YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID WEST LINE SOUTH 01°16'26" EAST, 80.52 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE SOUTH 01°16'26" EAST, 37.69 FEET TO THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 202113856, RECORDED JULY 2, 2021, YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE NORTH 87°44'45" WEST, 14.54 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 201711481, RECORDED JULY 17, 2017, YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID EAST LINE NORTH 05°47'59" WEST, 18.87 FEET TO AN ANGLE POINT ON SAID EAST LINE; THENCE CONTINUING ALONG SAID EAST LINE NORTH 01°16'26" WEST, 98.34 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,868 SQUARE FEET, MORE OR LESS

THIS MAP HAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 SW 1/4 SEC 21 T4S R4W W.M.
YAMHILL COUNTY

4 4 21CA
MCMINNVILLE



Affected property area

40.0

4 4 21CA

From: [Larry Sherwood](#)
To: [Deborah McDermott](#); [Chuck Darnell](#); [Mark Prine](#)
Subject: RE: Re:
Date: Tuesday, July 20, 2021 2:07:37 PM
Attachments: [Street Vacation Application.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

The Waiver of Remonstrance could be an acceptable approach, however no on street parking would be allowed without completion of the road widening.

From: Deborah McDermott
Sent: Monday, July 19, 2021 1:05 PM
To: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>; Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Subject: RE: Re:

Looks good to me.

Thank you for your email, the City has implemented a furlough program due to budget shortfalls. The Fire Department business office is closed Fridays during the months of April through September. I will respond to your inquiry as soon as possible once I return to the office.

Debbie McDermott

Asst Chief/Fire Marshal
McMinnville Fire Department
503.435.5802 Cell 503.409.6141
Debbie.mcdermott@mcminnvilleoregon.gov

From: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Sent: Monday, July 19, 2021 12:44 PM
To: Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>
Subject: RE: Re:

Hi everyone,

Debbie – thanks again for the confirmation.

Mark and I had a discussion about his potential approach, given the direction he has received related to Fire Department requirements. Mark has proposed the following steps for moving forward toward his goals of improving and developing the property (Mark – I adjusted the language below just a bit from what you had sent me to correctly reflect the City's processes, and also added number 4 below as it is a step that would follow the approval of the tentative partition):

- 1) Contact Water and Light to get a new Fire hydrant installed at Irvine and Washington.
- 2) Apply for and complete a Right-of-Way Vacation of Clay Street (the alley portion)
- 3) Apply for a Tentative Partition of the 223/235 Clay Street property
- 4) Complete anything necessary to complete the partition process and record the final partition plat (this would be completing any necessary conditions of approval from the Tentative Partition approval)
- 5) Apply for building permits to build new units on Irvine Street (which would then be on its own

parcel after the partition)

If anyone has any concerns with any of the steps in this approach, please let me know.

Larry – one question that I have for you with the above approach is related to the Tentative Partition. In our last meeting that we all had together, we had discussed the Waiver of Remonstrance as a potential condition of approval on a tentative partition application in lieu of full improvements to the surrounding right-of-ways (Irvine Street, Clay Street – the small width that the property would still front after a vacation, and Dayton Avenue – the small width that the property would still front after a vacation). Do you still feel that the Waiver of Remonstrance could be an acceptable approach based on the current site constraints and the existing condition/use of surrounding right-of-ways?

If so, Mark may withdraw his current variance application (the request in the current variance application is to allow a partition with no right-of-way improvements at all), and instead direct his efforts to the other processes outlined above. If there are still some minimum levels of improvement that would likely be necessary (e.g. paving of a certain width on Irvine Street) that we had previously discussed, that would also be beneficial for Mark to be aware of.

Also, Larry – could you email the Right-of-Way Vacation application form (and any other documents that describe the application submittal process) to Mark? I had let Mark know that the vacation applications are processed through the Engineering Department.

Finally, Mark – below you will find a link to the Tentative Partition application, which is submitted to and processed for review by the Planning Department. I can discuss the details of this application submittal and review process with you offline when you are closer to that step in the process.

Tentative Partition application:

<https://www.mcminvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/partition.pdf>

Thanks everyone for the work and time we have spent on these discussions. I think we are close to Mark having a game plan in place.

Thanks,
Chuck



Chuck Darnell

Senior Planner

231 NE 5th Street

McMinnville, OR 97128

503-434-7330

chuck.darnell@mcminvilleoregon.gov

The City of McMinnville, due to budget shortfalls, has implemented an employee furlough program. **Until further notice I will not be working on Fridays.** All of our development services programs (building, code compliance, engineering, and planning) will still be offered Monday – Friday, 8:00 am – 5:00 pm. We will do everything that we can to maintain timely customer service, but due to the reduced work weeks for staff you may experience some delays in our programs. We apologize in advance and appreciate your patience as we work through this situation.

From: Chuck Darnell
Sent: Wednesday, July 14, 2021 4:51 PM
To: Deborah McDermott <Deborah.McDermott@mcminvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Larry Sherwood <Larry.Sherwood@mcminvilleoregon.gov>
Subject: RE: Re:

Hi Debbie,

Ok sounds good. Thanks for clarifying that as well.

Thanks,
Chuck



PLANNING

Chuck Darnell

Senior Planner

231 NE 5th Street

McMinnville, OR 97128

503-434-7330

chuck.darnell@mcminvilleoregon.gov

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From: Deborah McDermott <Deborah.McDermott@mcminvilleoregon.gov>
Sent: Tuesday, July 13, 2021 11:57 AM
To: Chuck Darnell <Charles.Darnell@mcminvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Larry Sherwood <Larry.Sherwood@mcminvilleoregon.gov>
Subject: RE: Re:

Also, prior to the vacation we would like to see the new hydrant in place.

Thank you for your email, the City has implemented a furlough program due to budget shortfalls. The Fire Department business office is closed Fridays during the months of April through September. I will respond to your inquiry as soon as possible once I return to the office.

Debbie McDermott
Asst Chief/Fire Marshal

McMinnville Fire Department
503.435.5802 Cell 503.409.6141
Debbie.mcdermott@mcminnvilleoregon.gov

From: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Sent: Tuesday, July 13, 2021 11:56 AM
To: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: RE: Re:

Hi Debbie,

Ok, thanks for the confirmation. I thought that was the case, but just wanted to be sure here in our emails so that Mark had clear direction for potential next steps.

Thanks!
Chuck



Chuck Darnell
Senior Planner
231 NE 5th Street
McMinnville, OR 97128

503-434-7330
chuck.darnell@mcminnvilleoregon.gov

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From: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>
Sent: Tuesday, July 13, 2021 8:36 AM
To: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: RE: Re:

Chuck,
The requirement for the new hydrant would satisfy the requirement for the new construction. The reason we have no issues with the vacation of the area of clay street is that it is not sufficient as is for access and we could not utilize it. We would enter from the other side where there is a hydrant on Brooks street that would be utilized.

Thank you for your email, the City has implemented a furlough program due to budget shortfalls. The Fire Department business office is closed Fridays during the months of April through September. I will respond to your inquiry as soon as possible once I return to the office.

Debbie McDermott

Asst Chief/Fire Marshal
McMinnville Fire Department
503.435.5802 Cell 503.409.6141
Debbie.mcdermott@mcminnvilleoregon.gov

From: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Sent: Wednesday, July 7, 2021 9:00 AM
To: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Mark Prine <office@allbuildingconstruction.com>
Cc: Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: RE: Re:

Hi Debbie,

Mark and I had a phone call last week, and I just wanted to follow up on this email chain with one last confirmation.

Could you confirm:

If the new hydrant is added at Washington and Irvine, would the Fire Department be able to approve of the vacation of the narrow portion of the Clay Street right-of-way (resulting in there being no right-of-way clear through between the northern portion of Clay Street and the portion of Clay Street where it intersects Dayton Avenue)?

Or from your email below, would the new hydrant added at Washington and Irvine satisfy the Fire Code requirements just for new construction on the western half of the existing property, closest to Irvine Street (the new duplex or triplex Mark has been proposing)?

Or would the new hydrant added at Washington and Irvine satisfy both of those things (the vacation and the new construction) for the Fire Department?

Just want to make sure we are all clear, so that Mark can move forward with further investigation.

Thanks!
Chuck



Chuck Darnell
Senior Planner
231 NE 5th Street
McMinnville, OR 97128

503-434-7330
chuck.darnell@mcminnvilleoregon.gov

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planning) will still be offered Monday – Friday, 8:00 am – 5:00 pm. We will do everything that we can to maintain timely customer service, but due to the reduced work weeks for staff you may experience some delays in our programs. We apologize in advance and appreciate your patience as we work through this situation.

From: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>
Sent: Thursday, July 1, 2021 2:29 PM
To: Mark Prine <office@allbuildingconstruction.com>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>; Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: RE: Re:

Yes, the additional hydrant proposed at Irvine and Washington for the proposed new construction.

Debbie McDermott
Asst Chief/Fire Marshal
McMinnville Fire Department
503.435.5802 Cell 503.409.6141
Debbie.mcdermott@mcminnvilleoregon.gov

From: Mark Prine <office@allbuildingconstruction.com>
Sent: Thursday, July 1, 2021 2:22 PM
To: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>; Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: Re: Re:

This message originated outside of the City of McMinnville.

To be clear you are talking about the Hydrant on Irvine and Washington?

On Thu, Jul 1, 2021 at 2:05 PM Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov> wrote:

Mark, I took a drive out there today and we have no issue with the vacation of the area you are requesting as long as the additional hydrant is in place prior to the vacation.

Thank you for your email, the City has implemented a furlough program due to budget shortfalls. The Fire Department business office is closed Fridays during the months of April through September. I will respond to your inquiry as soon as possible once I return to the office.

Debbie McDermott
Asst Chief/Fire Marshal
McMinnville Fire Department
503.435.5802 Cell 503.409.6141
Debbie.mcdermott@mcminnvilleoregon.gov

From: Mark Prine <office@allbuildingconstruction.com>
Sent: Thursday, July 1, 2021 1:08 PM
To: Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>; Larry Sherwood <Larry.Sherwood@mcminnvilleoregon.gov>
Subject: Re:

This message originated outside of the City of McMinnville.

Debbie, did the maps make sense to you? Do you have any questions about what I am trying to do?

On Wed, Jun 23, 2021 at 2:02 PM Mark Prine <office@allbuildingconstruction.com> wrote:

I would like the city to vacate a portion of SE. Clay St. as shown on attached map #2. As you can see there is about a 50ft difference between the two existing hydrants and the intersection at SE Clay and SE Dayton Ave. While I believe it would be better for the city (and myself) to completely vacate the proposed portion of Clay St., I think another option could be to vacate the land and give the Fire Department an easement for emergency access. This would prevent any future obstructions from being built. As discussed, adding a hydrant at the intersection of Dayton Ave and Clay St. is cost prohibitive (70k-80k according to water and light). If it would allow for a complete vacation of the designated portion of Clay st. an additional hydrant on Brooks Ave (between the two on the map) may also be an option. It would be about 175ft from the hydrant on clay st. Not sure if Water and Light will go for that, when I had a discussion with them about this there seemed to be a hesitation to add one there.

On Tue, Jun 22, 2021 at 9:22 AM Deborah McDermott <Deborah.McDermott@mcminvilleoregon.gov> wrote:

Mark,

It would be helpful if you would submit a drawing with an email indicating what exactly you would like to do as far as vacating, addition of hydrant(s), locations of existing hydrants with their distances to the properties. This way we could review it and give feedback in writing. I have concern with phone conversations as some of these projects take years to complete. It will help me and the fire department track these into the future.

Regards,

Thank you for your email, the City has implemented a furlough program due to budget shortfalls. The Fire Department business office is closed Fridays during the months of April through September. I will respond to your inquiry as soon as possible once I return to the office.

Debbie McDermott

Asst Chief/Fire Marshal

McMinnville Fire Department

503.435.5802 Cell 503.409.6141

Debbie.mcdermott@mcminvilleoregon.gov

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Mark Prine

503-550-5112



allbuildingconstruction.com

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Mark Prine

503-550-5112



allbuildingconstruction.com

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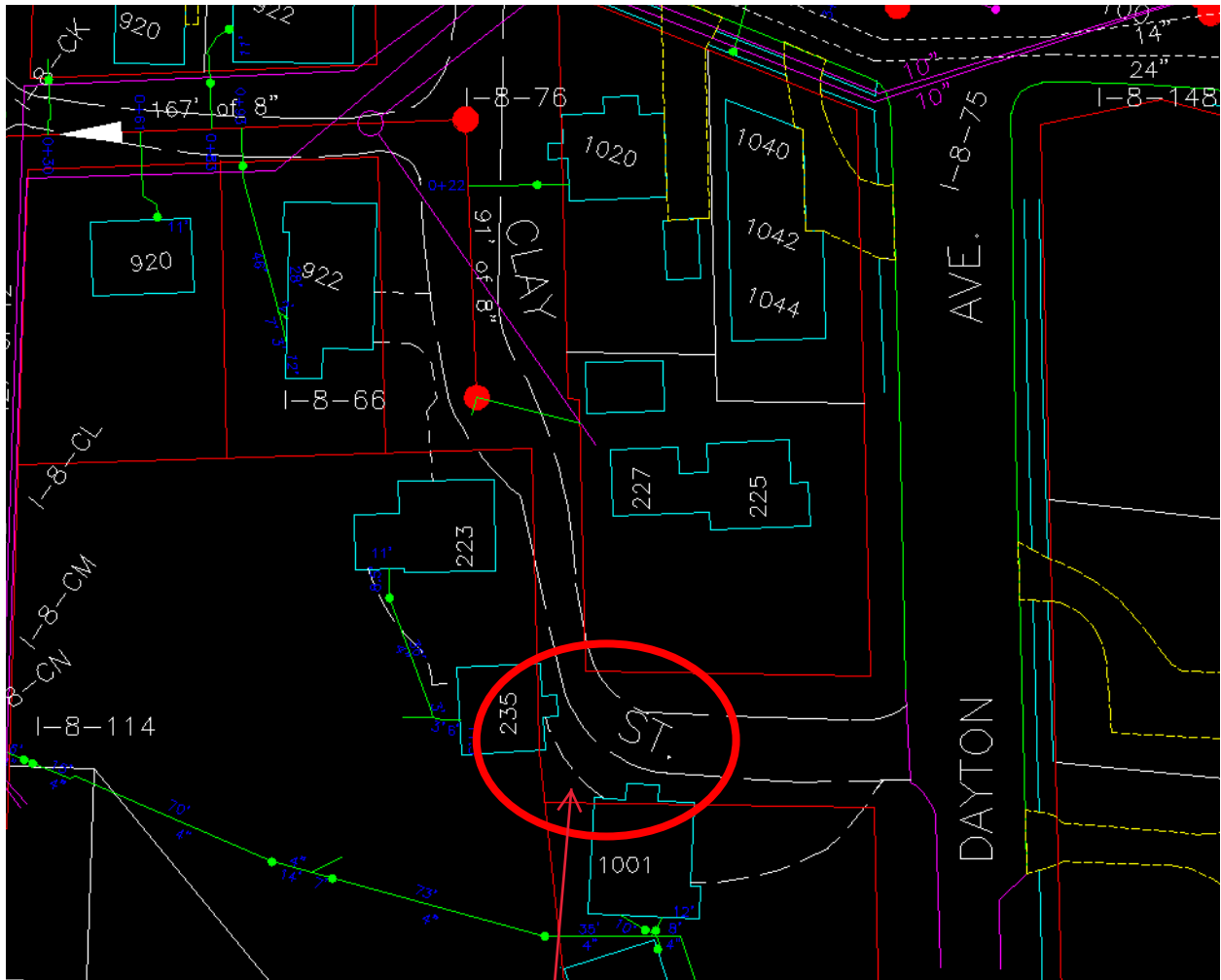
Mark Prine

503-550-5112



allbuildingconstruction.com

Attachment 4: Clay Street Right-of-Way



Properties potentially overlapping City Right-of-Way

STAFF REPORT

DATE: January 25, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: FY2021-22 Supplemental Budget Resolution Mid-Year Review



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief: The Supplemental Budget resolution addresses a handful of budget adjustments needed after conducting the mid-year budget review. These changes will be funded with Contingency Transfers or Intrafund Transfers.

Discussion of Resolution Action:

In November 2021, city staff reviewed their departmental and fund financial activity for the year to date. Our goal was to assess whether the savings derived from the austerity measures employed to balance the FY2021-22 budget including holding positions vacant and general service furloughs (finalized in September) had the fiscal impact anticipated. Fortunately, all departments were on track to finish the year within those budget parameters.

In the intervening time from the date of appropriating the FY2021-22 budget in June 2021, a handful of new circumstances have arisen that I propose be addressed in a mid-year supplemental budget package.

As the total of this supplemental budget action for each fund does not exceed a 10% change in expenditures, the budget amendment may be made by Council resolution.

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning. The following expenditures represent expenditures not known at the time of preparing the FY2021-22 budget:

1. Migrate the communications staffer from public works-focused activities to support city-wide community engagement needs

The City Council goals for 2021 includes the objective to *Develop Internal and External Communication Strategies: Improve our communication structure internally and with the public.* To be able to make progress on this goal, the Public Affairs Specialist on staff who

has been working on public works communications projects was reassigned to city-wide initiatives, necessitating moving her position from the Engineering Department to City Administration as of September 2021.

The personnel costs associated with 10 months of the Public Affairs Specialist wages and benefits total of \$79,763 and will result in an Intrafund Transfer of appropriations of this amount from the Engineering Department to the Administration Department of the General Fund.

Because both the Engineering and Administration Departments allocate out support staff time to other funds through monthly transfers, transfer appropriations for the General Fund, Street Fund, Airport Fund, Building Fund, Wastewater Services Fund and the Wastewater Capital Fund will also change for the 10-month period. Those budget adjustments are summarized below:

Public Affairs from public works focus to city-wide support services

Changes in Transfers in, Transfers out and Contingency

	FY2021-22 Transfer in to General Fund - personnel cost	FY2021-22 Transfer in to General Fund - Engineering M&S	Total Transfer Budget Impact to Each Fund
FY2021-22 Transfer out from Street Fund	\$ (12,763)	\$ (362)	\$ (13,125)
FY2021-22 Transfer out from Airport Fund	\$ (7,976)	\$ (284)	\$ (8,260)
FY2021-22 Transfer out from Transportation Fund		\$ 216	\$ 216
FY2021-22 Transfer out from Building Fund	\$ 1,595		\$ 1,595
FY2021-22 Transfer out from Wastewater Services Fund	\$ (7,977)	\$ 128	\$ (7,849)
FY2021-22 Transfer out from Wastewater Capital Fund	\$ (3,988)	\$ 989	\$ (2,999)
Total Transfer Budget Impact to General Fund's Contingency	\$ (31,109)	\$ 687	\$ (30,422)

The last row highlighted in blue in the above summary indicates the reduction in General Fund Transfer in resource, which will be funded by Contingency Transfer.

The far-right column highlighted in green represents the total impact on Transfer out expense for the Street, Airport, Transportation, Building, Wastewater Services and Wastewater Capital Funds. Negative totals mean lower transfer expense, which will increase the fund's program budget for FY2021-22 with an Intrafund Transfer.

Transportation and Building Funds have positive totals in the green-shaded column, meaning their Transfer out expense has increased; this additional cost will be funded by Contingency Transfers in these funds.

2. Three General Fund Supplemental Budget expenditures in the materials and services category

During the budget cycle, two expenditures were not known to the Finance Director and did not get included in the FY2021-22 budget:

- Lobbying fees for the Newberg-Dundee Bypass effort shared by all of the jurisdictions that benefit from that capital transportation project. The annual contract for this year totals \$35,000 for the City of McMinnville's share.
- The Sequoia tree in downtown McMinnville has its lights replaced every four years or so. The estimate for that cost is \$30,000.

During the FY2021-22 budget discussions, it was identified that funds were not budgeted for towing vehicles. At the time, staff hoped that it would be able to absorb those costs in the overall Police Department budget. With the Mid-Year review, we now believe that this cost cannot be covered within the law enforcement austerity budget level as appropriated so \$12,500 will be added to the Police Department materials and services category for this purpose.

The appropriations total for the Administration and Police Departments will increase by \$65,000 and \$12,500 respectively to accommodate these three items and will be funded with a General Fund Contingency Transfer in the amount of \$77,500.

3. New circumstances affecting General Fund appropriations emerged in the first half of the year. These will be funded by Contingency Transfer:

- Finance: personnel category \$15,000 addition due to resignation payout, interim support cost and anticipated benefits differential being higher than the savings anticipated for the period that the position remains unfilled.
- Finance: materials and services category did not include \$30,000 contract for city services fee revenue modeling and implementation support, a cost associated with the 2021 Council goal and objective to *Address insufficient resources by finding new sustainable funding sources*
- Administration: personnel category \$18,000 addition which is the incrementally higher cost of hiring a full-time assistant for five months instead of the budgeted half-time staffer for six months to accommodate the unanticipated levels of support required given new workforce realities spurred by the pandemic as well as expanded staff and facility management support needs.
- Administration: materials and services category \$22,000
- Parks and Recreation: materials and services category \$30,500 in unanticipated facility equipment at the Aquatic center (pool boiler failed as did the compressor module for the air conditioning's heat pump)

The appropriation totals for the Finance, Administration and Parks and Recreation Departments will increase by \$45,000, \$40,000 and \$30,500 respectively and will be funded with a General Fund Contingency Transfer of \$115,500.

Fiscal Impact:

The supplemental appropriations will reduce the amount of contingencies available for unanticipated needs that may emerge in the second half of the fiscal year.

Recommendation: Staff recommends adoption of the FY2021-22 budget amendments that address needs identified in the Mid-Year Review.

Documents:

Resolution 2022-06 FY2021-22 Supplemental Budget Mid-Year Review

RESOLUTION NO. 2022 – 06

A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations via Intrafund Transfers and Contingency Transfers.

RECITALS:

Whereas, this resolution proposes a supplemental budget for the General Fund, Street Fund, Airport Fund, Transportation Fund, Building Fund, Wastewater Services Fund and Wastewater Capital Fund; and

Whereas, a supplemental budget is to accommodate unknown circumstances at the time the budget was adopted based on a Mid-Year Review of the City's budget status; and

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when state or federal funds are made available that were unknown at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, because the supplemental budget for General Fund, Street Fund, Airport Fund, Transportation Fund, Building Fund, Wastewater Services Fund and Wastewater Capital Fund expenditures are not changed by more than 10%, a public hearing is not required; and

Whereas, contingency transfers are limited to 15% of the total appropriation in the fund; the General Fund, Transportation Fund and Building Fund contingency transfers were within this statutory limit (ORS 294.463(2)).

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

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2021-2022 in the General Fund, Street Fund, Airport Fund, Transportation Fund, Building Fund, Wastewater Services Fund and Wastewater Capital Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2021-2022 are hereby appropriated as detailed in Exhibit A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of January 2022 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth

Nays: _____

Approved this 25th day of January 2022.



MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Supplemental Budget Appropriations FY 2021-22 Mid-Year Review

Exhibit A: Supplemental Budget Appropriations

FY2021-22 Mid-Year Review

	Original Appropriation	Mid-Year Amendment	Supplemental Appropriation	Notes and Supplemental Action Type
General Fund				
Administration	1,443,624	184,763	1,628,387	1, 5, 6, 10, 12
Finance	657,173	45,000	702,173	8, 9
Engineering	1,057,828	(79,763)	978,065	1
Planning	1,373,531		1,373,531	
Police	9,073,617	12,500	9,086,117	7
Municipal Court	505,812		505,812	
Fire	9,400,338		9,400,338	
Parks & Recreation	3,133,535	30,500	3,164,035	11
Park Maintenance	1,389,713		1,389,713	
Library	1,835,005		1,835,005	
Not Allocated to Organizational Unit or Program:				
Unemployment	51,097		51,097	
Debt Service	748,674		748,674	
Transfers Out To Other Funds	1,437,784		1,437,784	
Operating Contingencies	1,000,000	(223,422)	776,578	2
Total General Fund \$	33,107,731	(30,422)	33,077,309	
Revenue Budget Adjustment: General Fund				
Transfer In Category 6900	1,739,616	(30,422)	1,709,194	2
Street Fund				
Street Maintenance and Improvements	2,142,281	13,125	2,155,406	
Transfers Out To Other Funds	492,055	(13,125)	478,930	3
Operating Contingencies	500,000		500,000	3
Total Street Fund \$	3,134,336	-	3,134,336	
Airport Fund				
Airport Maintenance and Operations	1,751,807	8,260	1,760,067	3
Transfers Out To Other Funds	101,582	(8,260)	93,322	3
Operating Contingencies	300,000		300,000	
Total Airport Fund \$	2,153,389	-	2,153,389	
Transportation Fund				
Street Capital Improvements	1,083,500		1,083,500	
Debt Service	201,248		201,248	
Transfers Out To Other Funds	109,194	216	109,410	4
Project Contingencies	500,000	(216)	499,784	4
Total Transportation Fund \$	1,893,942	-	1,893,942	

Exhibit A: Supplemental Budget Appropriations

FY2021-22 Mid-Year Review

	Original Appropriation	Mid-Year Amendment	Supplemental Appropriation	Notes and Supplemental Action Type
Building Fund				
Building Plan Review and Inspection	736,148		736,148	
Transfers Out To Other Funds	29,482	1,595	31,077	4
Operating Contingencies	75,000	(1,595)	73,405	4
Total Building Fund \$	840,630	-	840,630	
Wastewater Services Fund				
Wastewater Services Program	4,832,961	7,849	4,840,810	3
Transfers Out To Other Funds	6,428,981	(7,849)	6,421,132	3
Operating Contingencies	900,000		900,000	
Total Wastewater Services Fund \$	12,161,942	-	12,161,942	
Wastewater Capital Fund				
Sewer Capital Improvements	14,393,800	2,999	14,396,799	3
Transfers Out To Other Funds	204,847	(2,999)	201,848	3
Project Contingencies	1,500,000		1,500,000	
Total Wastewater Capital Fund \$	16,098,647	-	16,098,647	

Details regarding appropriation purpose	Supplemental Budget Type	Amount
1 Public Affairs personnel	Intrafund Transfer	79,763
2 Public Affairs transfer in revenue reduction	Contingency Transfer	30,422
3 Public Affairs transfer out expense reduction	Intrafund Transfer	28,611
4 Public Affairs transfer out expense increase	Contingency Transfer	1,811
5 Newberg-Dundee Bypass Lobbying Fees	Contingency Transfer	35,000
6 Sequoia Tree Holiday Lights	Contingency Transfer	30,000
7 Vehicle Towing	Contingency Transfer	12,500
8 Finance personnel turnover cost	Contingency Transfer	15,000
9 City Service Fee consultancy	Contingency Transfer	30,000
10 Administration new staffer half time to full time	Contingency Transfer	18,000
11 Replace boiler and air compressor at Aquatic Ctr	Contingency Transfer	30,500
12 City Prosecutor contract extension	Contingency Transfer	22,000

STAFF REPORT

DATE: January 25, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: FY2021-22 Supplemental Budget Classification and Compensation Implementation



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief: The Supplemental Budget resolution provides appropriations for the initial implementation of the Classification and Compensation study. These additional costs in the General Fund, Street Fund, Building Fund and Wastewater Services Fund will be covered by higher than anticipated FY2021-22 beginning fund balances. A Contingency Transfer will be used to fund the additional appropriation in the Information Services Fund. Related small dollar adjustments in transfers also result with this implementation and are included in the supplemental budget.

Discussion of Resolution Action:

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

Gallagher Benefits Services Inc. (GBS) began working with the City of McMinnville in the summer of 2019. First GBS conducted a study of several dozen general service positions across City departments. In 2020 it began the market research stage of the project to assess the City's salary structure in comparison to similar jobs in other public jurisdictions as well as in the private sector in Oregon. At the time the FY2021-22 budget was drafted, general service wages were frozen (no cost-of-living increases were budgeted) and an estimate for a minimal implementation of the study was included for \$45,000 in salary and approximately 35% of benefits. These amounts were distributed proportionally across all general service employees as it was not possible to identify implementation details by specific employees or departments and funds at that time.

The supplemental budget action is before Council because, at this time, the City has finalized the new salary scales in current year dollars and have made a provisional placement of general service staff on the new wage tables by range and step. Though some staff may need to move relative this provisional placement due to pending appeals GBS is reviewing, we believe we have enough information to make reasonable estimates about the budgetary impact of the classification and compensation implementation by department and fund.

When a supplemental budget changes a fund's appropriated expenditures by more than 10%, a public hearing is required. All City of McMinnville funds that have personal services category costs are included in this supplemental budget, as are those with small impacts in transfer amounts. None of the fund appropriations exceed this limit thus this supplemental budget may be made by Council resolution.

The new appropriations in the General Fund, Street Fund, Building Fund and Wastewater Services Fund will be covered by higher than anticipated FY2021-22 beginning fund balances. A Contingency Transfer will be used to fund the additional appropriation in the Information Services Fund as well as for the funds experiencing only transfer category appropriation increases: the Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds.

Contingency transfers are limited to 15% of the total appropriation in the fund; this action does not exceed this statutory limit (ORS 294.463(2)) for any of the funds that include a Contingency Transfer.

Staff Implementation Proposal:

Classification and Compensation studies are intended to result in systems that accurately describe the body of work performed and allow the organization the flexibility to effectively manage, attract and retain personnel, monitor relevant labor markets, and comply with appropriate federal, state and local regulations, such as the Oregon statute regarding pay equity (the majority of its provisions went into effect in 2019).

Staff recommends that the City move to make a much more substantial initial year implementation of the classification and compensation study than was planned during the prior year budget process. The staff proposal is that all general service employees be placed in the new wage structure with an effective date retroactive to July 1, 2021. This will result in wage increases not just for those approximately dozen staff with current wages below their assigned range (as budgeted). Further, for those staff whose placement on the new scale results in a wage increase of less than 2%, the staff proposal bumps those employees up one more step.

The cost of this initial year implementation represents a need for a supplemental budget of \$560,000 city-wide in personal service category expenses. This represents city wide an increase of 2% over the FY2021-22 budgeted salary and fringes costs for general service employees. Despite this significant price tag in terms of dollars, staff support this plan for many reasons, including:

- Due to austerity actions already required to balance the general fund FY2021-22 budget, a more robust implementation plan estimate was not included in the budget
- Because the 98% of the personnel cost of the staff recommendation can be funded by FY2021-22 beginning fund balances that exceeded estimates, staff is comfortable proposing that these unanticipated resources be utilized for this one-time implementation cost

- The city-wide impact of 2% in higher general services labor costs is consistent with the 2% cost of living increases budgeted for our two public safety bargaining units.
- In the last year, extraordinary changes that have developed in the labor market. At the time the City was finalizing its budget in May 2021, the phrase the “great resignation” was used for the very first time
- The City is experiencing its own version of these labor market issues with challenges filling some positions and competing for talent given an unusually large number of open jobs in the local government sector throughout the state

Looking at the details of the supplemental budget by department and fund, it becomes apparent that the library staff in particular were found to be working for wages that were lower than other comparable jobs in the area. For the Library department, an increase of almost 15% is included in the staff proposal to get those employees onto their assigned ranges and steps.

Analysis of personnel category impact				
Classification and Compensation Implementation Staff Recommendation				
	Original Appropriation Personnel	Staff Recom- mendation 7.1.21 2% min	Personnel updated total	% in- crease
General Fund				
Administration	826,352	34,900	861,252	4.22%
Finance	582,067	35,200	617,267	6.05%
Engineering	948,263	29,000	977,263	3.06%
Planning	858,696	14,800	873,496	1.72%
Police	7,846,259	24,900	7,871,159	0.32%
Municipal Court	440,174	16,600	456,774	3.77%
Fire	7,441,307	28,300	7,469,607	0.38%
Parks & Recreation	2,016,197	51,400	2,067,597	2.55%
Park Maintenance	1,016,949	20,200	1,037,149	1.99%
Library	1,438,017	213,100	1,651,117	14.82%
Non-dept unemployment	51,097	0	51,097	0.00%
General Fund Total	23,465,378	468,400	23,933,778	2.00%
Street Fund	964,070	23,500	987,570	2.44%
Building Fund	601,203	2,000	603,203	0.33%
Wastewater Services Fund	2,264,941	50,400	2,315,341	2.23%
Information Services Fund	532,039	13,200	545,239	2.48%
Total Personnel Costs †	27,827,631	557,500	28,385,131	2.00%

Four other departments have a salary change that in the staff recommendation would represent an increase of over 3% of the currently budgeted wage level: Finance, Administration, Municipal Court and Engineering.

Please read the **Classification and Compensation Implementation Report and Recommendation** attachment to this staff report for more details on the GBS study, the value that having a wage structure approach based on best practices in the field that address equity and other important issues, and the thinking that underpins the staff recommendation given the current labor market and our desire to attract and retain quality staff at the City.

Alternative Implementation Scenarios:

Because the budget impact of the staff's recommendation is the largest dollar implementation scenario considered and as we are all mindful of the larger budget concerns of the City, our desire to stabilize core services, make progress on rebuilding the reserve and consider funding new initiatives, four supplemental budget alternatives are included in this packet.

Next year's budgeting needs are also top of mind for staff. Council approval of the current year classification and compensation implementation allows us to finalize the assignment of staff in their ranges and steps, a required first step for establishing FY2022-23 personnel costs. In the event that Council wanted to consider other alternatives prior to making a decision on the staff recommendation, we provide them for you at this time.

The four alternative scenarios are described as:

1. **Alternative A:** Move all staff below range into their range for the entire FY2021-22 fiscal year (the original budgeted scenario) and move all other general services staff into their new range and step on January 1, 2022, with a 2% minimum increase relative their current salary
2. **Alternative B:** Move all staff below range into their range for the entire FY2021-22 fiscal year (the original budgeted scenario) and move all other general services staff into their new range and step on July 1, 2021 with no minimum salary increase for individual employees
3. **Alternative C:** Move all staff below range into their range for the entire FY2021-22 fiscal year (the original budgeted scenario) and move all other general services staff into their new range and step on January 1, 2022 with no minimum salary increase for individual employees
4. **Alternative D:** Move all staff below range into their range for the entire FY2021-22 fiscal year (the original budgeted scenario) and delay implementation for the rest of General Services staff until FY2022-23.

Budget resolutions that correspond to each of these alternatives as also included as attachments to this staff report.

These scenarios, while they represent lower costs, they are less effective solutions from a labor relations perspective. Alternatives B, C and D also have the sub-optimal impact of setting us behind in our long-term goal of maintaining general services wage scales that keep up with inflation and stay competitive relative the labor market generally as well as the local government sector specifically.

The information in the Alternative D scenario, because it only addresses salary needs for staff who were below the lowest step of their assigned range, shows which departments had one or more staffers below the range that describes their job's level of responsibility in terms of salary dollars. Those are the Library, Administration and Engineering Departments in the General Fund. No other departments or funds with general service staff had employees who were working at a wage level below the new job classification ranges and steps.

Detailed tables are included below, showing the incremental personnel services costs and the percent change the scenarios make relative budgeted FY2021-22 personnel expense by department and fund.

Analysis of personnel category impact				
Classification and Compensation Implementation Alternative Scenarios				
New personnel category appropriation in dollars	Alt A 1.1.22 2% min	Alt B 7.1.21	Alt C 1.1.22	Alt D 7.1.22 All in new scale
General Fund				
Administration	21,600	19,900	14,100	9,600
Finance	17,000	35,200	17,000	0
Engineering	23,500	22,800	19,500	2,900
Planning	7,600	900	0	0
Police	10,900	4,300	600	0
Municipal Court	12,700	16,600	12,700	0
Fire	11,000	12,700	3,200	0
Parks & Recreation	29,100	43,600	25,200	0
Park Maintenance	9,400	8,400	1,900	0
Library	182,100	207,000	179,100	67,900
Non-dept unemployment	0	0	0	0
General Fund Total	324,900	371,400	273,300	80,400
Street Fund	9,300	13,600	4,300	0
Building Fund	1,000	700	300	0
Wastewater Services Fund	23,200	33,200	14,600	0
Information Services Fund	4,800	13,200	4,800	0
Total Personnel Costs	363,200	432,100	297,300	80,400

Analysis of personnel category impact				
Classification and Compensation Implementation Alternative Scenarios				
New personnel category appropriation % increase	Alt A 1.1.22 2% min	Alt B 7.1.21	Alt C 1.1.22	Alt D 7.1.22 All in new scale
General Fund				
Administration	2.61%	2.41%	1.71%	1.16%
Finance	2.92%	6.05%	2.92%	0.00%
Engineering	2.48%	2.40%	2.06%	0.31%
Planning	0.89%	0.10%	0.00%	0.00%
Police	0.14%	0.05%	0.01%	0.00%
Municipal Court	2.89%	3.77%	2.89%	0.00%
Fire	0.15%	0.17%	0.04%	0.00%
Parks & Recreation	1.44%	2.16%	1.25%	0.00%
Park Maintenance	0.92%	0.83%	0.19%	0.00%
Library	12.66%	14.39%	12.45%	4.72%
Non-dept unemployment	0.00%	0.00%	0.00%	0.00%
General Fund Total	1.38%	1.58%	1.16%	0.34%
Street Fund	0.96%	1.41%	0.45%	0.00%
Building Fund	0.17%	0.12%	0.05%	0.00%
Wastewater Services Fund	1.02%	1.47%	0.64%	0.00%
Information Services Fund	0.90%	2.48%	0.90%	0.00%
Total Personnel Costs	1.31%	1.55%	1.07%	0.29%

Fiscal Impact:

Because virtually all supplemental appropriations will be offset by equivalent unbudgeted revenues, the impact on the city's financial standing is neutral for the current budget year. However, the amount allocated to an additional FY2022-22 investment in the general services workforce does represent dollars that will not be available for future year spending.

Recommendation: Staff recommends adoption of the staff proposal.

Documents:

1. Classification and Compensation Implementation Report and Recommendation
2. Resolution 2022-07 FY2021-22 Supplemental Budget for Class and Compensation Study Implementation Staff Recommendation
3. Alternative Resolutions 2022-07 that correspond to the scenarios described in the staff report

STAFF REPORT

DATE: January 25, 2022
TO: Jeff Towery, City Manager
FROM: Kylie Bayer, Human Resources Manager
SUBJECT: Classification and Compensation Implementation Report and Recommendation



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

The Classification and Compensation Project is nearly complete, and staff is prepared to recommend an implementation strategy based on the findings from the project consultants, Gallagher Benefits Services Inc. Staff recommends placing non-represented employees on the new salary range at the step closest to their years of service in position, without exceeding the midpoint on the range, with a minimum 2% increase for each employee.

Background:

The City of McMinnville worked with Gallagher Benefits Services Inc. (GBS) to update the classification plan and compensation structure for most of the City's jobs except for sworn union-represented public safety positions (firefighter, fire engineer, fire lieutenant, fire battalion chief, deputy fire marshal, police officer, police corporal, and police sergeant,) the Judge, and the Municipal Court Security Officer. Employees provided detailed information about their jobs through Position Description Questionnaires and met with consultants from GBS to provide more nuanced information about their jobs through a series of interviews. GBS then applied their proprietary Decision Band Methodology (based primarily on the decision-making authority assigned to each position as well as supervisory authority, impacts of errors, and complexity of duties) to each classification and developed their recommended classification structure. Employees and their supervisors reviewed the recommended classification changes and either approved or appealed the recommendation. Nearly 50 employees filed appeals; the majority of appeals were minor with only fourteen requiring a more in-depth review of the classification.

GBS also recommended updates to the City's compensation plan. We learned that, compared to the general labor market, the City's salary bands are narrower and that the top of the City's current salary bands are generally more aligned with the mid-point of salaries in the labor market. As such, GBS recommended the City widen its salary bands to a 30% spread for entry-level and technical individual contributor positions and to a 50% spread for advanced individual contributor positions and managers; widening the

bands also increases the maximum salaries to further align with the market. GBS also noted the City's current salary structure does not appear to consistently account for internal equity; the recommended compensation plan is based on both external labor market data and internal equity between salary bands.

It is critical the City maintain its classification and compensation plans into the future. This project highlighted a lack of consistency in the City's classification structure. Classification plan maintenance is important as classifications are at the heart of many human resources functions including recruitment, retention, career pathways, performance management, accommodations, and even protected leave like FMLA/OFLA or workers' compensation leave. An effective classification structure is the foundation of a compensation plan.

The recommended compensation plan ensures the City's salary ranges are competitive and aligned with the labor market; it also ensures internal equity between classifications. The compensation plan also simplifies the City's salary schedules, reducing the number of salary bands from over 50 to 30. GBS also aged their recommended salary structure to July 1, 2021, so any cost of living adjustment for fiscal year 22/23 will be based on competitive salaries, maintaining competitive wages through the coming fiscal year.

GBS is reviewing the classification appeals and will have their final recommendation for the City by the end of January 2022. As City staff is confident that most appeals will be granted, we are prepared to issue a recommendation through this supplemental budget.

Options and Recommendation:

Staff reviewed numerous implementation strategies and have five for the City Council to consider. In all five options: 1) any employee whose current salary exceeds the top of the new salary range will be frozen until the salary range "catches up" and 2) any employee below the beginning of the new salary range will be placed on the first step of the range effective July 1, 2021 (original FY 21/22 budgeted scenario.)

1. Effective July 1, 2021, move each employee to a step on the new salary range based on their years of service in their current position, without exceeding the mid-point on the range. Employees (except for those whose current salary exceeds the range) will receive a minimum 2% increase. The estimated cost to implement this recommendation is \$560,000.
2. Alternative A: Same recommendation as #1, with a January 1, 2022, effective date. The estimated cost to implement this scenario is \$280,000.
3. Alternative B: Same as recommendation #1 without ensuring a minimum 2% increase. The estimated cost to implement this scenario is \$450,000.
4. Alternative C: Same as recommendation #3, with a January 1, 2022, effective date. The estimated cost to implement this scenario is \$315,000.
5. Alternative D: Effective July 1, 2021, move only employees whose current salary is below the starting step in the new range into the new range. All other salaries are frozen. The estimated cost to implement this scenario is \$80,000.
 - a. If this option is approved, City staff would recommend a longer-term implementation strategy through the regular budget process.

Staff recommend the City Council move to approve the supplemental budget with option 1, as presented. The recommendation is based on several factors including employee relations, today's difficult recruitment environment, and progress on the Mac-Town 2032 strategic plan.

Employee Relations:

The City's non-represented employees did not receive a cost of living adjustment last July; employees in the McMinnville Police Association and the IAFF Local 3099 received 2% cost of living adjustments through the bargaining process. Additionally, a majority of general service, non-represented employees were furloughed 1-2 days per week between April and September 2021; and while the Oregon Employment Department's Work Share program offset the loss of income it did not account for the decrease in affected employee's PERS contributions or the difficulty of trying to maintain levels of service with a 20-40% reduction in work hours throughout last spring/summer. The City's budget shortfall for the current fiscal year slowed this project down to the point many employees have lost confidence in the City's ability to implement any recommended salary adjustments. This is particularly concerning as the City aims to retain its workforce.

Retaining employees is one of the most effective ways for the City to provide consistent service to our community and it is difficult to retain employees if the City cannot maintain positive employee relations. While there are numerous factors that play into an employee's decision to stay with an employer, fair and competitive compensation is one of the most critical. Employee retention has been particularly difficult as of late. In the last twelve months the City has seen 12 full-time non-represented employees voluntarily resign their positions and 3 employees retire; 3 employees have recently given notice of their resignation. In 2019 (the last "normal" year) the City saw 8 employees voluntarily resign and only one retirement. While an increase of 9 resignations/retirements in a given year may not seem significant, the City only has around 100 non-represented positions so the near 10% increase in voluntary resignations/retirements is noteworthy.

Recruitment Environment:

Today's recruitment environment is challenging. The "Great Resignation" means employees across all sectors are assessing their current employment relationships while being inundated with career opportunities. It truly is a jobseeker's market, and it is critical the City align its compensation structure with the market. Public sector employers need to offer competitive salaries to effectively recruit new employees. Previous compensation philosophies at the City that prioritized the nobility of public sector work over fair and competitive compensation are no longer acceptable.

The City has experienced difficulty in achieving large applicant pools for open recruitments. Recruitment strategies like hiring information sessions, job advertisements, and thoughtfully crafted job announcements announcing the availability of remote work and flexible schedules do not generate large applicant pools when the compensation does not compare to other employers in the area or in the industry. For example, the City Engineer recruitment has only 4 qualified applicants to consider; the top of the salary range, as posted, is approximately \$95,000/year. The top step for the City Engineer at the City of Salem is approximately \$150,000/year and approximately \$120,000/year at the City of Newberg. The Court Supervisor recruitment had only 3 qualified applicants to consider; the top step of the salary range, as posted, was approximately \$63,000/year.

The top step for a similar position at the City of Newberg is approximately \$74,000/year and approximately \$87,000/year at the City of Tigard. These differences in compensation appear to directly have an impact on the City's ability to recruit qualified applicants for open positions.

Strategic Plan:

The City's strategic plan, Mac-Town 2032, calls for investment in the City's workforce and specifically prioritizes competitive and equitable compensation. The recommended salary adjustments in this supplemental budget achieves this goal. Further, the recommended salary structure is easy for the City to maintain moving forward, preventing the need for a complete overhaul in the future. While the Mac-Town 2032 strategic plan calls for equitable compensation, it is also a requirement under Oregon law. The Oregon Equal Pay Act requires that work of substantially similar knowledge, skills, effort, responsibility, and working conditions be compensated equally; adopting the recommendation classification structure and compensation plan ensures the City is compensating employees equitably for work of comparable character.

Conclusion:

While the staff recommendation has the highest cost of the five options presented it also places the highest value on City employees. General Service employees at the City have provided quality service to McMinnville residents for decades. That service has been notably more challenging in recent years due to budget constraints, furloughs, and the COVID-19 pandemic. Further, though the City makes an effort to maintain consistency between non-represented staff and the two bargaining units, the difference in compensation grew significantly without a general service cost of living adjustment this fiscal year.

This recommendation puts the City on equal footing with comparable jurisdictions and the local labor market; though the recruitment environment is expected to remain challenging into the future, the City can be confident our compensation plan, if approved, does not deter qualified candidates from applying for our open recruitments.

Finally, this recommendation ensures progress on the City's strategic plan and aligns with the City's vision "A collaborative and caring city inspiring an exceptional quality of life." When employees are paid fair and competitive wages, they are able to afford the quality of life we envision for our residents. As the City's Human Resources Manager, I enthusiastically recommend the City Council move to adopt staff's recommendation and adjust compensation retroactively to July 1, 2021.

RESOLUTION NO. 2022 - 07

A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.

RECITALS:

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition was not known at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, the results of the Classification and Compensation study were delayed significantly and the scope of the differentials between market wages and city wages for each department and fund was not fully understood at the time the FY2021-22 budget was adopted; and

Whereas, this resolution proposes a supplemental budget for the General Fund, Street Fund, Building Fund, Wastewater Services Fund and Information Services Fund for personnel services costs. A supplemental budget is necessary to allow for the initial implementation of the Classification and Compensation study that brings City of McMinnville wages and salaries to levels consistent with the local labor market to attract and retain a high-quality workforce; and

Whereas, five funds will see Transfer In revenue increases associated with the Classification and Compensation implementation. The General, Street, Building, Wastewater Services and Information Services Funds either provide support services to other funds or will see an increased offset for the cost of supporting the HR manager; and

Whereas, the General Fund, Street Fund, Building Fund and Wastewater Services Fund increases in personnel category expenses will be funded by unanticipated beginning fund balance levels that exceed each fund's expense associated with the Classification and Compensation implementation; and

Whereas, the increase in support services salaries impacts additional funds because the Transfer Out to cover the personnel costs supporting them during FY2021-22 also went up; and

Whereas, for the General Fund, Street Fund, Building Fund and Wastewater Services Fund, the higher Transfer Out appropriation will also be funded by unanticipated beginning fund balance levels that exceed each fund's additional Transfer Out appropriation; and

Whereas, the Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds' Transfers Out category in this supplemental budget action see small cost increases that will be offset with Contingency Transfers; and

Whereas, the Information Services Fund's increase in personnel category expenses will be covered by a Contingency Transfer; and

Whereas, contingency transfers are limited to 15% of the total appropriation in the fund; this action does not exceed this statutory limit (ORS 294.463(2)) for any of the funds that include a Contingency Transfer; and

Whereas, because the supplemental budget for the General, Street, Building, Wastewater Services, Information Services, Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds' expenditures are not changed by more than 10%, a public hearing is not required.

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

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2021-2022 in the General, Street, Building, Wastewater Services, Information Services, Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2021-2022 are hereby appropriated as detailed in Exhibit A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of January 2022 by the following votes:

Ayes: Drabkin, Garvin, Menke, Peralta, Chenoweth

Nays: _____

Abstains: Geary

Approved this 25th day of January 2022.



MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Staff Recommendation: Supplemental Budget Appropriations Classifications and Compensation Full Year FY2021-22 Implementation 2% minimum.

Staff Recommendation

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
General Fund			
Administration	1,443,624	34,900	1,478,524
Finance	657,173	35,200	692,373
Engineering	1,057,828	29,000	1,086,828
Planning	1,373,531	14,800	1,388,331
Police	9,073,617	24,900	9,098,517
Municipal Court	505,812	16,600	522,412
Fire	9,400,338	28,300	9,428,638
Parks & Recreation	3,133,535	51,400	3,184,935
Park Maintenance	1,389,713	20,200	1,409,913
Library	1,835,005	213,100	2,048,105
Not Allocated to Organizational Unit or Program:			
Unemployment	51,097		51,097
Debt Service	748,674		748,674
Transfers Out To Other Funds	1,437,784	13,338	1,451,122
Operating Contingencies	1,000,000		1,000,000
Total General Fund \$	33,107,731	481,738	33,589,469
Revenue Budget Adjustment: General			
Fund Unrestricted Beginning Balance	4,280,177	481,738	4,761,915
Transfer In	1,926,913	51,778	1,978,691
Grant and Special Assessment Fund			
Community Assessments	7,466,800		7,466,800
Transfers Out To Other Funds	7,702	299	8,001
Operating Contingencies	35,000	-299	34,701
Total Special Assessment Fund \$	7,509,502	-	7,509,502
Transient Lodging Tax Fund			
Tourism Promotion and Programs	818,771	-1,156	817,615
Transfers out to Other Funds	380,429	1,156	381,585
Total Transient Lodging Tax Fund \$	1,199,200	-	1,199,200
Emergency Communications Fund			
911 Emergency Communications	838,906		838,906
Debt Service	37,172		37,172
Transfers out to Other Funds	1,429	102	1,531
Operating Contingencies	45,000	-102	44,898
Total Emergency Communications Fund \$	922,507	-	922,507

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Street Fund			
Street Maintenance and Improvements	2,142,281	23,500	2,165,781
Transfers Out To Other Funds	492,055	8,953	501,008
Operating Contingencies	500,000		500,000
Total Street Fund \$	3,134,336	32,453	3,166,789
Revenue Budget Adjustment: Street			
Fund Beginning Balance	1,364,613	32,453	1,397,066
Transfer In	5,777	239	6,016
Airport Fund			
Airport Maintenance and Operations	1,751,807		1,751,807
Transfers Out To Other Funds	101,582	3,105	104,687
Operating Contingencies	300,000	-3,105	296,895
Total Airport Fund \$	2,153,389	-	2,153,389
Transportation Fund			
Street Capital Improvements	1,083,500		1,083,500
Debt Service	201,248		201,248
Transfers Out To Other Funds	109,194	5,343	114,537
Project Contingencies	500,000	-5,343	494,657
Total Transportation Fund \$	1,893,942	-	1,893,942
Park Development Fund			
Park Acquisition and Improvements	21,700		21,700
Transfers Out To Other Funds	47,035	1,871	48,906
Project Contingencies	500,000	-1,871	498,129
Total Park Development Fund \$	568,735	-	568,735
Building Fund			
Building Plan Review and Inspection	736,148	2,000	738,148
Transfers Out To Other Funds	29,482	1,341	30,823
Operating Contingencies	75,000		75,000
Total Building Fund \$	840,630	3,341	843,971
Revenue Budget Adjustment: Building			
Fund Beginning Balance	1,417,473	3,341	1,420,814
Transfer In	2,888	120	3,008

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Wastewater Services Fund			
Wastewater Services Program	4,832,961	50,400	4,883,361
Transfers Out To Other Funds	6,428,981	15,835	6,444,816
Operating Contingencies	900,000		900,000
Total Wastewater Services Fund \$	12,161,942	66,235	12,228,177
Revenue Budget Adjustment:			
Wastewater Services Fund Beginning Balance	3,600,859	66,235	3,667,094
Transfer In	14,442	598	15,040
Wastewater Capital Fund			
Sewer Capital Improvements	14,393,800		14,393,800
Transfers Out To Other Funds	204,847	9,252	214,099
Project Contingencies	1,500,000	-9,252	1,490,748
Total Wastewater Capital Fund \$	16,098,647	-	16,098,647
Information Services Fund			
Information Technology Services	1,294,349	13,200	1,307,549
Operating Contingencies	75,000	-13,200	61,800
Total Information Services Fund \$	1,369,349	-	1,369,349
Revenue Budget Adjustment:			
Information Services Fund Transfer In	532,039	15,951	547,990
Insurance Services Fund			
Property, Liability and Workers Compensation Insurance	1,449,600		1,449,600
Transfers Out To Other Funds	202,440	8,093	210,533
Operating Contingencies	250,000	-8,093	241,907
Total Insurance Services Fund \$	1,902,040	-	1,902,040
Total Appropriations, All Funds in Supplemental Budget \$	66,763,303	583,766	67,347,069

3. Alternative Resolutions corresponding to scenarios A, B, C and D from Staff Report
Resolution for Alternative Scenarios A, B and C

RESOLUTION NO. 2022 – 07

A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.

RECITALS:

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition was not known at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, the results of the Classification and Compensation study were delayed significantly and the scope of the differentials between market wages and city wages for each department and fund was not fully understood at the time the FY2021-22 budget was adopted; and

Whereas, this resolution proposes a supplemental budget for the General Fund, Street Fund, Building Fund, Wastewater Services Fund and Information Services Fund for personnel services costs. A supplemental budget is necessary to allow for the initial implementation of the Classification and Compensation study that brings City of McMinnville wages and salaries to levels consistent with the local labor market to attract and retain a high-quality workforce; and

Whereas, five funds will see Transfer In revenue increases associated with the Classification and Compensation implementation. The General, Street, Building, Wastewater Services and Information Services Funds either provide support services to other funds or will see an increased offset for the cost of supporting the HR manager; and

Whereas, the General Fund, Street Fund, Building Fund and Wastewater Services Fund increases in personnel category expenses will be funded by unanticipated beginning fund balance levels that exceed each fund's expense associated with the Classification and Compensation implementation; and

Whereas, the increase in support services salaries impacts additional funds because the Transfer Out to cover the personnel costs supporting them during FY2021-22 also went up; and

Whereas, for the General Fund, Street Fund, Building Fund and Wastewater Services Fund, the higher Transfer Out appropriation will also be funded by unanticipated beginning fund balance levels that exceed each fund's additional Transfer Out appropriation; and

Whereas, the Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds' Transfers Out category in this supplemental budget action see small cost increases that will be offset with Contingency Transfers; and

Whereas, the Information Services Fund's increase in personnel category expenses will be covered by a Contingency Transfer; and

Whereas, contingency transfers are limited to 15% of the total appropriation in the fund; this action does not exceed this statutory limit (ORS 294.463(2)) for any of the funds that include a Contingency Transfer; and

Whereas, because the supplemental budget for the General, Street, Building, Wastewater Services, Information Services, Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds' expenditures are not changed by more than 10%, a public hearing is not required.

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

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2021-2022 in the General, Street, Building, Wastewater Services, Information Services, Grants and Assessment, Transient Lodging Tax, Emergency Communications, Airport, Transportation, Park Development, Wastewater Capital and Insurance Services Funds.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2021-2022 are hereby appropriated as detailed in Exhibit A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of January 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Alternative Scenario A, B, or C: Supplemental Budget Appropriations Classifications and Compensation Full Year FY2021-22 Implementation 2% minimum.

Alternative Scenario A

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
General Fund			
Administration	1,443,624	21,600	1,465,224
Finance	657,173	17,000	674,173
Engineering	1,057,828	23,500	1,081,328
Planning	1,373,531	7,600	1,381,131
Police	9,073,617	10,900	9,084,517
Municipal Court	505,812	12,700	518,512
Fire	9,400,338	11,000	9,411,338
Parks & Recreation	3,133,535	29,100	3,162,635
Park Maintenance	1,389,713	9,400	1,399,113
Library	1,835,005	182,100	2,017,105
Not Allocated to Organizational Unit or Program:			
Unemployment	51,097		51,097
Debt Service	748,674		748,674
Transfers Out To Other Funds	1,437,784	6,352	1,444,136
Operating Contingencies	1,000,000		1,000,000
Total General Fund	\$ 33,107,731	331,252	33,438,983
Revenue Budget Adjustment: General			
Fund Unrestricted Beginning Balance	4,280,177	331,252	4,611,429
Transfer In	1,926,913	38,748	1,965,661
Grant and Special Assessment Fund			
Community Assessments	7,466,800		7,466,800
Transfers Out To Other Funds	7,702	176	7,878
Operating Contingencies	35,000	-176	34,824
Total Special Assessment Fund	\$ 7,509,502	-	7,509,502
Transient Lodging Tax Fund			
Tourism Promotion and Programs	818,771	-569	818,202
Transfers out to Other Funds	380,429	569	380,998
Total Transient Lodging Tax Fund	\$ 1,199,200	-	1,199,200
Emergency Communications Fund			
911 Emergency Communications	838,906		838,906
Debt Service	37,172		37,172
Transfers out to Other Funds	1,429	49	1,478
Operating Contingencies	45,000	-49	44,951
Total Emergency Communications Fund	\$ 922,507	-	922,507

Alternative Scenario A

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Street Fund			
Street Maintenance and Improvements	2,142,281	9,300	2,151,581
Transfers Out To Other Funds	492,055	6,830	498,885
Operating Contingencies	500,000		500,000
Total Street Fund	\$ 3,134,336	16,130	3,150,466
Revenue Budget Adjustment: Street			
Fund Beginning Balance	1,364,613	16,130	1,380,743
Transfer In	5,777	113	5,890
Airport Fund			
Airport Maintenance and Operations	1,751,807		1,751,807
Transfers Out To Other Funds	101,582	2,312	103,894
Operating Contingencies	300,000	-2,312	297,688
Total Airport Fund	\$ 2,153,389	-	2,153,389
Transportation Fund			
Street Capital Improvements	1,083,500		1,083,500
Debt Service	201,248		201,248
Transfers Out To Other Funds	109,194	4,699	113,893
Project Contingencies	500,000	-4,699	495,301
Total Transportation Fund	\$ 1,893,942	-	1,893,942
Park Development Fund			
Park Acquisition and Improvements	21,700		21,700
Transfers Out To Other Funds	47,035	908	47,943
Project Contingencies	500,000	-908	499,092
Total Park Development Fund	\$ 568,735	-	568,735
Building Fund			
Building Plan Review and Inspection	736,148	1,000	737,148
Transfers Out To Other Funds	29,482	777	30,259
Operating Contingencies	75,000		75,000
Total Building Fund	\$ 840,630	1,777	842,407
Revenue Budget Adjustment: Building			
Fund Beginning Balance	1,417,473	1,777	1,419,250
Transfer In	2,888	56	2,944

Alternative Scenario A

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation 2% minimum

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Wastewater Services Fund			
Wastewater Services Program	4,832,961	23,200	4,856,161
Transfers Out To Other Funds	6,428,981	11,919	6,440,900
Operating Contingencies	900,000		900,000
Total Wastewater Services Fund	\$ 12,161,942	35,119	12,197,061
Revenue Budget Adjustment:			
Wastewater Services Fund Beginning Balance	3,600,859	35,119	3,635,978
Transfer In	14,442	282	14,724
Wastewater Capital Fund			
Sewer Capital Improvements	14,393,800		14,393,800
Transfers Out To Other Funds	204,847	8,211	213,058
Project Contingencies	1,500,000	-8,211	1,491,789
Total Wastewater Capital Fund	\$ 16,098,647	-	16,098,647
Information Services Fund			
Information Technology Services	1,294,349	4,800	1,299,149
Operating Contingencies	75,000	-4,800	70,200
Total Information Services Fund	\$ 1,369,349	-	1,369,349
Revenue Budget Adjustment:			
Information Services Fund Transfer In	532,039	7,596	539,635
Insurance Services Fund			
Property, Liability and Workers Compensation Insurance	1,449,600		1,449,600
Transfers Out To Other Funds	202,440	3,996	206,436
Operating Contingencies	250,000	-3,996	246,004
Total Insurance Services Fund	\$ 1,902,040	-	1,902,040
Total Appropriations, All Funds in Supplemental Budget			
	\$ 66,763,303	384,277	67,147,580

Alternative Scenario B

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
General Fund			
Administration	1,443,624	19,900	1,463,524
Finance	657,173	35,200	692,373
Engineering	1,057,828	22,800	1,080,628
Planning	1,373,531	900	1,374,431
Police	9,073,617	4,300	9,077,917
Municipal Court	505,812	16,600	522,412
Fire	9,400,338	12,700	9,413,038
Parks & Recreation	3,133,535	43,600	3,177,135
Park Maintenance	1,389,713	8,400	1,398,113
Library	1,835,005	207,000	2,042,005
Not Allocated to Organizational Unit or Program:			
Unemployment	51,097		51,097
Debt Service	748,674		748,674
Transfers Out To Other Funds	1,437,784	13,338	1,451,122
Operating Contingencies	1,000,000		1,000,000
	<u>33,107,731</u>		<u>33,492,469</u>
Total General Fund \$	33,107,731	384,738	33,492,469
Revenue Budget Adjustment: General			
Fund Unrestricted Beginning Balance	4,280,177	384,738	4,664,915
Transfer In	1,926,913	38,412	1,965,325
Grant and Special Assessment Fund			
Community Assessments	7,466,800		7,466,800
Transfers Out To Other Funds	7,702	217	7,919
Operating Contingencies	35,000	-217	34,783
	<u>7,509,502</u>		<u>7,509,502</u>
Total Special Assessment Fund \$	7,509,502	-	7,509,502
Transient Lodging Tax Fund			
Tourism Promotion and Programs	818,771	-733	818,038
Transfers out to Other Funds	380,429	733	381,162
	<u>1,199,200</u>		<u>1,199,200</u>
Total Transient Lodging Tax Fund \$	1,199,200	-	1,199,200
Emergency Communications Fund			
911 Emergency Communications	838,906		838,906
Debt Service	37,172		37,172
Transfers out to Other Funds	1,429	102	1,531
Operating Contingencies	45,000	-102	44,898
	<u>922,507</u>		<u>922,507</u>
Total Emergency Communications Fund \$	922,507	-	922,507

Alternative Scenario B

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Street Fund			
Street Maintenance and Improvements	2,142,281	13,600	2,155,881
Transfers Out To Other Funds	492,055	6,548	498,603
Operating Contingencies	500,000		500,000
Total Street Fund	\$ 3,134,336	20,148	3,154,484
Revenue Budget Adjustment: Street			
Fund Beginning Balance	1,364,613	20,148	1,384,761
Transfer In	5,777	84	5,861
Airport Fund			
Airport Maintenance and Operations	1,751,807		1,751,807
Transfers Out To Other Funds	101,582	1,938	103,520
Operating Contingencies	300,000	-1,938	298,062
Total Airport Fund	\$ 2,153,389	-	2,153,389
Transportation Fund			
Street Capital Improvements	1,083,500		1,083,500
Debt Service	201,248		201,248
Transfers Out To Other Funds	109,194	4,895	114,089
Project Contingencies	500,000	-4,895	495,105
Total Transportation Fund	\$ 1,893,942	-	1,893,942
Park Development Fund			
Park Acquisition and Improvements	21,700		21,700
Transfers Out To Other Funds	47,035	593	47,628
Project Contingencies	500,000	-593	499,407
Total Park Development Fund	\$ 568,735	-	568,735
Building Fund			
Building Plan Review and Inspection	736,148	700	736,848
Transfers Out To Other Funds	29,482	1,097	30,579
Operating Contingencies	75,000		75,000
Total Building Fund	\$ 840,630	1,797	842,427
Revenue Budget Adjustment: Building			
Fund Beginning Balance	1,417,473	1,797	1,419,270
Transfer In	2,888	42	2,930

Alternative Scenario B

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Full Year FY2021-22 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Wastewater Services Fund			
Wastewater Services Program	4,832,961	33,200	4,866,161
Transfers Out To Other Funds	6,428,981	13,168	6,442,149
Operating Contingencies	900,000		900,000
Total Wastewater Services Fund	\$ 12,161,942	46,368	12,208,310
Revenue Budget Adjustment:			
Wastewater Services Fund Beginning Balance	3,600,859	46,368	3,647,227
Transfer In	14,442	211	14,653
Wastewater Capital Fund			
Sewer Capital Improvements	14,393,800		14,393,800
Transfers Out To Other Funds	204,847	8,455	213,302
Project Contingencies	1,500,000	-8,455	1,491,545
Total Wastewater Capital Fund	\$ 16,098,647	-	16,098,647
Information Services Fund			
Information Technology Services	1,294,349	13,200	1,307,549
Operating Contingencies	75,000	-13,200	61,800
Total Information Services Fund	\$ 1,369,349	-	1,369,349
Revenue Budget Adjustment:			
Information Services Fund Transfer In	532,039	15,951	547,990
Insurance Services Fund			
Property, Liability and Workers Compensation Insurance	1,449,600		1,449,600
Transfers Out To Other Funds	202,440	3,615	206,055
Operating Contingencies	250,000	-3,615	246,385
Total Insurance Services Fund	\$ 1,902,040	-	1,902,040
Total Appropriations, All Funds in Supplemental Budget			
	\$ 66,763,303	453,051	67,216,354

Alternative Scenario C

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
General Fund			
Administration	1,443,624	14,100	1,457,724
Finance	657,173	17,000	674,173
Engineering	1,057,828	19,500	1,077,328
Planning	1,373,531		1,373,531
Police	9,073,617	600	9,074,217
Municipal Court	505,812	12,700	518,512
Fire	9,400,338	3,200	9,403,538
Parks & Recreation	3,133,535	25,200	3,158,735
Park Maintenance	1,389,713	1,900	1,391,613
Library	1,835,005	179,100	2,014,105
Not Allocated to Organizational Unit or Program:			
Unemployment	51,097		51,097
Debt Service	748,674		748,674
Transfers Out To Other Funds	1,437,784	6,352	1,444,136
Operating Contingencies	1,000,000		1,000,000
Total General Fund	\$ 33,107,731	279,652	33,387,383
Revenue Budget Adjustment: General			
Fund Unrestricted Beginning Balance	4,280,177	279,652	4,559,829
Transfer In	1,926,913	31,017	1,957,930
Grant and Special Assessment Fund			
Community Assessments	7,466,800		7,466,800
Transfers Out To Other Funds	7,702	135	7,837
Operating Contingencies	35,000	-135	34,865
Total Special Assessment Fund	\$ 7,509,502	-	7,509,502
Transient Lodging Tax Fund			
Tourism Promotion and Programs	818,771	-358	818,413
Transfers out to Other Funds	380,429	358	380,787
Total Transient Lodging Tax Fund	\$ 1,199,200	-	1,199,200
Emergency Communications Fund			
911 Emergency Communications	838,906		838,906
Debt Service	37,172		37,172
Transfers out to Other Funds	1,429	49	1,478
Operating Contingencies	45,000	-49	44,951
Total Emergency Communications Fund	\$ 922,507	-	922,507

Alternative Scenario C

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Street Fund			
Street Maintenance and Improvements	2,142,281	4,300	2,146,581
Transfers Out To Other Funds	492,055	5,299	497,354
Operating Contingencies	500,000		500,000
Total Street Fund	\$ 3,134,336	9,599	3,143,935
Revenue Budget Adjustment: Street			
Fund Beginning Balance	1,364,613	9,599	1,374,212
Transfer In	5,777	35	5,812
Airport Fund			
Airport Maintenance and Operations	1,751,807		1,751,807
Transfers Out To Other Funds	101,582	1,469	103,051
Operating Contingencies	300,000	-1,469	298,531
Total Airport Fund	\$ 2,153,389	-	2,153,389
Transportation Fund			
Street Capital Improvements	1,083,500		1,083,500
Debt Service	201,248		201,248
Transfers Out To Other Funds	109,194	4,409	113,603
Project Contingencies	500,000	-4,409	495,591
Total Transportation Fund	\$ 1,893,942	-	1,893,942
Park Development Fund			
Park Acquisition and Improvements	21,700		21,700
Transfers Out To Other Funds	47,035	269	47,304
Project Contingencies	500,000	-269	499,731
Total Park Development Fund	\$ 568,735	-	568,735
Building Fund			
Building Plan Review and Inspection	736,148	300	736,448
Transfers Out To Other Funds	29,482	655	30,137
Operating Contingencies	75,000		75,000
Total Building Fund	\$ 840,630	955	841,585
Revenue Budget Adjustment: Building			
Fund Beginning Balance	1,417,473	955	1,418,428
Transfer In	2,888	18	2,906

Alternative Scenario C

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Jan 1, 2022 Implementation

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Wastewater Services Fund			
Wastewater Services Program	4,832,961	14,600	4,847,561
Transfers Out To Other Funds	6,428,981	10,257	6,439,238
Operating Contingencies	900,000		900,000
Total Wastewater Services Fund	\$ 12,161,942	24,857	12,186,799
Revenue Budget Adjustment:			
Wastewater Services Fund Beginning Balance	3,600,859	24,857	3,625,716
Transfer In	14,442	88	14,530
Wastewater Capital Fund			
Sewer Capital Improvements	14,393,800		14,393,800
Transfers Out To Other Funds	204,847	7,746	212,593
Project Contingencies	1,500,000	-7,746	1,492,254
Total Wastewater Capital Fund	\$ 16,098,647	-	16,098,647
Information Services Fund			
Information Technology Services	1,294,349	4,800	1,299,149
Operating Contingencies	75,000	-4,800	70,200
Total Information Services Fund	\$ 1,369,349	-	1,369,349
Revenue Budget Adjustment:			
Information Services Fund Transfer In	532,039	7,596	539,635
Insurance Services Fund			
Property, Liability and Workers Compensation Insurance	1,449,600		1,449,600
Transfers Out To Other Funds	202,440	1,757	204,197
Operating Contingencies	250,000	-1,757	248,243
Total Insurance Services Fund	\$ 1,902,040	-	1,902,040
Total Appropriations, All Funds in Supplemental Budget			
	\$ 66,763,303	315,062	67,078,365

RESOLUTION NO. 2022 - 07

A Resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.

RECITALS:

Whereas, this resolution proposes a supplemental budget for the General Fund. A supplemental budget is necessary to allow for the initial implementation of the Classification and Compensation study that brings all City of McMinnville employee wages and salaries to a minimum of the first step in each staffer's new assigned range; and

Whereas, the increase in support services salaries impacts additional funds because the transfer to cover the personnel costs supporting them also increased. The Street, Airport, Transportation, Building, Wastewater Services and Wastewater Capital Funds experience these increases in the Transfers Out category. These small cost increases will be offset with Contingency Transfers for these six funds; and

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition was not known at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, the results of the Classification and Compensation study were delayed significantly and the scope of the differentials between market wages and city wages for each department and fund was not fully understood at the time the FY2021-22 budget was adopted; and

Whereas, the General Fund increase in personnel category expenses will be funded by unanticipated beginning fund balance levels that exceed the expense associated with the Classification and Compensation implementation; and

Whereas, because the supplemental budget for General, Street, Airport, Transportation, Building, Wastewater Services and Wastewater Capital Funds are not changed by more than 10%, a public hearing is not required; and

Whereas, contingency transfers are limited to 15% of the total appropriation in each fund; this action does not exceed this statutory limit (ORS 294.463(2)).

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

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2021-2022 in the

General, Street, Airport, Transportation, Building, Wastewater Services and Wastewater Capital Funds.

2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2021-2022 are hereby appropriated as detailed in Exhibit A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of January 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Alternative Scenario D: Supplemental Budget Appropriations Classifications and Compensation Implementation All EEs in new range, at least step 1.

Alternative Scenario D

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Implementation All EEs in new range, at least step 1

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
General Fund			
Administration	1,443,624	9,600	1,453,224
Finance	657,173		657,173
Engineering	1,057,828	2,900	1,060,728
Planning	1,373,531		1,373,531
Police	9,073,617		9,073,617
Municipal Court	505,812		505,812
Fire	9,400,338		9,400,338
Parks & Recreation	3,133,535		3,133,535
Park Maintenance	1,389,713		1,389,713
Library	1,835,005	67,900	1,902,905
Not Allocated to Organizational Unit or Program:			
Unemployment	51,097		51,097
Debt Service	748,674		748,674
Transfers Out To Other Funds	1,437,784	0	1,437,784
Operating Contingencies	1,000,000		1,000,000
Total General Fund	\$ 33,107,731	80,400	33,188,131
Revenue Budget Adjustment: General			
Fund Unrestricted Beginning Balance	4,280,177	80,400	4,360,577
Transfer In	1,926,913	11,254	1,938,167
Street Fund			
Street Maintenance and Improvements	2,142,281		2,142,281
Transfers Out To Other Funds	492,055	2,688	494,743
Operating Contingencies	500,000	-2,688	497,312
Total Street Fund	\$ 3,134,336	0	3,134,336
Airport Fund			
Airport Maintenance and Operations	1,751,807		1,751,807
Transfers Out To Other Funds	101,582	232	101,814
Operating Contingencies	300,000	-232	299,768
Total Airport Fund	\$ 2,153,389	-	2,153,389
Transportation Fund			
Street Capital Improvements	1,083,500		1,083,500
Debt Service	201,248		201,248
Transfers Out To Other Funds	109,194	1,761	110,955
Project Contingencies	500,000	-1,761	498,239
Total Transportation Fund	\$ 1,893,942	-	1,893,942

Alternative Scenario D

Exhibit A: Supplemental Budget Appropriations

Classification and Compensation Implementation All EEs in new range, at least step 1

	Original Appropriation	Class and Comp Change	Supplemental Appropriation
Building Fund			
Building Plan Review and Inspection	736,148		736,148
Transfers Out To Other Funds	29,482	232	29,714
Operating Contingencies	75,000	-232	74,768
Total Building Fund	\$ 840,630	0	840,630
Wastewater Services Fund			
Wastewater Services Program	4,832,961		4,832,961
Transfers Out To Other Funds	6,428,981	4,094	6,433,075
Operating Contingencies	900,000	-4,094	895,906
Total Wastewater Services Fund	\$ 12,161,942	-	12,161,942
Wastewater Capital Fund			
Sewer Capital Improvements	14,393,800		14,393,800
Transfers Out To Other Funds	204,847	2,248	207,095
Project Contingencies	1,500,000	-2,248	1,497,752
Total Wastewater Capital Fund	\$ 16,098,647	-	16,098,647



City of McMinnville

ADMINISTRATION

**City of McMinnville
City Attorney's Office**

230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: January 25, 2022
TO: Jeff Towery, City Manager
FROM: Tim Symons, Police Captain
Amanda Guile-Hinman, City Attorney
SUBJECT: Ordinance No. 5109: An Ordinance Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code Relating to Abandoned Vehicles

I. Report in Brief:

Council consideration of amendments to McMinnville Municipal Code Title 10 relating to abandoned vehicles.

Attachment 1 to this Staff Report is Ordinance No. 5109 with an updated Exhibit 1. Exhibit 1 is the proposed revisions to Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code (MMC). **Attachments 2 and 3** show the further revisions to Chapters 10.04 and 10.28, respectively, since the January 11, 2022 Council meeting. There are no proposed further revisions to Chapter 10.44.

II. Background and Discussion:

In 2018, the City adopted Ordinance No. 5049, which updated certain chapters in Title 10 of the McMinnville Municipal Code relating to the parking of recreational vehicles, motor trucks, and abandoned vehicles. Ordinance No. 5049 developed out of a City Council discussion to address the increased presence of recreational vehicles and abandoned vehicles on the City's right-of-way for extended periods of time.

On December 14, 2021, Council held a work session to review updates to McMinnville Municipal Code Chapters 10.04, 10.28, and 10.44 to address the needed clarifications. Upon review of the proposed revisions, no additional changes were made.

On January 11, 2022, Council considered adoption of Ordinance No. 5109. During the Council discussion, questions were raised regarding the process of tagging and towing abandoned vehicles and what constituted an abandoned vehicle. As a result, staff further revised the proposed changes (see Attachments 2 and 3).

A. Further Revisions to Chapter 10.04

1. Definition of Abandoned Vehicle

Some Councilors expressed concern regarding the definition of “abandoned vehicle.” The current definition states that a vehicle is abandoned if it is parked for more than 24 hours and it “appears to have been abandoned by its owner.” Given those concerns, staff recommends deleting that portion of the definition of “abandoned vehicle.”

2. Definition of Vehicle

Additional comments from Councilors suggested hesitation in including bicycles as vehicles when applying the abandoned vehicle code. In particular, Councilors were concerned that Turtle Dove portable shelters could be towed if attached to bicycles. While no Turtle Dove portable shelter has been towed under the City’s abandoned vehicle provisions, staff revised the definition of “vehicle” to exclude bicycles when applying the abandoned vehicle code provisions.

B. Further Revisions to Chapter 10.28

A key discussion point at the January 11, 2022 Council meeting was the distinction between the current practices by the Police Department when encountering a possible abandoned vehicle versus what the current code allows the Police Department to do. The current code allows the Police Department to tag a vehicle for a tow after 24 hours of the vehicle being located on the public right-of-way if the vehicle meets the definition of “abandoned vehicle,” and then the code allows the vehicle to be towed 24 hours after notice. In other words, a vehicle can be towed after 48 hours of initial observation of the vehicle.

In reality, the Police Department undertakes outreach efforts prior to tagging a vehicle to tow. As a result, staff recommends codifying this outreach, while leaving some flexibility if an emergency circumstance arises. Under the proposed further revisions, the City will need to provide an informational flyer explaining what is considered an abandoned vehicle and that enforcement action may occur if the violation is not resolved. The City will also provide an informational flyer regarding the City's prohibited camping code provisions and available services if it is believed that individuals may be residing in the vehicle. Additionally, if the City believes that the vehicle is being used as housing, the City must attempt to make contact with the resident(s) prior to tagging the vehicle for tow.

These revisions attempt to find a balance between the needs of community members and the resources available to the Police Department. The abandoned vehicle code provisions are utilized in situations where prohibited camping occurs with RVs because the Police Department does not have storage capacity to hold RVs as evidence under a prohibited camping citation, and no towing company is willing to tow and hold RVs as evidence. When the abandoned vehicle code provisions are used, a towing company tows the vehicle, and if it is not claimed, the towing company has authority under Oregon law to dismantle the vehicle. While this process costs the City \$2,500 per tow, the alternative is that the vehicle would remain on the public right-of-way, essentially defeating the purpose of enforcing the abandoned vehicle code provisions and the prohibited camping provisions.

III. Attachments:

- Attachment 1: Ordinance No. 5109
Exhibit 1: Amendments to MMC Chapters 10.04, 10.28, and 10.44
- Attachment 2: Proposed additional revisions to Chapter 10.04 since January 11, 2022 Council meeting
- Attachment 3: Proposed additional revisions to Chapter 10.28 since January 11, 2022 Council meeting

IV. Fiscal Impact:

N/A

V. Recommendation:

Council adopt Ordinance No. 5109.

ORDINANCE NO. 5109

AN ORDINANCE OF THE CITY OF McMinnville Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code Relating to Abandoned Vehicles.

WHEREAS, in 2018, the Council adopted Ordinance No. 5049, which updated certain chapters in Title 10 of the McMinnville Municipal Code relating to the parking of recreational vehicles, motor trucks, and abandoned vehicles; and

WHEREAS, Ordinance No. 5049 developed out of a City Council discussion to address the increased presence of recreational vehicles and abandoned vehicles on the City's right-of-way for extended periods of time; and

WHEREAS, in reviewing Ordinance No. 5049 and the Oregon Revised Statutes (ORS) concerning abandoned vehicles (ORS Chapter 819), further clarification of the McMinnville Municipal Code is needed to establish whether a vehicle is abandoned and the appeal process to challenge a tow; and

WHEREAS, on December 14, 2021, Council held a work session to review updates to McMinnville Municipal Code Chapters 10.04, 10.28, and 10.44 to address the needed clarifications;

NOW, THEREFORE, THE CITY OF McMinnville Ordains as follows:

1. The Council of the City of McMinnville adopts the above-recitals and the accompanying staff report as if set forth fully herein.
2. Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code is hereby amended as set forth in Exhibit 1 attached hereto.
3. This Ordinance will take effect 30 days after passage by the City Council.

4. The City Recorder is instructed to format the provisions to be consistent with the formatting of the McMinnville Municipal Code and to correct any scrivener's errors.

Passed by the McMinnville City Council this 25th day of January, 2021 by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

1. Amendments to MMC Chapters 10.04, 10.28, and 10.44

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.

10.04.010 Short title.

The ordinance codified in this title may be cited as “the city of McMinnville uniform traffic ordinance.” (Ord. 3629 §1, 1972).

10.04.020 Applicability of state traffic laws.

Violations ~~under the Oregon Vehicle Code adopted by the of ORS Chapters 801 through 823 as now constituted, amended and revised by the 1983 and 1985 Oregon State Legislatures~~ shall be an offense against the city. (Ord. 4400 §2, 1987).

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:

“Abandoned vehicle” means a vehicle that remains ~~parked or kept on a public right-of-way in violation~~ for more than 24 hours, ~~without having been issued a permit pursuant to Section 10.28.205,~~ and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate; ~~or~~ fails to display current registration;
- ~~2.~~ [2.](#) The vehicle ~~or~~ fails to have vehicle insurance as required by the state of Oregon;
- ~~3.~~ [3.](#) The vehicle appears to be inoperative or disabled; ~~or~~
- ~~34.~~ [34.](#) The vehicle appears to be wrecked, partially dismantled or junked; ~~or~~

~~45. The vehicle appears to have been abandoned by its owner.~~

“Bicycle” means a nonmotorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

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

“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.

“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.

“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.

“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.

“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.

“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.

“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.

“Stop” means complete cessation of movement.

“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 (1) of this definition, 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.

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

“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.

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

“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. In this Title 10,

“Vehicle,” ~~as used in subsequent sections of this title,~~ includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Chapter 10.28
STOPPING, STANDING AND PARKING*

Sections:

- 10.28.010 Parking – Two-hour and 30-minute zones created.
- 10.28.015 Parking – Ten and 15 minute zones.
- 10.28.020 Parking or standing – Exemptions for certain official vehicles.
- 10.28.030 Parking or standing – Prohibited in designated locations.
- 10.28.040 Parking – Adams Street restrictions.
- 10.28.050 Parking – Third Street restrictions.
- 10.28.060 Parking – Highway North 99W restrictions.
- 10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.
- 10.28.080 Parking – For sale, repair or ~~storage~~ abandoned prohibited when.
- 10.28.085 Communication to owner of abandoned vehicle.
- 10.28.090 Overtime parking prohibited – Fines.
- 10.28.100 Calculation of Maximum Parking Time Limits.
- 10.28.110 Parking or standing – Methods and restrictions.
- 10.28.120 Lights on parked vehicle.
- 10.28.130 Parked vehicle – Removing ignition key required when.
- 10.28.140 Parked vehicle – Police authorized to remove ignition key when.
- 10.28.150 Vehicles parked near fire – Removal requirements.
- 10.28.160 Buses and taxicabs – Parking and standing restrictions generally.
- 10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.
- 10.28.180 Loading zone – Commercial vehicle regulations.
- 10.28.190 Parking permit for certain commercial or service vehicles.
- 10.28.200 Courtesy Parking permits.
- 10.28.205 Recreational vehicle parking permit.
- 10.28.210 Parking permit – Display required.
- 10.28.220 Parking permit – Not transferable.
- 10.28.230 Illegally parked vehicle – Citation requirements.
- 10.28.240 Citation – Owner responsibility.
- 10.28.250 Citation – Registered owner presumption.
- 10.28.260 Citation – Failure to comply.
- 10.28.270 *Parking Fine Schedule. Repealed.*
- 10.28.280 Multiple Parking Violations.
- 10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

* For statutory provisions on city power to control parking, see ORS [487.890](#).

10.28.010 Parking – Two-hour and 30-minute zones created.

Parking zones of two hours' and of 30 minutes' duration are created within the central business district and residential zones in those areas designated by the city manager or his or her designee. No vehicle as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 3727 §2, 1974).

10.28.015 Parking – Ten and 15 minute zones.

The city manager or his or her designee may designate 10 and 15 minute parking zones within the central business district and residential zones. No vehicle, as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 4716 §3, 2000).

10.28.020 Parking or standing – Exemptions for certain official vehicles.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 3629 §33, 1972).

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 30 consecutive minutes.
 - C. A motor truck, as defined by ORS [801.355](#), on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day unless a revocable permit is obtained from the city police department. The permit shall be for a six-month or a 12-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 Section [10.28.205](#).

J. A vehicle in any area where parking is permanently prohibited by order of the city manager or their designee, pursuant to Section [10.08.020](#).

K. A vehicle in any area where parking has been temporarily prohibited by order of the city manager pursuant to Section [10.08.020](#) and traffic control devices have been installed to provide notice of the prohibition. (Ord. 5055 §1 (Exh. 1 §1), 2018; Ord. 5049 §1 (Exh. 1 §2), 2018; Ord. 4788 §2, 2003; Ord. 3874 §1, 1977; Ord. 3629 §24, 1972).

10.28.040 Parking – Adams Street restrictions.

It is unlawful for any person to park any vehicle on the east side of Adams Street north of Twelfth Street for a distance of one hundred feet. (Ord. 4788 §2, 2003; Ord. 3063 §1, 1962).

10.28.050 Parking – Third Street restrictions.

It is unlawful for any person to park any vehicle on Third Street between Adams Street and Johnson Street in the city from three a.m. to six a.m. of any day. (Ord. 4788 §2, 2003; Ord. 3092 §1, 1963).

10.28.060 Parking – Highway North 99W restrictions.

It is unlawful for any person to park any vehicle on either side of Highway North 99W from Seventeenth Street to Lafayette Avenue. (Ord. 3555 §1, 1971).

10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.

Any person violating any of the provisions of MMC [10.28.040](#) through [10.28.060](#) shall, upon conviction be fined in an amount not to exceed three hundred dollars. (Ord. 4788 §2, 2003; Ord. 3555 §2, 1971; Ord. 3092 §2, 1963; Ord. 3063 §2, 1962).

10.28.080 Parking – For sale, repair or ~~abandoned 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; ~~or~~
- E. Abandoning the vehicle. ~~A vehicle that meets the definition of "abandoned vehicle". Abandoned vehicles~~ may be tagged for tow ~~immediately after the City complies with the requirements in Section 10.28.085.~~ ~~Abandoned vehicles may be towed 24~~ Twenty-four (24) hours after the notice ~~to tow~~ has been affixed to the vehicle, ~~the abandoned vehicle may be towed~~ at the owner's expense; ~~or~~

~~F. Storing a vehicle, as prohibited under MMC 10.28.090.-~~ (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

10.28.085 Communication to owner of abandoned vehicle.

A. The City may tag an abandoned vehicle for tow after compliance with the following requirements:

1. The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected. If

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the City believes that the vehicle may be lived in, the City will also provide an informational flyer regarding prohibited camping, as well as available outreach services.

2. In addition to the informational flyers, if the City believes the vehicle may be lived in, the City must attempt to make contact in-person with the individual(s) residing in the vehicle either simultaneously with posting the flyers stated in subsection 1 above or at a separate time, and must provide information for how the resident can achieve compliance to avoid towing the vehicle.

B. The City must retain evidence of its compliance with the requirements in Subsection A above.

C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

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10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, the owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored,” “junk,” for purposes of enforcing MMC 10.28.080 and MMC Chapter 10.44 (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

10.28.100 Calculation of Maximum Parking Time Limits.

Where a maximum parking time limit is designated by sign, the time period shall begin at the first instance that the vehicle is parked along a block face or within a parking lot during a parking day. Any vehicle parked within the same block face or parking lot after the expiration of the maximum parking time limit during a single parking day shall be in violation of the parking time limit, notwithstanding that the vehicle may have been moved to another location within the same block face or parking lot, or that the vehicle may have departed and returned to the same block face or parking lot during that parking day.

A. “Block face” is defined as one side of the street between two intersecting streets.

B. “Parking day” is defined as a single calendar day between the hours of 9 a.m. and 6 p.m. (Ord. 5007, 2016; Ord. 4985, 2014; Ord. 3629 §32, 1972).

10.28.110 Parking or standing – Methods and restrictions.

A. No person shall park or leave a vehicle in a street, other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

B. Where parking space markings are placed on a street, no person shall park or leave standing a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

C. The operator who first begins maneuvering his or her vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him or her of his or her priority or block his or her access. (Ord. 4788 §2, 2003; Ord. 3629 §23(1—3), 1972).

10.28.120 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet from the vehicle. (Ord. 3629 §31, 1972).

10.28.130 Parked vehicle – Removing ignition key required when.

No operator or person in charge a motor vehicle shall park it or allow it to be parked on a street, on other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed. (Ord. 4788 §2, 2003; Ord. 3629 §27, 1972).

10.28.140 Parked vehicle – Police authorized to remove ignition key when.

Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle in violation of MMC [10.28.130](#), the police officer is authorized to remove the key from vehicle and deliver the key to the police department. (Ord. 4788 §2, 2003; Ord. 3629 §28, 1972).

10.28.150 Vehicles parked near fire – Removal requirements.

Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the fire department has been summoned, he or she shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 4788 §2, 2003; Ord. 3629 §23(4), 1972).

10.28.160 Buses and taxicabs – Parking and standing restrictions generally.

The operation of a bus or taxicab shall not park or leave standing the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers. (Ord. 4788 §2, 2003; Ord. 3629 §29, 1972).

10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.

No person shall stand or park a vehicle other than a taxicab in a taxicab space, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 4788 §2, 2003; Ord. 3629 §30, 1972).

10.28.180 Loading zone – Commercial vehicle regulations.

A. The use of loading zones is restricted to commercial vehicles, and no person shall park or leave standing a commercial vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone, when the hours applicable to that loading zone are in effect. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

B. “Commercial vehicle” means a vehicle identified by permanent lettering conspicuously painted on the body of the vehicle or identified by the use of electromagnetic sign plates, either of which must be on the exterior of the vehicle, or a vehicle registered with the state and displaying a valid Oregon State Motor Vehicle Public Utilities Commission license plate issued for said vehicle. (Ord. 4788 §2, 2003; Ord. 3741 §1, 1975; Ord. 3629 §26, 1972).

10.28.190 Parking permit for certain commercial or service vehicles.

A. *Downtown Resident Parking Permits.* Residents who reside in the downtown core area may apply for a “Downtown Residential Parking Permit” to avoid receiving over-time parking citations. All outstanding parking citations must be paid before a permit will be issued. There will be a limited number of residential parking spaces available in the downtown core area. Permits will be issued on a first com, first served basis. No more than one parking permit will be issued to any residential address in the downtown area. No more than two permits will be issued in a one block area. The chief of police or his or her designee will determine the location(s) in which permitted vehicles will be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#).

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the automobile is registered to the applicant.
- 2 A valid driver’s license or identification card; and
- 3 Proof of residency (e.g., a gas, electric, or telephone bill).

The residential parking permit must be prominently displayed in or on the vehicle. The issuance of a residential permit does not guarantee that there will be a parking space available for the permit holder. Permits area assigned to a particular vehicle and are not transferable. Permits are on a first come, first served basis. The cost of the parking permit will be set by resolution determined by the McMinnville city council.

B. *Commercial/delivery permits.* Business owners in the downtown core area whose business consists of delivering consumer goods at minimum twice per day on business days may apply for a commercial/delivery parking permit. All outstanding parking citations must be paid prior to a permit being issued. Only one permit shall be allowed per business. Subject to the provisions of this section, a vehicle prominently displaying a commercial/delivery parking permit may be parked in a regular parking space. Commercial/delivery permits are not valid in loading zones or parking spaces with a time limit of less than two hours. The chief of police or his or her designee will assign the location for the permitted vehicle to be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#). The cost of the commercial/delivery permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the vehicle is registered to the owner of the business or to a designated employee;
- 2 Proof of business necessity for permit; and
- 3 Proof that vehicle is “commercially marked.”

a “Commercial vehicle” means a vehicle identified by any of the following:

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- i Permanent lettering conspicuously painted on the body of the vehicle;
 - ii Electromagnetic sign plates, which may be on the exterior of the vehicle, of not less than 120 square inches in size;
 - iii The vehicle is registered with the state and displays valid Oregon State Motor Vehicle Public Utility Commission license plates issued for the vehicle.

A commercial/delivery permit must be prominently displayed in or on the vehicle. The issuance of a commercial/delivery permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable.

C. *Residential Permit Parking Zone Permits.* Residential parking permits in a form prescribed and issued by the chief of police or his or her designee may be issued to residents who would not otherwise be allowed to park near their residence due to restricted parking. No more than two permits will be issued to any residential address in a restricted residential zone as determined by the McMinnville city council. The cost of the permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid driver's license or identification card; and
- 2 Proof of residency (e.g., a gas, electric, or telephone bill).

A residential permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder.

D. *Service/repair permits.* Parking permits in a form prescribed and issued by the chief of police or his or her designee shall be issued to commercial and service vehicles for use in conjunction with work being performed or services being rendered within two hundred feet of a parking space. Permits may be used for construction, installation, relocation, maintenance, or repair of streets, sidewalks, alleyways, parking lots, buildings, structures, or landscaping or other work on communication, power, gas, water, sewer, or other utility cables, mains, or pipelines. The permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable. The chief of police or his or her designee will determine the locations for the vehicle to be parked. The cost of the permit will set by resolution of the McMinnville city council. (Ord. 4788 §2, 2003).

10.28.200 Courtesy Parking permits.

The chief of police or his or her designee may, in his or her discretion, make courtesy permits available to visitors of the city. Such permits shall be valid for not more than three days and shall be without cost to the visitors. These permits, if properly displayed in accordance with the direction prescribed by the chief of police,

shall authorize the permittee to park his or her vehicle without regard to time limits and without having to pay the meter fees in any parking space allowing over 30 minutes of continuous parking. (Ord. 4788 §2, 2003; Ord. 3629 §73, 1972).

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:

- A. The permit will be valid for not more than 72 consecutive hours;
- B. 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;
- C. A single recreational vehicle may not be issued more than four parking permits during a calendar year, regardless of location parked;
- D. 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;
- E. The permit does not allow for parking of a recreational vehicle in excess of any posted time limit for parking. (Ord. 5049 §1 (Exh. 1 §4), 2018).

10.28.210 Parking permit – Display required.

It shall be the duty of the person parking a vehicle with a properly issued permit to display the identification card in plain sight within the driver’s compartment of the vehicle for which the card was issued. (Ord. 3629 §71, 1972).

10.28.220 Parking permit – Not transferable.

No person shall use an identification card for a vehicle other than the vehicle for which it was issued nor while using the licensed vehicle for any purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits. (Ord. 3629 §72, 1972).

10.28.230 Illegally parked vehicle – Citation requirements.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer or other individual charged with the duty of enforcing the parking regulations of this title shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a parking citation for the operator to answer to the charge against him or her, or pay the penalty imposed during the hours and at a place specified in the citation. (Ord. 4788 §2, 2003; Ord. 3727 §4, 1974; Ord. 3629 §56, 1972).

10.28.240 Citation – Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner’s consent. (Ord. 3629 §58, 1972).

10.28.250 Citation – Registered owner presumption.

In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he or she was then the owner in fact. (Ord. 4788 §2, 2003; Ord. 3629 §59, 1972).

10.28.260 Citation – Failure to comply.

If the operator does not respond to a parking citation affixed to the vehicle within a period of ten days, the city will increase the fine. If the operator does not respond to this increased fine, a summons shall be issued. (Ord. 4788 §2, 2003; Ord. 3727 §5, 1974; Ord. 3629 §57, 1972).

10.28.270 Parking Fine Schedule.

Repealed by [Ord. 4788](#) §2, 2003.

10.28.280 Multiple Parking Violations.

Each violation of the maximum lawful parking time designated for a metered or limited time parking zone shall constitute a separate offense. Each 24-hour period during which a vehicle is parked in violation of MMC [10.28.030](#) and [10.28.080\(A\)](#) through [\(D\)](#) shall constitute a separate offense. (Ord. 4788 §2, 2003; Ord. 4716 §2, 2000).

10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

A. The provisions of this section apply only when parking has been temporarily prohibited on a street for:

1. Street or utility maintenance, repair, or rehabilitation purposes.
2. Construction activities on public or private property adjacent to the street.
3. Public events on streets authorized by city permit.

B. Any vehicle parked on a street in violation of Section [10.28.030](#) may be towed according to the provisions of this section, upon the order of the city manager, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required to provide immediate access for a purpose described in subsection [A](#) of this section.

C. The city manager or designee may:

1. Order a vehicle to be towed to a legal parking space on a street within the vicinity of the prohibited area, in which case the cost of towing the vehicle will be paid by the city if requested by the city, or the permittee if requested by the permittee.
 2. If, not less than 24 hours prior to the effective time and date of the prohibition, the city has installed and maintained traffic control devices giving notice of the parking prohibition, the city manager or designee may order the vehicle to be towed and stored as set forth in ORS [98.812](#). (Ord. 5055 §1 (Exh. 1 §2), 2018).
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Chapter 10.44
ABANDONED VEHICLES

Sections:

- 10.44.010 Impoundment – police department’s duty.
- 10.44.020 Identification of owner.
- 10.44.030 Notice to owner.
- 10.44.040 Return to owner – Conditions.
- 10.44.045 Hearing.
- 10.44.050 Sale – Notice publication required.
- 10.44.060 Sale – To highest bidder.
- 10.44.070 Sale – Disposition of proceeds.
- 10.44.080 Sale – Certificate.
- 10.44.090 Delivery to purchaser.
- 10.41.100 Payment to owner following sale – Conditions.
- 10.44.110 Applicability of chapter provisions.

10.44.010 Impoundment – police department’s duty.

It shall be the duty of the police department of the city, whenever a motor vehicle is found abandoned on the streets of the city, or is found without an owner claiming the same, or by reason of arrest or in any other manner comes into the hands of the police department without a claimant, to either place the same upon property of the city for further disposition or store the same with some reputable motor vehicle storage yard or garage pending investigation into the ownership of said motor vehicle. (Ord. 1980 §1, 1939).

10.44.020 Identification of owner.

The chief of police, upon finding any vehicle as specified in MMC [10.44.010](#), or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee, or any other person interested therein, and shall examine said motor vehicle for the license number, motor number, serial number, make and style, and for any other information which will aid in the identification of the owner, conditional vendor, mortgagee or other interested person. (Ord. 1980 §2, 1939).

10.44.030 Notice to owner.

After having acquired all available information, the chief of police shall immediately transmit the same to the secretary of state of Oregon with an inquiry for the name and address of the owner, conditional vendor, mortgagee or other interested person. If the owner, conditional vendor, mortgagee or other person interested in found and identified, he shall immediately be notified by registered letter that the motor vehicle is held by the chief of police of the city and will be sold at public auction at a definite place in the city on a day certain at ten a.m. in the morning of such day to the highest and best bidder for cash, which such sale shall not be held until ten days have elapsed from the receipt by the owner of the registered notice. (Ord. 1980 §3, 1939).

10.44.040 Return to owner – Conditions.

If the owner, conditional vendor, mortgagee or other person interested applied to the chief of police, before a sale has taken place, for the return of the motor vehicle, specified in MMC [10.44.010](#), submits to the chief of police satisfactory evidence of his interest therein, and tenders with said application the cost in the seizing, keeping and making sale of said motor vehicle, the chief of police, upon being satisfied that the claim is rightful, shall surrender the same to the claimant. (Ord. 1980 §5, 1939).

10.44.045 Hearing.

A. The owner(s) and any other persons who reasonably appear to have an interest in the abandoned vehicle are, upon timely application filed pursuant to Section 2.50.510(B)(2), entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

B. A person requesting a hearing must submit such request within 5 days from the mailing date of the notice. The 5-day period does not include City-recognized holidays, Saturdays or Sundays.

C. Failure to timely request a hearing and/or failure to submit the required information will result in the summary denial of the request by the City.

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10.44.050 Sale – Notice publication required.

If the owner, conditional vendor, mortgagee or other person interested cannot be found after due diligence as set forth in this chapter, then the chief of police shall cause to be published in some newspaper of general circulation published in the county a notice embodying the foregoing information, which shall be published

two times, the first publication of which shall be made more than ten days before such proposed sale. (Ord. 1980 §4, 1939).

10.44.060 Sale – To highest bidder.

If no claim has been made before the time set for sale of the vehicle, the chief of police shall, at the time and place appointed, within view of the motor vehicle to be sold, offer for sale and shall sell said motor vehicle to the highest and best bidder for cash, and in default of bids from others for a greater sum, shall bid the same in for the city at the amount of its costs incurred in its seizing, keeping and offering for sale of the same. (Ord. 1980 §6, 1939).

10.44.070 Sale – Disposition of proceeds.

The proceeds of the sale shall be first applied to the payment of costs incurred in the seizing, keeping and making such sale, and the balance, if any, shall be paid to the treasurer of the city to be credited to the general fund. (Ord. 1980 §7, 1939).

10.44.080 Sale – Certificate.

At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the recorder of the city, which certificate of sale shall be substantially in the following form:

“CERTIFICATE OF SALE

This is to certify that under the provisions of ordinance No. [1980](#), entitled ‘An ordinance providing for the disposition of motor vehicles coming into the hands of the police department of the city of McMinnville, through abandonment by the owner, arrest, or otherwise, and declaring an emergency,’ and pursuant to due notice of time and place of sale I did on the _____ day of _____, 19_____, sell at public auction to _____ for the sum of \$_____, cash, he being the highest and best bidder, and that being the highest and best sum bid therefore, the following described personal property, to wit: (Brief description of property) _____. And in consideration of the payment of said sum of \$_____ receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. Dated this _____ day of _____, 19_____.

Chief of police.

Note: The city of McMinnville assumes no responsibility as to the condition of title of the above described property.
In case this sale shall for any reason be invalid the liability of the city is limited to the return of the purchase price.”

(Ord. 1980 §8, 1939).

10.44.090 Delivery to purchaser.

Upon such sale being consummated, the chief of police shall deliver the possession of the motor vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 1980 §9, 1939).

10.41.100 Payment to owner following sale – Conditions.

At any time within one year after such sale, the owner of any property sold as provided in this chapter shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefor to the council and presenting satisfactory proof of ownership. (Ord. 1980 §10, 1939).

10.44.110 Applicability of chapter provisions.

This chapter shall apply to all motor vehicles and parts thereof now in possession of the chief of police as well as to all such as may hereafter be taken into possession. (Ord. 1980 §1, 1939) and charges have been paid. Vehicles impounded under authority of this section shall be disposed of in the same manner as provided in MMC [10.48.020](#). (Ord. 3629 §60(5), 1972).

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.

10.04.010 Short title.

The ordinance codified in this title may be cited as “the city of McMinnville uniform traffic ordinance.” (Ord. 3629 §1, 1972).

10.04.020 Applicability of state traffic laws.

Violations under the Oregon Vehicle Code adopted by the Oregon State Legislature shall be an offense against the city. (Ord. 4400 §2, 1987).

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:

“Abandoned vehicle” means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, without having been issued a permit pursuant to Section 10.28.205, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration;
2. The vehicle fails to have vehicle insurance as required by the state of Oregon;
3. The vehicle appears to be inoperative or disabled;or
4. The vehicle appears to be wrecked, partially dismantled or junked;~~or~~

~~5. The vehicle appears to have been abandoned by its owner.~~

“Bicycle” means a nonmotorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

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

“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.

“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.

“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.

“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.

“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.

“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.

“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.

“Stop” means complete cessation of movement.

“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 (1) of this definition, 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.

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

“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.

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

“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. In this Title 10, “Vehicle,” as used in subsequent sections of this title, includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

ATTACHMENT 3

Chapter 10.28 STOPPING, STANDING AND PARKING*

Sections:

- 10.28.010 Parking – Two-hour and 30-minute zones created.
- 10.28.015 Parking – Ten and 15 minute zones.
- 10.28.020 Parking or standing – Exemptions for certain official vehicles.
- 10.28.030 Parking or standing – Prohibited in designated locations.
- 10.28.040 Parking – Adams Street restrictions.
- 10.28.050 Parking – Third Street restrictions.
- 10.28.060 Parking – Highway North 99W restrictions.
- 10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.
- 10.28.080 Parking – For sale, repair or ~~storage~~abandoned prohibited when.

- 10.28.085 Communication to owner of abandoned vehicle.
- 10.28.090 Overtime parking prohibited – Fines.
- 10.28.100 Calculation of Maximum Parking Time Limits.
- 10.28.110 Parking or standing – Methods and restrictions.
- 10.28.120 Lights on parked vehicle.
- 10.28.130 Parked vehicle – Removing ignition key required when.
- 10.28.140 Parked vehicle – Police authorized to remove ignition key when.
- 10.28.150 Vehicles parked near fire – Removal requirements.
- 10.28.160 Buses and taxicabs – Parking and standing restrictions generally.
- 10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.
- 10.28.180 Loading zone – Commercial vehicle regulations.
- 10.28.190 Parking permit for certain commercial or service vehicles.
- 10.28.200 Courtesy Parking permits.
- 10.28.205 Recreational vehicle parking permit.
- 10.28.210 Parking permit – Display required.
- 10.28.220 Parking permit – Not transferable.
- 10.28.230 Illegally parked vehicle – Citation requirements.
- 10.28.240 Citation – Owner responsibility.
- 10.28.250 Citation – Registered owner presumption.
- 10.28.260 Citation – Failure to comply.
- 10.28.270 *Parking Fine Schedule. Repealed.*
- 10.28.280 Multiple Parking Violations.
- 10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

* For statutory provisions on city power to control parking, see ORS [487.890](#).

10.28.010 Parking – Two-hour and 30-minute zones created.

Parking zones of two hours' and of 30 minutes' duration are created within the central business district and residential zones in those areas designated by the city manager or his or her designee. No vehicle as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 3727 §2, 1974).

10.28.015 Parking – Ten and 15 minute zones.

The city manager or his or her designee may designate 10 and 15 minute parking zones within the central business district and residential zones. No vehicle, as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 4716 §3, 2000).

10.28.020 Parking or standing – Exemptions for certain official vehicles.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 3629 §33, 1972).

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 30 consecutive minutes.
- C. A motor truck, as defined by ORS [801.355](#), on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day unless a revocable permit is obtained from the city police department. The permit shall be for a six-month or a 12-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 Section [10.28.205](#).

J. A vehicle in any area where parking is permanently prohibited by order of the city manager or their designee, pursuant to Section [10.08.020](#).

K. A vehicle in any area where parking has been temporarily prohibited by order of the city manager pursuant to Section [10.08.020](#) and traffic control devices have been installed to provide notice of the prohibition. (Ord. 5055 §1 (Exh. 1 §1), 2018; Ord. 5049 §1 (Exh. 1 §2), 2018; Ord. 4788 §2, 2003; Ord. 3874 §1, 1977; Ord. 3629 §24, 1972).

10.28.040 Parking – Adams Street restrictions.

It is unlawful for any person to park any vehicle on the east side of Adams Street north of Twelfth Street for a distance of one hundred feet. (Ord. 4788 §2, 2003; Ord. 3063 §1, 1962).

10.28.050 Parking – Third Street restrictions.

It is unlawful for any person to park any vehicle on Third Street between Adams Street and Johnson Street in the city from three a.m. to six a.m. of any day. (Ord. 4788 §2, 2003; Ord. 3092 §1, 1963).

10.28.060 Parking – Highway North 99W restrictions.

It is unlawful for any person to park any vehicle on either side of Highway North 99W from Seventeenth Street to Lafayette Avenue. (Ord. 3555 §1, 1971).

10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.

Any person violating any of the provisions of MMC [10.28.040](#) through [10.28.060](#) shall, upon conviction be fined in an amount not to exceed three hundred dollars. (Ord. 4788 §2, 2003; Ord. 3555 §2, 1971; Ord. 3092 §2, 1963; Ord. 3063 §2, 1962).

10.28.080 Parking – For sale, repair or abandoned 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. A vehicle that meets the definition of “abandoned vehicle” may be tagged for tow ~~immediately after the City complies with the requirements in Section 10.28.085~~. Twenty-four (24) hours after the notice to tow has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; or
- F. Storing a vehicle, as prohibited under MMC 10.28.090. (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

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10.28.085 Communication to owner of abandoned vehicle.

- A. The City may tag an abandoned vehicle for tow after compliance with the following requirements:
 - 1. The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected. If

the City believes that the vehicle may be lived in, the City will also provide an informational flyer regarding prohibited camping, as well as available outreach services.

2. In addition to the informational flyers, if the City believes the vehicle may be lived in, the City must attempt to make contact in-person with the individual(s) residing in the vehicle either simultaneously with posting the flyers stated in subsection 1 above or at a separate time and must provide information for how the resident can achieve compliance to avoid towing the vehicle.

B. The City must retain evidence of its compliance with the requirements in Subsection A above.

C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, the owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored” for purposes of enforcing MMC [10.28.080](#) and [MMC Chapter 10.44](#) (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

10.28.100 Calculation of Maximum Parking Time Limits.

Where a maximum parking time limit is designated by sign, the time period shall begin at the first instance that the vehicle is parked along a block face or within a parking lot during a parking day. Any vehicle parked within the same block face or parking lot after the expiration of the maximum parking time limit during a single parking day shall be in violation of the parking time limit, notwithstanding that the vehicle may have been moved to another location within the same block face or parking lot, or that the vehicle may have departed and returned to the same block face or parking lot during that parking day.

A. “Block face” is defined as one side of the street between two intersecting streets.

B. “Parking day” is defined as a single calendar day between the hours of 9 a.m. and 6 p.m. (Ord. 5007, 2016; Ord. 4985, 2014; Ord. 3629 §32, 1972).



**City of
McMinnville**

ADMINISTRATION

MMC Title 10 Updates – Towing of Abandoned Vehicles

January 25, 2022

Added on 01.26.22

Amended on 01.26.22
110 of 196

Roadmap for Discussion

- Recommending continuance to February 8, 2022 meeting
- How we got here
- Proposed revisions
- Next steps

How We Got Here

- January 11, 2022 Meeting
 - Clarification of current process to contact/inform vehicle owner
- Reviewed recent HB 3124 revising ORS 203.079
- Reviewed interplay between Code provisions on camping and abandoned vehicles
 - MMC Chapter 8.36 and MMC Title 10
 - Definition of “campsite” and definition of “vehicle”
 - No definition of “established”
- Proposing to separate “abandoned vehicles” from bicycles and vehicles believed to be inhabited
- Further proposals so processes are clear for staff and community

Overview of Revisions

- Revisions included in Council packet (Attachments 2 and 3)
 - Revised definition of abandoned vehicle
 - Revised definition of vehicle
 - Provided current process for contacting/informing vehicle owner prior to tagging for tow
- Further revisions after Council packet
 - Revised Chapter 8.36 (Camping) to address RV campsites
 - Further revised definition of abandoned vehicle to exclude inhabited vehicles
 - Further revised process for communicating with owner to reflect above changes

Revisions Since Jan 11 Meeting:

Initial revisions provided in Council packet

- Removed “appears to be abandoned” from abandoned vehicle definition

“Abandoned vehicle” means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, without having been issued a permit pursuant to Section 10.28.205, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration;
2. The vehicle fails to have vehicle insurance as required by the state of Oregon;
3. The vehicle appears to be inoperative or disabled; or
4. The vehicle appears to be wrecked, partially dismantled or junked; ~~or~~
5. ~~The vehicle appears to have been abandoned by its owner.~~

- Removed bicycles from vehicle definition when dealing with abandoned vehicles

“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. In this Title 10, “Vehicle,” as used in subsequent sections of this title,” includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Revisions Since Jan 11 Meeting:

Initial revisions provided in Council packet

- Proposed to codify current police practices to inform owner/user of the vehicle prior to noticing for tow

E. Abandoning the vehicle. A vehicle that meets the definition of “abandoned vehicle” may be tagged for tow ~~immediately after the City complies with the requirements in Section 10.28.085.~~ Twenty-four (24) hours after the notice to tow has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; or

10.28.085 Communication to owner of abandoned vehicle.

A. The City may tag an abandoned vehicle for tow after compliance with the following requirements:

1. The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected. If the City believes that the vehicle may be lived in, the City will also provide an informational flyer regarding prohibited camping, as well as available outreach services.
2. In addition to the informational flyers, if the City believes the vehicle may be lived in, the City must attempt to make contact in-person with the individual(s) residing in the vehicle either simultaneously with posting the flyers stated in subsection 1 above or at a separate time and must provide information for how the resident can achieve compliance to avoid towing the vehicle.

B. The City must retain evidence of its compliance with the requirements in Subsection A above.

C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

Added on 01.26.22



**City of
McMinnville**

Amended on 01.26.22
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Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Camping Code Provisions

- Add definition for “established” in camping ordinance (MMC 8.36.010)

"Established" means the creation, installation, or placement of camp facilities and/or camp paraphernalia.

Camp facilities and/or camp paraphernalia are considered to establish a new campsite if moved more than 500 feet from the prior location.

- Add enforcement provision regarding HB 3124 (MMC 8.36.040)

D. The provisions of this Chapter will be enforced in accordance with ORS 203.079 or until released by the City Prosecutor. Vehicles that are being held by the City under this Chapter will be released to the legal owner or interest holder who has evidence of the following: (1) ownership or legal right to possession; and (2) valid, current automobile insurance covering the vehicle. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Vehicle Code Provisions

- Further revise definition for “abandoned vehicle” to exclude inhabited vehicles (MMC 10.04.010)

“Abandoned vehicle” means a vehicle that remains ~~parked or kept on a public right-of-way in violation~~ for more than 24 hours, ~~without having been issued a permit pursuant to Section 10.28.205~~, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate, ~~or~~ fails to display current registration;
2. ~~The vehicle~~ ~~or~~ fails to have vehicle insurance as required by the state of Oregon;
23. The vehicle appears to be inoperative or disabled; or
34. The vehicle appears to be wrecked, partially dismantled or junked; ~~or~~
45. ~~The vehicle appears to have been abandoned by its owner.~~

A vehicle the City believes to be inhabited is not an “abandoned vehicle” for the purposes of this Title, but may be subject to the camping provisions in Chapter 8.36.

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Vehicle Code Provisions

- Further revise communications to owner of “abandoned vehicle” based on revised “abandoned vehicle” definition (MMC 10.28.085)

10.28.085 Communication to owner of abandoned vehicle.

- A. The City may tag an abandoned vehicle for tow after compliance with the following requirement: The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected.
- B. The City must retain evidence of its compliance with the requirements in Subsection A above.
- C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Parking of bicycles with pods

- Bicycles currently not allowed to park on street (MMC 10.36.150)
- Two options:
 - Allow bicycles to park on street – current practice, but safety concerns
 - Revise prohibition of parking in planter strips to only apply to motor vehicles – could compromise access to utilities and damage landscaping/irrigation

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:

F. A motor 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.

Next Steps

- Recommend continue consideration of Ordinance No. 5109 to February 8, 2022

Chapter 8.36 CAMPING

Sections:

- 8.36.010 Definitions.
- 8.36.020 Temporary camping program.
- 8.36.030 Prohibited camping.
- 8.36.040 Penalties and enforcement.

8.36.010 Definitions.

For the purpose of this chapter, the following definitions will apply:

“Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“City property” means any real property or structures owned, leased or managed by the city, including public rights-of-way.

“Designated temporary campsite” means a campsite that is authorized by Sections [8.36.020](#) through [8.36.040](#).

“Established” means the creation, installation, or placement of camp facilities and/or camp paraphernalia. Camp facilities and/or camp paraphernalia are considered to establish a new campsite if moved more than 500 feet from the prior location.

“Family” means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.

“Motor vehicle” has the meaning set forth in Section [10.04.030](#), and for the purposes of this chapter, includes recreational vehicles.

“Park areas” has the meaning set forth in Section [12.36.020\(A\)\(3\)](#).

“Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Prohibited campsite” means any campsite:

1. Described in the Sections [8.36.020](#) through [8.36.040](#); or
2. Not authorized under the McMinnville City Code.

“Recreational vehicle” has the meaning set forth in the Section [10.04.030](#).

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“Solid waste disposal services” means contracted solid waste collection service for a campsite with the city’s exclusive franchisee for the collection of solid waste.

“Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of McMinnville that is publicly owned or maintained for public vehicular travel.

“Urban renewal area” has the meaning set forth in the McMinnville urban renewal plan adopted by ordinance No. [4972](#) and amended by resolution No. 2014-01. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.020 Temporary camping program.

A. With authorization of the property owner of the property:

1. Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 - a. Real property developed and owned by a religious institution, place of worship, or public agency, regardless of the zoning designation of the property;
 - b. Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;
 - c. Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.

2. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for camping by either:
 - a. Using a tent to camp in the back yard of the residence; or
 - b. Using a single motor vehicle parked in the driveway of the dwelling.
- B. A property owner who authorizes any person to camp on a property pursuant to subsection [A](#) of this section must:
1. Provide or make available sanitary facilities;
 2. Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 4. Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
 5. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- C. A property owner who permits overnight sleeping pursuant to subsection [A](#) of this section may revoke that permission at any time and for any reason.
- D. Notwithstanding any other provision of this chapter, the city manager or their designee may:
1. Revoke the right of any person to authorize camping on property described in subsection [A](#) of this section upon finding that any activity occurring on that property by the campers is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 2. Revoke permission for a person or family to sleep overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property or adjacent properties.
- E. Any person whose authorization to camp on property has been revoked pursuant to subsections [B](#) and [C](#) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
- F. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or

agents, with respect to any loss related to bodily injury (including death) or property damage (including destruction). (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.030 Prohibited camping.

A. Except as expressly authorized by the McMinnville Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:

1. All park areas;
2. All public property located within the boundaries of the McMinnville urban renewal area;
3. All publicly owned or maintained parking lots; and
4. All public property located within an area zoned for residential use under Title [17](#) of this code.

B. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any city property during the hours of 6:30 a.m. to 9:30 p.m.

C. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any city property during the hours of 6:30 a.m. to 9:30 p.m.

D. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time and location:

1. In the event of emergency circumstances;
2. In conjunction with a special event permit; or
3. Upon finding it to be in the public interest and consistent with council goals and policies.

E. The city manager may adopt administrative rules to implement any of the provisions of this chapter. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.040 Penalties and enforcement.

A. Violation of any provisions in Section [8.36.020](#) is a Class C violation pursuant to ORS [153.012](#). Each day that a violation occurs will be considered a separate offense.

B. Violations of any provisions in Section [8.36.030](#) is a Class C misdemeanor or pursuant to ORS [161.555\(1\)\(d\)](#).

C. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

D. The provisions of this Chapter will be enforced in accordance with ORS 203.079 or until released by the City Prosecutor. Vehicles that are being held by the City under this Chapter will be released to the legal owner or interest holder who has evidence of the following: (1) ownership or legal right to possession; and (2) valid, current automobile insurance covering the vehicle. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.

10.04.010 Short title.

The ordinance codified in this title may be cited as “the city of McMinnville uniform traffic ordinance.” (Ord. 3629 §1, 1972).

10.04.020 Applicability of state traffic laws.

Violations under the Oregon Vehicle Code adopted by the Oregon State Legislature shall be an offense against the city. (Ord. 4400 §2, 1987).

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:

“Abandoned vehicle” means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, without having been issued a permit pursuant to Section 10.28.205, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration;
2. The vehicle fails to have vehicle insurance as required by the state of Oregon;
3. The vehicle appears to be inoperative or disabled; or
4. The vehicle appears to be wrecked, partially dismantled or junked.

A vehicle the City believes to be inhabited is not an “abandoned vehicle” for the purposes of this Title, but may be subject to the camping provisions in Chapter 8.36.

“Bicycle” means a nonmotorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

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

“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.

“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.

“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.

“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.

“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.

“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.

“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.

“Stop” means complete cessation of movement.

“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 (1) of this definition, 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.

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

“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.

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

“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. In this Title 10, “Vehicle” includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Chapter 10.28
STOPPING, STANDING AND PARKING*

Sections:

- 10.28.010 Parking – Two-hour and 30-minute zones created.
- 10.28.015 Parking – Ten and 15 minute zones.
- 10.28.020 Parking or standing – Exemptions for certain official vehicles.
- 10.28.030 Parking or standing – Prohibited in designated locations.
- 10.28.040 Parking – Adams Street restrictions.
- 10.28.050 Parking – Third Street restrictions.
- 10.28.060 Parking – Highway North 99W restrictions.
- 10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.
- 10.28.080 Parking – For sale, repair or abandoned prohibited when.
- 10.28.085 Communication to owner of abandoned vehicle.
- 10.28.090 Overtime parking prohibited – Fines.
- 10.28.100 Calculation of Maximum Parking Time Limits.
- 10.28.110 Parking or standing – Methods and restrictions.
- 10.28.120 Lights on parked vehicle.
- 10.28.130 Parked vehicle – Removing ignition key required when.
- 10.28.140 Parked vehicle – Police authorized to remove ignition key when.
- 10.28.150 Vehicles parked near fire – Removal requirements.
- 10.28.160 Buses and taxicabs – Parking and standing restrictions generally.
- 10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.
- 10.28.180 Loading zone – Commercial vehicle regulations.
- 10.28.190 Parking permit for certain commercial or service vehicles.
- 10.28.200 Courtesy Parking permits.
- 10.28.205 Recreational vehicle parking permit.
- 10.28.210 Parking permit – Display required.
- 10.28.220 Parking permit – Not transferable.
- 10.28.230 Illegally parked vehicle – Citation requirements.
- 10.28.240 Citation – Owner responsibility.
- 10.28.250 Citation – Registered owner presumption.
- 10.28.260 Citation – Failure to comply.
- 10.28.270 *Parking Fine Schedule. Repealed.*
- 10.28.280 Multiple Parking Violations.
- 10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

* For statutory provisions on city power to control parking, see ORS [487.890](#).

10.28.010 Parking – Two-hour and 30-minute zones created.

Parking zones of two hours' and of 30 minutes' duration are created within the central business district and residential zones in those areas designated by the city manager or his or her designee. No vehicle as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 3727 §2, 1974).

10.28.015 Parking – Ten and 15 minute zones.

The city manager or his or her designee may designate 10 and 15 minute parking zones within the central business district and residential zones. No vehicle, as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 4716 §3, 2000).

10.28.020 Parking or standing – Exemptions for certain official vehicles.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 3629 §33, 1972).

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 30 consecutive minutes.
- C. A motor truck, as defined by ORS [801.355](#), on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day unless a revocable permit is obtained from the city police department. The permit shall be for a six-month or a 12-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 motor 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 Section [10.28.205](#).

J. A vehicle in any area where parking is permanently prohibited by order of the city manager or their designee, pursuant to Section [10.08.020](#).

K. A vehicle in any area where parking has been temporarily prohibited by order of the city manager pursuant to Section [10.08.020](#) and traffic control devices have been installed to provide notice of the prohibition. (Ord. 5055 §1 (Exh. 1 §1), 2018; Ord. 5049 §1 (Exh. 1 §2), 2018; Ord. 4788 §2, 2003; Ord. 3874 §1, 1977; Ord. 3629 §24, 1972).

10.28.040 Parking – Adams Street restrictions.

It is unlawful for any person to park any vehicle on the east side of Adams Street north of Twelfth Street for a distance of one hundred feet. (Ord. 4788 §2, 2003; Ord. 3063 §1, 1962).

10.28.050 Parking – Third Street restrictions.

It is unlawful for any person to park any vehicle on Third Street between Adams Street and Johnson Street in the city from three a.m. to six a.m. of any day. (Ord. 4788 §2, 2003; Ord. 3092 §1, 1963).

10.28.060 Parking – Highway North 99W restrictions.

It is unlawful for any person to park any vehicle on either side of Highway North 99W from Seventeenth Street to Lafayette Avenue. (Ord. 3555 §1, 1971).

10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.

Any person violating any of the provisions of MMC 10.28.040 through 10.28.060 shall, upon conviction be fined in an amount not to exceed three hundred dollars. (Ord. 4788 §2, 2003; Ord. 3555 §2, 1971; Ord. 3092 §2, 1963; Ord. 3063 §2, 1962).

10.28.080 Parking – For sale, repair or abandoned 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. A vehicle that meets the definition of “abandoned vehicle” may be tagged for tow after the City complies with the requirements in Section 10.28.085. Twenty-four (24) hours after the notice to tow has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; or
- F. Storing a vehicle, as prohibited under MMC 10.28.090. (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

10.28.085 Communication to owner of abandoned vehicle.

A. ~~The City may tag an abandoned vehicle for tow after compliance with the following requirement:~~ ~~The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected.~~

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The McMinnville Municipal Code is current through Ordinance 5104, passed June 8, 2021.

A.B. The City must retain evidence of its compliance with the requirements in Subsection A above.

B.C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, the owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored” for purposes of enforcing MMC [10.28.080](#) and [MMC Chapter 10.44](#) (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

10.28.100 Calculation of Maximum Parking Time Limits.

Where a maximum parking time limit is designated by sign, the time period shall begin at the first instance that the vehicle is parked along a block face or within a parking lot during a parking day. Any vehicle parked within the same block face or parking lot after the expiration of the maximum parking time limit during a single parking day shall be in violation of the parking time limit, notwithstanding that the vehicle may have been moved to another location within the same block face or parking lot, or that the vehicle may have departed and returned to the same block face or parking lot during that parking day.

A. “Block face” is defined as one side of the street between two intersecting streets.

B. “Parking day” is defined as a single calendar day between the hours of 9 a.m. and 6 p.m. (Ord. 5007, 2016; Ord. 4985, 2014; Ord. 3629 §32, 1972).

10.28.110 Parking or standing – Methods and restrictions.

A. No person shall park or leave a vehicle in a street, other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

B. Where parking space markings are placed on a street, no person shall park or leave standing a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

STAFF REPORT

DATE: January 25, 2021
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Ordinance No. 5110: Approving ZC 1-21 (Zone Change)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.



ECONOMIC PROSPERITY

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of Ordinance No. 5110 rezoning a 0.2 acre parcel from O-R (Office Residential) to C-3 (General Commercial).

The Planning Commission hosted a public hearing on December 16, 2021, at which time they voted unanimously to recommend approval of the zone change to the City Council.

Background:

The subject property and property to the north are zoned O-R. Properties to the south and west are zoned C-3, and property to the east is zoned R-4. The underlying comprehensive map designation is commercial. Predominant surrounding uses are a mix of commercial and residential. The subject property is developed with a single-family residence and accessory structures, as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on SE Baker Street.

The request would rezone the property from O-R to C-3 to allow for a wide range of commercial uses. The property is developed with an existing historic building that has recently gone through extensive renovations. The owner is requesting to use the property for lodging which would be allowed in the C-3 zone.

Exhibit 1: Vicinity Map & Aerial Photo

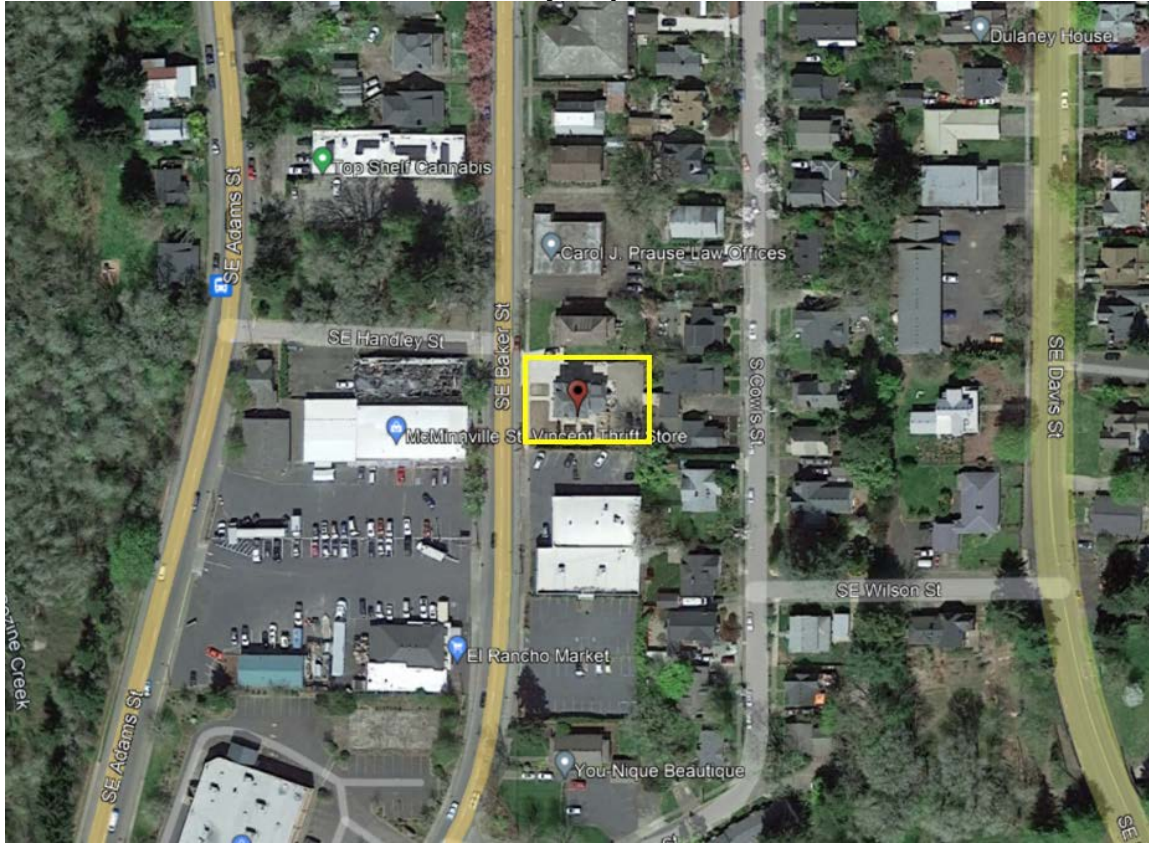
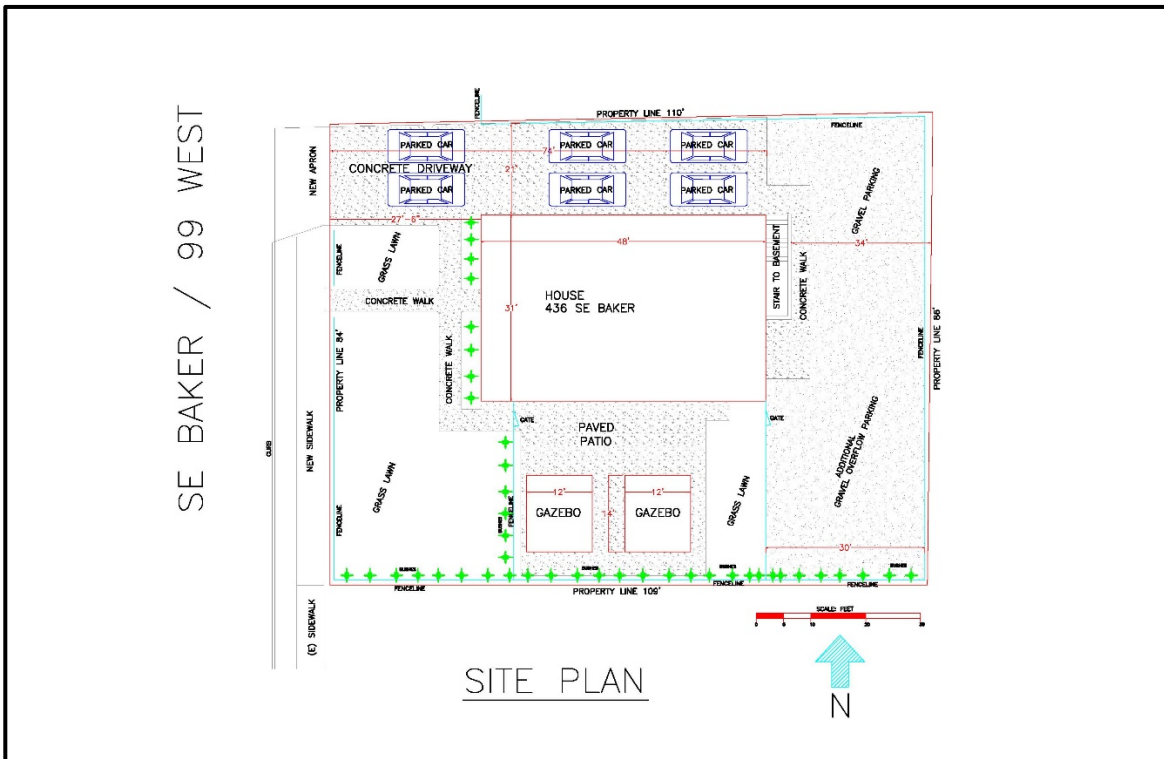


Exhibit 2: Site Plan



Attachments:

- Application Submittal for ZC 1-21
- Public Testimony Received
- Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_

Exhibit 3: Current Zoning

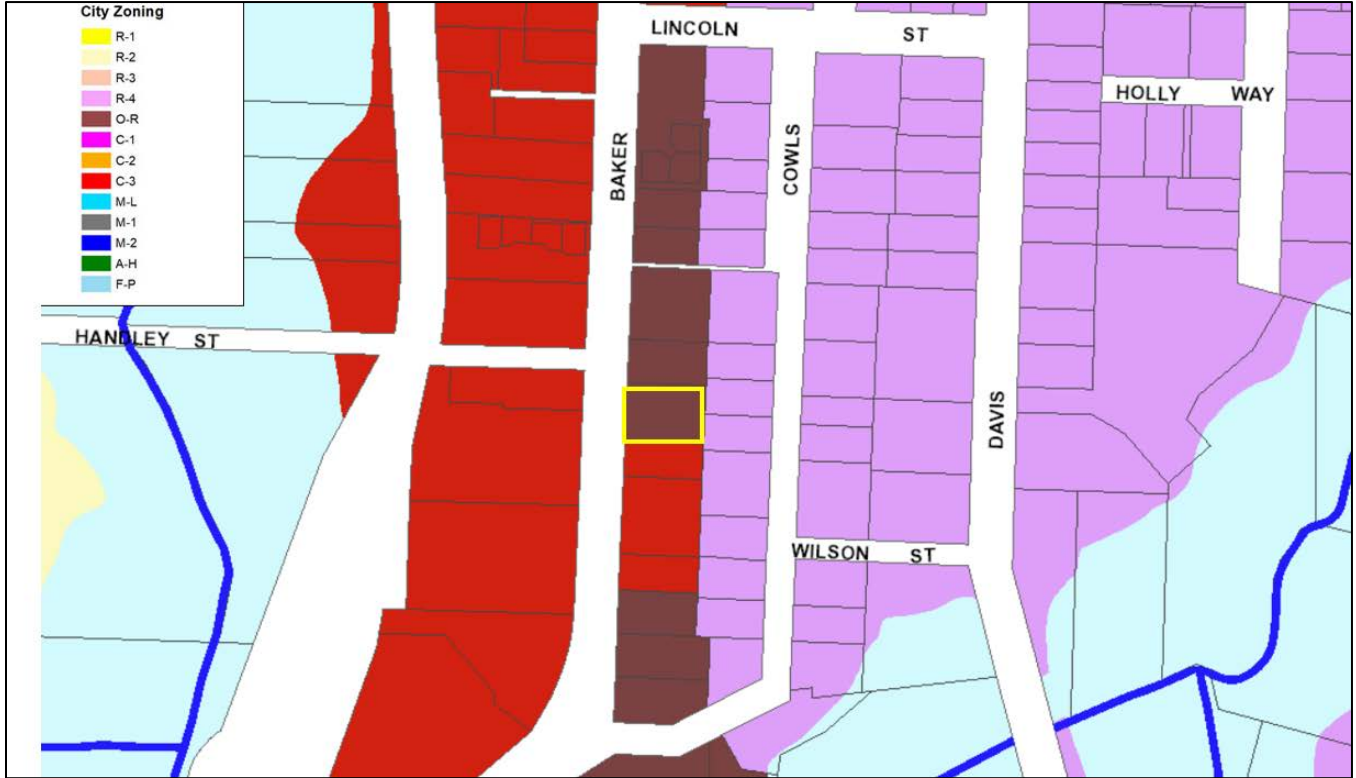
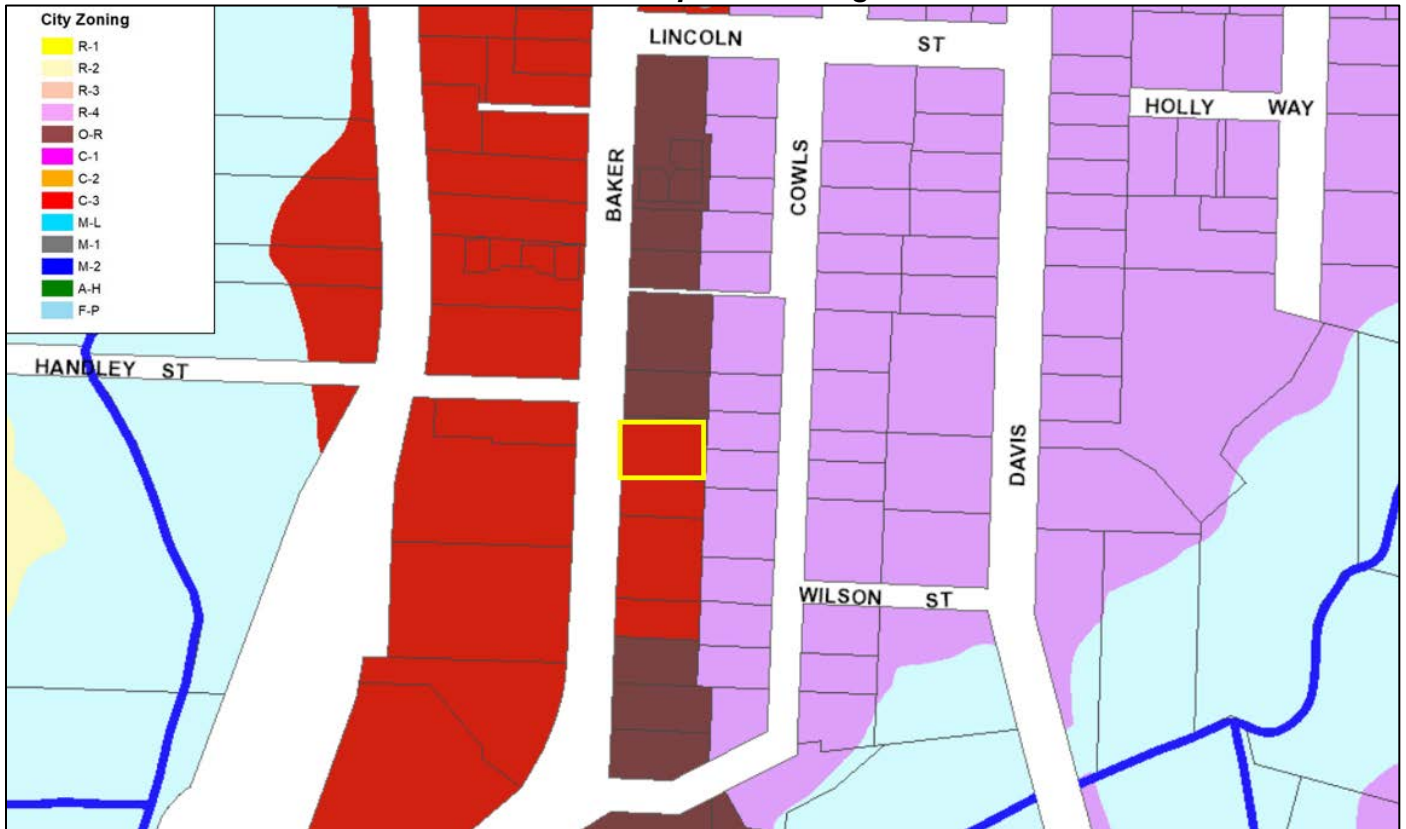


Exhibit 4: Proposed Zoning



Attachments:

- Application Submittal for ZC 1-21
- Public Testimony Received
- Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_

Discussion

The structure on 436 SE Baker Street is a historic landmark. Originally a large historic home, it had fallen into disrepair when it was no longer considered attractive as a home because it is located on Highway 99W, which operates as a major arterial in McMinnville.

The property was purchased and restored, with the intent of using it for lodging (short-term rental). However, the Office Residential (OR) zone does not allow short-term rentals within 200 feet of another short term rental and by the time that the owner had completed their restoration, a short-term rental was permitted on Cowsls Street within 200 feet of this property.

The property owner then applied for a rezone to the C3 zone, where lodging is allowed as an outright use.

Staff and the Planning Commission supported this application for the following reasons:

- The application meets the criteria for a rezone.
- The rezone will not be a spot rezone as the properties south and adjacent to this property are zoned C3 and the property across the street is also zoned C3.
- The 200' spacing standards for short-term rentals in residential zones is to prevent “ghost homes” in those neighborhoods. The Highway 99W frontage in this area of Baker Street does not operate like an intact, contiguous residential neighborhood. The uses are disparate and are mixed representing strip commercial development and multifamily housing.
- Any other use of the property that is not residential would require significant modifications to the historic exterior of the property.

Summary of Criteria for ZC 1-21

In accordance with Section 17.74.020, the Planning Director, required materials to demonstrate compliance with the following three criteria:

1. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.
2. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
3. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

In addition, the existing development, if it is to remain, should meet the standards of the new zone. Below is a table summarizing the application’s compliance with the criteria of the C3, General Commercial Zone.

The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

Attachments:

- *Application Submittal for ZC 1-21*
- *Public Testimony Received*
- *Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_*

Section 17.33.010	Permitted Uses	Lodging and Short-Term Rentals are both permitted uses in the C-3 zone.
Section 17.33.010(B)	Yard Requirements: Rear yard shall not be less than twenty feet when adjacent to a residential zone.	Per the site plan illustrated as Exhibit 4, the rear yard setback which is adjacent to a residential zone is thirty-four feet.
Section 17.33.040	Building Height, buildings shall not exceed a building height of eighty feet.	The building does not exceed a height of eighty feet.
Section 17.33.050,	Use limitations, screening outside storage.	There is no outside storage on the site.
Section 17.60.060.C.13	One off-street parking space is required for each guest room.	The site has paved parking for six off-street parking spaces.

Analysis of Land-Use Request

The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3. This proposal to expand the C-3 zoning to the north will allow this property a more robust allowance of commercial uses under the C-3 zone that are appropriate on the Highway 99W corridor. The property is already designated commercial under the Comprehensive plan. The change to C-3 will just allow this property the additional flexibility of commercial uses thus encouraging the continued growth and diversification opportunities in McMinnville.

Public Comments

Notice of the proposed application was mailed to adjacent property owners and published in the newspaper. Written testimony was provided by Sylla McClellan on December 12, 2022 in opposition to the rezone. Please see attached.

Agency Comments

Notice of the proposed applications was sent to affected agencies and departments. Agency comments were received from the McMinnville Building, McMinnville Water and Light, and Oregon Department of Transportation. No other comments were received.

Attachments:

- Application Submittal for ZC 1-21
- Public Testimony Received
- Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_

Fiscal Impact:

Not Applicable

Attachments:

- Application Submittal for ZC 1-21
- Public Testimony Received
- Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_

City Council Options

1. **ADOPT THE ORDINANCE** approving ZC 1-21 and adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting. The 120-day land-use decision time limit expires on March 12, 2022. In order to hold a public hearing and meet all necessary noticing requirements, the public hearing would need to be scheduled for no sooner than February 22, 2022.
3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5110.

Ordinance 5110 (ZC 1-21) Recommendation:

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found the criteria for the Zone Change were satisfied and **RECOMMENDED APPROVAL WITH CONDITIONS** of the application.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

Recommended Motion:

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE TO ADOPT ORDINANCE NO. 5110.”

Attachments:

- *Application Submittal for ZC 1-21*
- *Public Testimony Received*
- *Ordinance No. 5110 with Exhibit A (Decision Document for ZC 1-21_*



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

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Office Use Only:
 File No. 2C1.21
 Date Received 10/28/2021
 Fee 4248.⁰⁰
 Receipt No. _____
 Received by [Signature]

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name TERESA DREUDAHL Phone 503-490-1175

Contact Name _____ Phone _____
(If different than above)

Address 13650 NW PUDDY GULCH RD.

City, State, Zip YAMHILL, OR, 97148

Contact Email dale.andteresa@earthlink.net

Property Owner Information

Property Owner Name Same AS ABOVE Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 436 SE BAKER ST.

Assessor Map No. R4 4216B 09800 Total Site Area .200 ACRES

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Commercial Zoning Designation O-R

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. WE ARE ASKING TO HAVE THE PROPERTY 436 SE BAKER ST. ZONING CHANGED FROM OFFICE/RESIDENTIAL TO COMERCIAL-3 (C-3). WE ARE ASKING FOR THIS CHANGE TO COMPLY WITH REGULATIONS ON RUNNING A SHORT TERM RENTAL PROPERTY, BED AND BREAKFAST, OR AIR BNB.
2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). UNDER THE CURRENT ZONING OF THE PROPERTY WE ARE NOT PERMITTED TO RUN A SHORT TERM RENTAL, AND SO A ZONING CHANGE ~~WOULD~~ TO C-3 WOULD ALLOW US TO DO SO.
3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. N/A

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

N/A

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

MANY OF OUR SURROUNDING NEIGHBORS SITUATED ALONG 99W/BAKER ST. ARE ZONED C-3, AND GIVEN THE HISTORICAL DESIGNATION OF THE HOME, WE FEEL A C-3 ZONE CHANGE WILL BETTER INSURE THAT THE HOME IS MAINTAINED INTO FUTURE GENERATIONS, WHICH IS ONE OF THE CENTRAL GOALS OF McMinnville's PROTECTION OF HISTORIC LANDMARKS.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

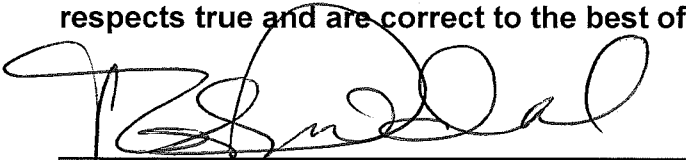
THERE WILL BE NO MAJOR CHANGES TO THE NEIGHBORHOOD AS THE HOMES RENOVATIONS ARE COMPLETE.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. HOME WAS FULLY RENOVATED IN 2020. ALL APPLICABLE PERMITS WERE OBTAINED FROM THE CITY OF McMINNVILLE PLANNING DEPT. AND ALL REQUIRED INSPECTIONS WERE PASSED. SITE IS CURRENTLY COMPLETED AND READY TO SERVE AS A SHORT TERM RENTAL
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? ~~THE~~ WE EXPECT THE HOME TO BE IN USE PRIMARILY ON WEEKENDS IN THE SUMMER, AND WHILE THE HOME IS IN USE WE EXPECT NO MORE TRIP GENERATION THAN A STANDARD SINGLE FAMILY HOME - 1-3 CARS. WE ALSO HAVE PLENTY OF PARKING ~~ON~~ PROPERTY TO NOT DISTURB 99W/ BAKER ST.

In addition to this completed application, the applicant must provide the following.

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

10-28-21
Date


Property Owner's Signature

10-28-21
Date

Zone Change Application
Docket ZC 1-21
436 SE Baker Street
Tax Lot 4421CB09800

Applicant Teresa Drevdahl, owner of tax lot 4421CB09800 located at 436 SE Baker Street (the "Property"), makes application to change the zone of the Property from O-R (Office/Residential) to C-3. This document and the attached Exhibit 1 supplement the application previously submitted by Applicant.

The comprehensive plan designation for the Property is commercial. The current Office/Residential zoning of the Property is not ideal because of the Property's location directly on Highway 99W, relatively close to downtown. The C-3 zone is more appropriate for the Property because it is more consistent with the comprehensive plan and the surrounding area. The Property is located in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

The Property is developed with a historic building, for which Applicant has made recent and extensive repairs and remodels. Before Applicant purchased the Property, it was in gross disrepair and a nuisance to the surrounding area. The Property is now in great condition and no longer the nuisance it once was. Applicant intends to use the Property for a short-term rental. The current good condition of the Property will easily permit this use. The Property is currently adequately serviced by utilities, including sewer, water, and electricity.

The Property's location on Highway 99W, a major transportation corridor, can easily accommodate Applicant's intended use as a short term rental, which Applicant anticipates will have minimal trip generations of passenger vehicle traffic. As shown on the site plan included with this application, the Property has more than adequate off-street parking to accommodate the intended use.

Applicant's request is consistent with the existing comprehensive plan for the Property and with the goals and policies of the McMinnville Comprehensive Plan, as further detailed below.

Applicant now addresses the relevant criteria for a zone change, following the numbering on the planning department's application form:

1. What, in detail, are you asking for? State the reasons for the request and the intended use(s) of the Property. Applicant seeks to change the zoning of the property from O-R to C-3. Applicant seeks this change to make the zoning more consistent with the comprehensive plan designation and surrounding area, and to allow the Applicant to use the Property as a short-term rental. The current O-R zone for the Property is not ideal considering the Property is located on Highway 99W, a consideration that makes the C-3 zoning more appropriate.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol.2). Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan. The comprehensive plan designation for the Property is already commercial, so changing the zoning of the Property to the C-3 commercial zone is consistent with the comprehensive plan designation. More specifically, Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan as detailed on the attached Exhibit 1.

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. Applicant's request is not subject to the provisions of a planned development overlay.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. Applicant is not requesting a Planned Development.

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. Applicant's request is orderly and timely considering the pattern of development in the area in which it is located and the surrounding land uses. The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. Applicant recently invested significant funds and resources in remodeling and rehabilitating the Property, which was in very poor repair and condition. Neighbors recounted to Applicant the problems the Property caused for the neighborhood as a nuisance that attracted problematic behavior before Applicant purchased and improved it. Applicant's improvements have made the Property a viable part of the area again, removing the nuisance that once plagued the area, and permitting the renovated structure and Property to be used consistently with the comprehensive plan.

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. The Property is already adequately serviced by public utilities, including sewer, electricity, and water.

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? Applicant anticipates minimal trip generations for the intended use; approximately 10-15 passenger vehicle trips per week. The intended use has significantly less impact on the surrounding area and the utilized transportation corridor than other uses that are permitted outright in the current zone, like public parking lots, clinics, offices, etc, which would generate significantly more traffic than Applicant's intended use.

EXHIBIT 1

Applicable Goals and Policies

Applicant's request to change the zoning from O-R to C-3 is consistent with the following goals and polices of the McMinnville Comprehensive Plan (Vol. 2), as detailed below. The applicable goals and policies are listed below in **bold** font; Applicant's explanations are detailed in regular font. Applicant's request is consistent with or does not implicate other specific goals and policies that are not referenced below.

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE;

GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

GOAL III 6: INCREASE HERITAGE TOURISM

Policy 17.04 Increase interpretation efforts of the city's historic resources.

Policy 17.07 Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.

As previously detailed, the Property is developed with a historic building that Applicant intends to use as a short term rental. The proposed zoning will allow the existing historic building to be utilized to promote the foregoing goals and policies. Applicant's intended use will support heritage tourism by providing accommodations for visitors to McMinnville. The Property's relative proximity to downtown and intended use as a short term rental facilitates the policy of increasing the interpretation efforts of the city's historic resources and increasing heritage tourism.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

Policy 23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)

The Property is currently designated for commercial use by the comprehensive plan for McMinnville. A change of zoning to the commercial C-3 zoning will maximize the efficiency of of land use and utilize an existing commercially designated land. Changing the zoning to a commercial zoning of C-3 will also protect the Property from encroachment of uses incompatible with the commercial designation on the comprehensive plan. Because properties to the south and the West are already zoned C-3, changing the zoning of the Property to C-3 will foster cluster development of commercial uses.

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

The Property has significant off-street parking, which is more than adequate to service the intended use.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

Applicant's request promotes the downtown as a cultural, service, and retail center because the Property's relatively close location to downtown and Applicant's intended use.

Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

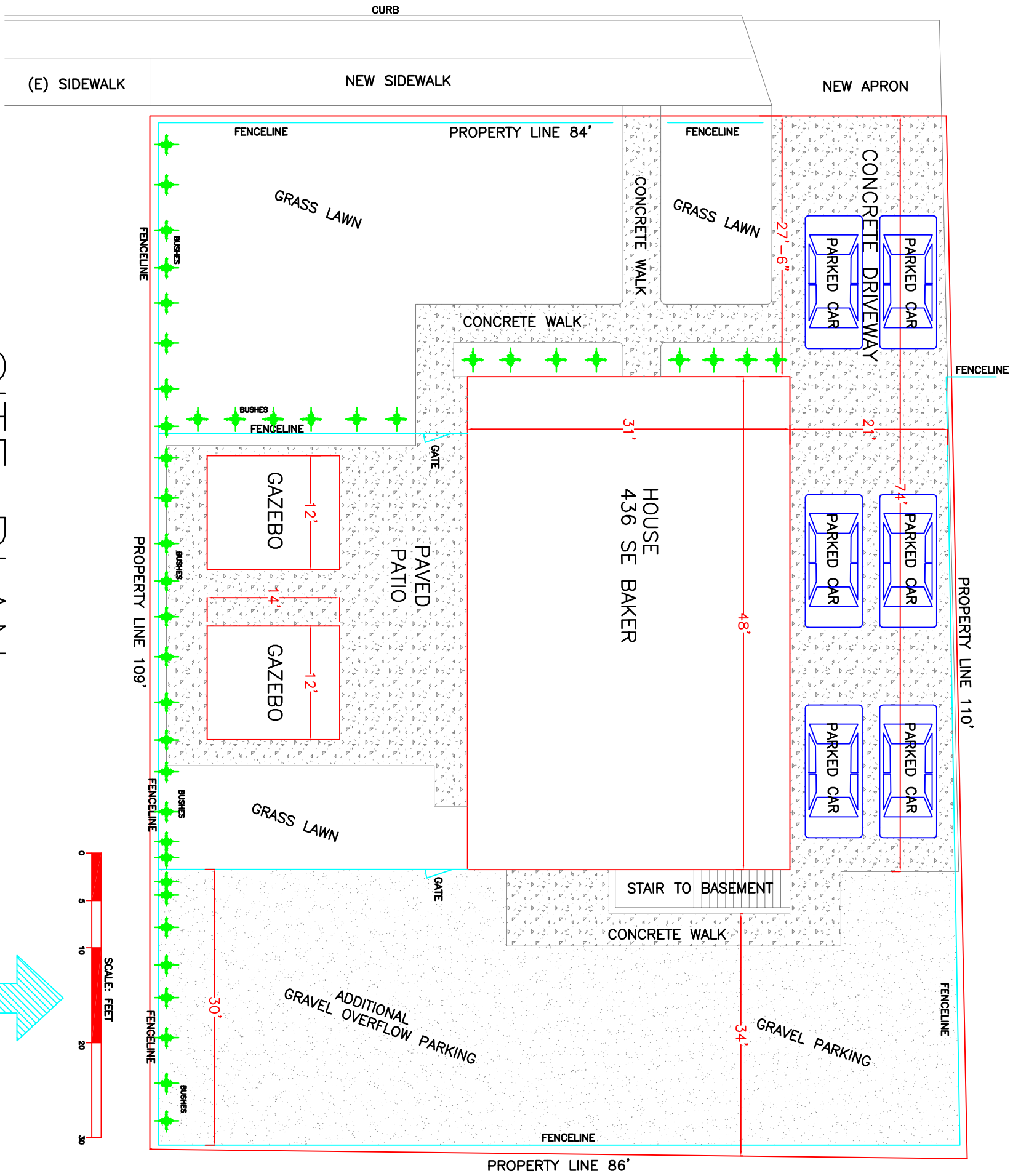
- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.**
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.**
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.**
- 4. Federal, state, and local water and waste water quality standards can be adhered to.**
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.**

The Property is already adequately and lawfully served by utilities, including sewer, water, and electricity.

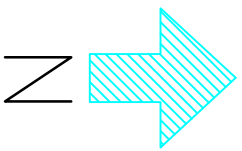
GOAL X1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

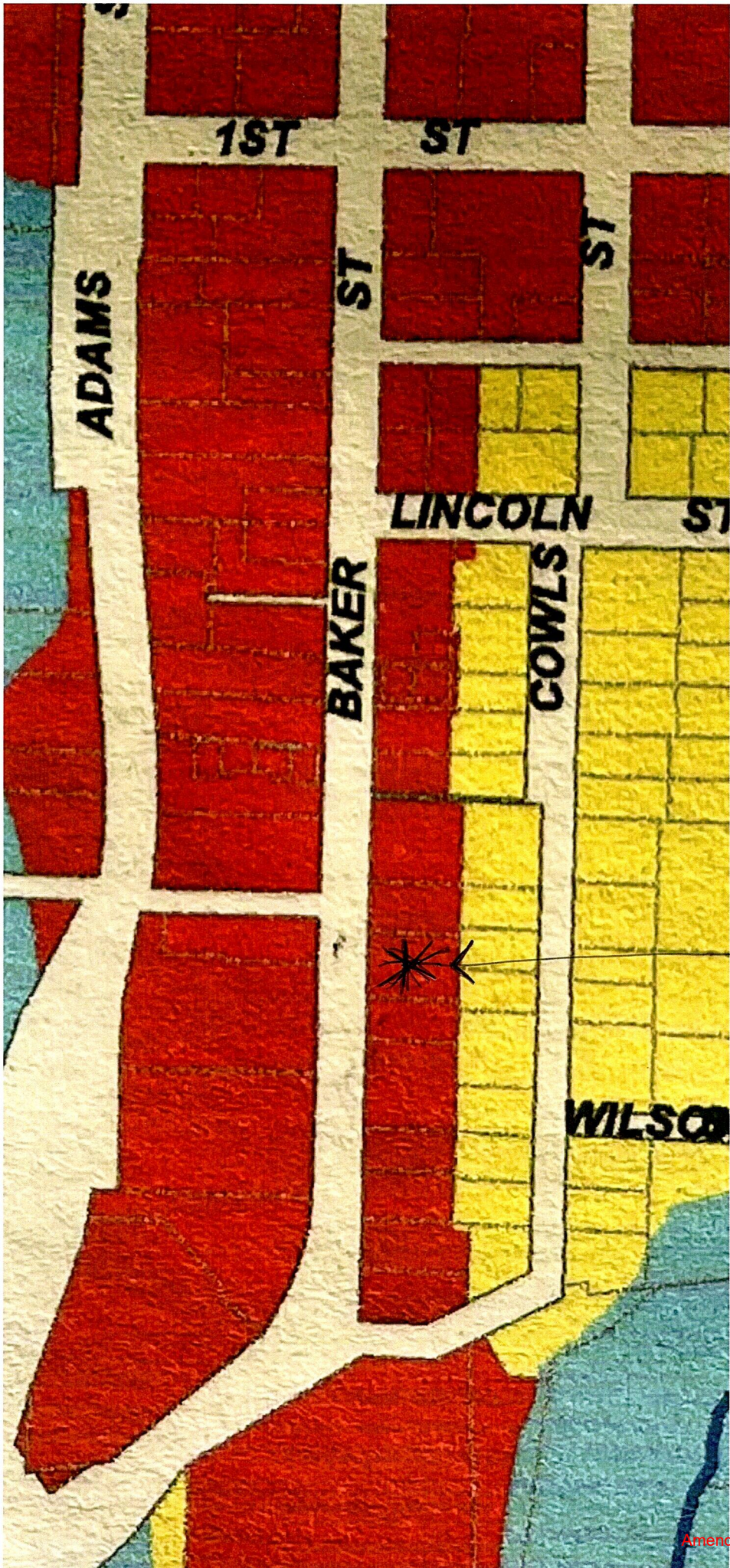
Applicant is submitting this application subject to all applicable involvement by citizens, including but not limited to conducting a neighborhood meeting before submitting this application.

SE BAKER / 99 WEST

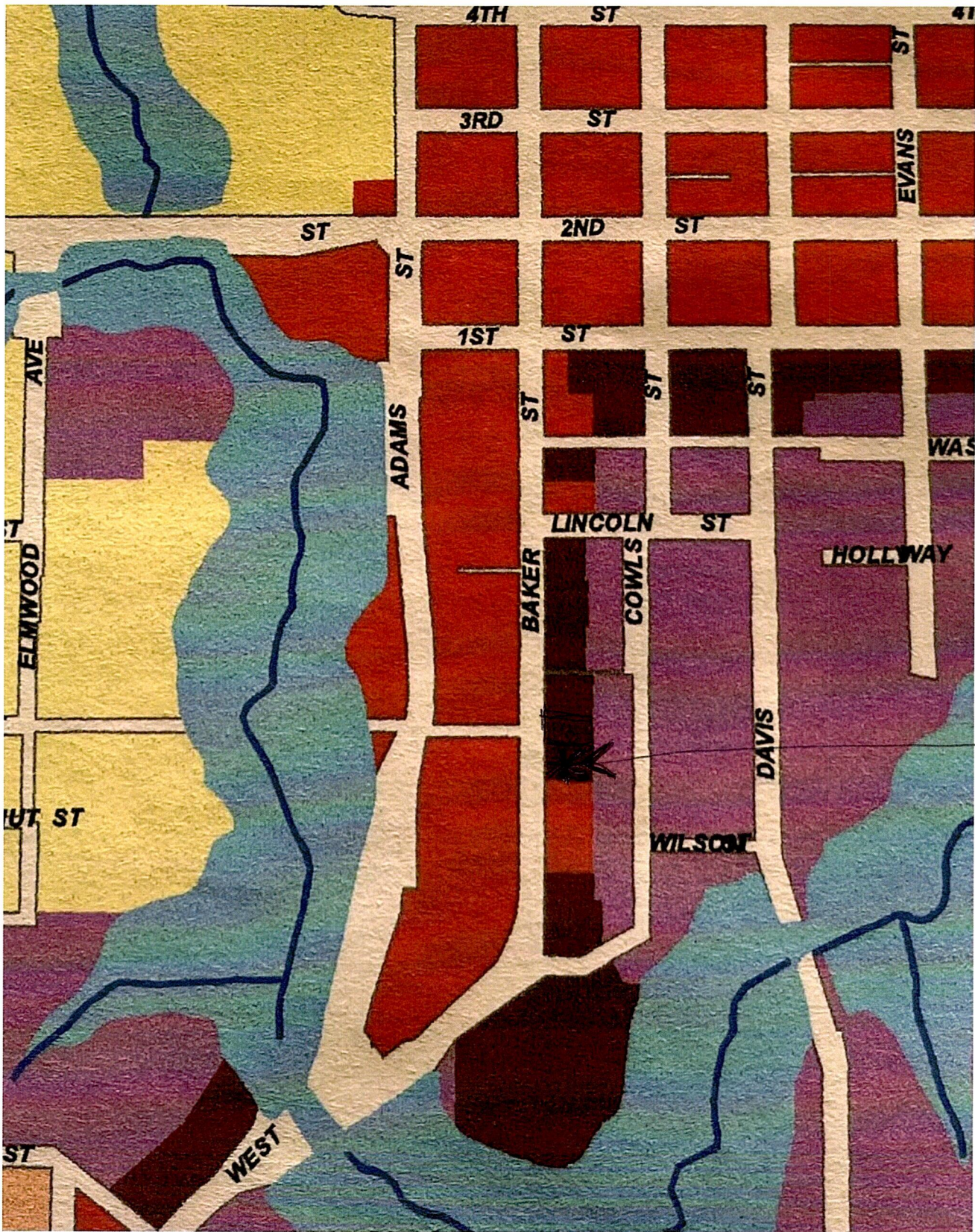


SITE PLAN





436 SE
Baker



4360
SE Baker

Property Before Renavation

Historic Resource No. A513

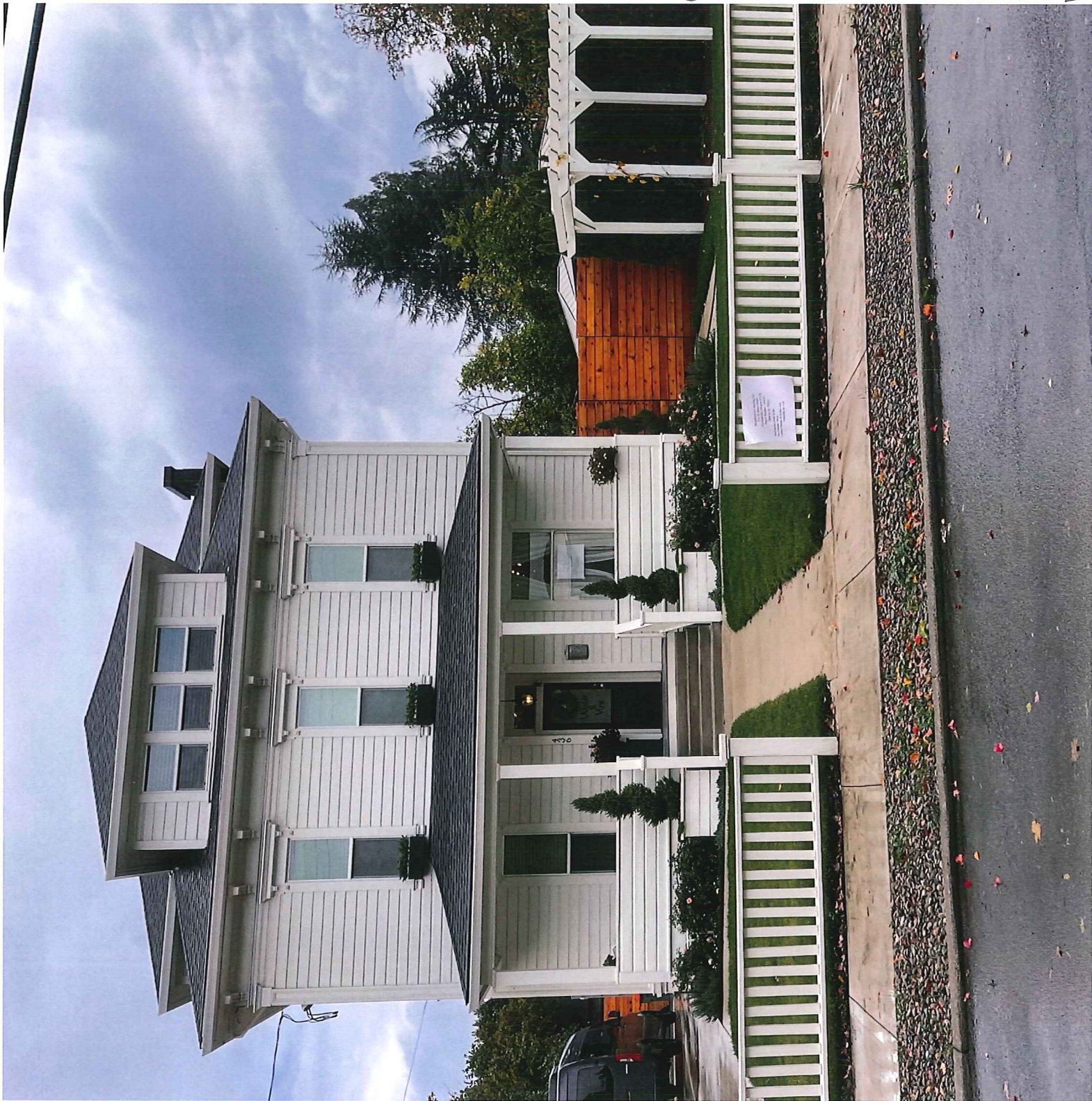


Photo August 2001



Original 1983 Survey Photo

Property after renovation
(showing public meeting signs)



LEGAL DESCRIPTION OF SUBJECT SITE

GRANTOR:
Carl Loudon

GRANTEE:
Teresa Drevdahl

SEND TAX STATEMENTS TO:
Teresa Drevdahl
PO Box 665
Yamhill, OR 97148

AFTER RECORDING RETURN TO:
Teresa Drevdahl
PO Box 665
Yamhill, OR 97148

Escrow No: 471814030121-TTMDWIL36

Yamhill County Official Records	201403399
DMR-DDMR	03/27/2014 03:00:34 PM
Str=4 MILLSA	
2Pgs \$10.00 \$11.00 \$5.00 \$20.00	\$46.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY WARRANTY DEED

Carl Loudon, Grantor, conveys and warrants to Teresa Drevdahl, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

Situated in the City of McMinnville, Yamhill County, Oregon and described as commencing at a post on the West boundary line of a tract of land heretofore conveyed by Louisa E. Reed and Robert Reed to G.W. Bennett and wife on January 21, 1863, the deed whereof is recorded at pages 146 and 147 of Volume "G" of the Records of Deeds for Yamhill County, Oregon which said post is 163 feet South of the Northwest corner of said tract; thence East 116-½ feet, more or less to the West boundary line of Sunnyside Addition to McMinnville, Oregon, thence South along said West boundary line 130 feet; thence West 116-½ feet more or less, to West boundary line of said tract; thence North along said West boundary line 130 feet to the plat of beginning.

SAVING AND EXCEPTING therefrom the tract conveyed by Linfield College, a corporation to Blaesing Granite Company, a corporation, by Deed dated August 18, 1939 and recorded August 28, 1939, in Book 115, Page 559, Deed Records for Yamhill County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$131,000.00. (See ORS 93.030)

Subject to and excepting:
CCRs, reservations, set back lines, power of special districts and easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3/27/14


Carl Loudon

471814030121-TTMDWIL36
Deed (Warranty-Statutory)

471814030121

1100R TITLE COMPANY

Zoning Map



TICOR TITLE™

Parcel ID: 164583

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map

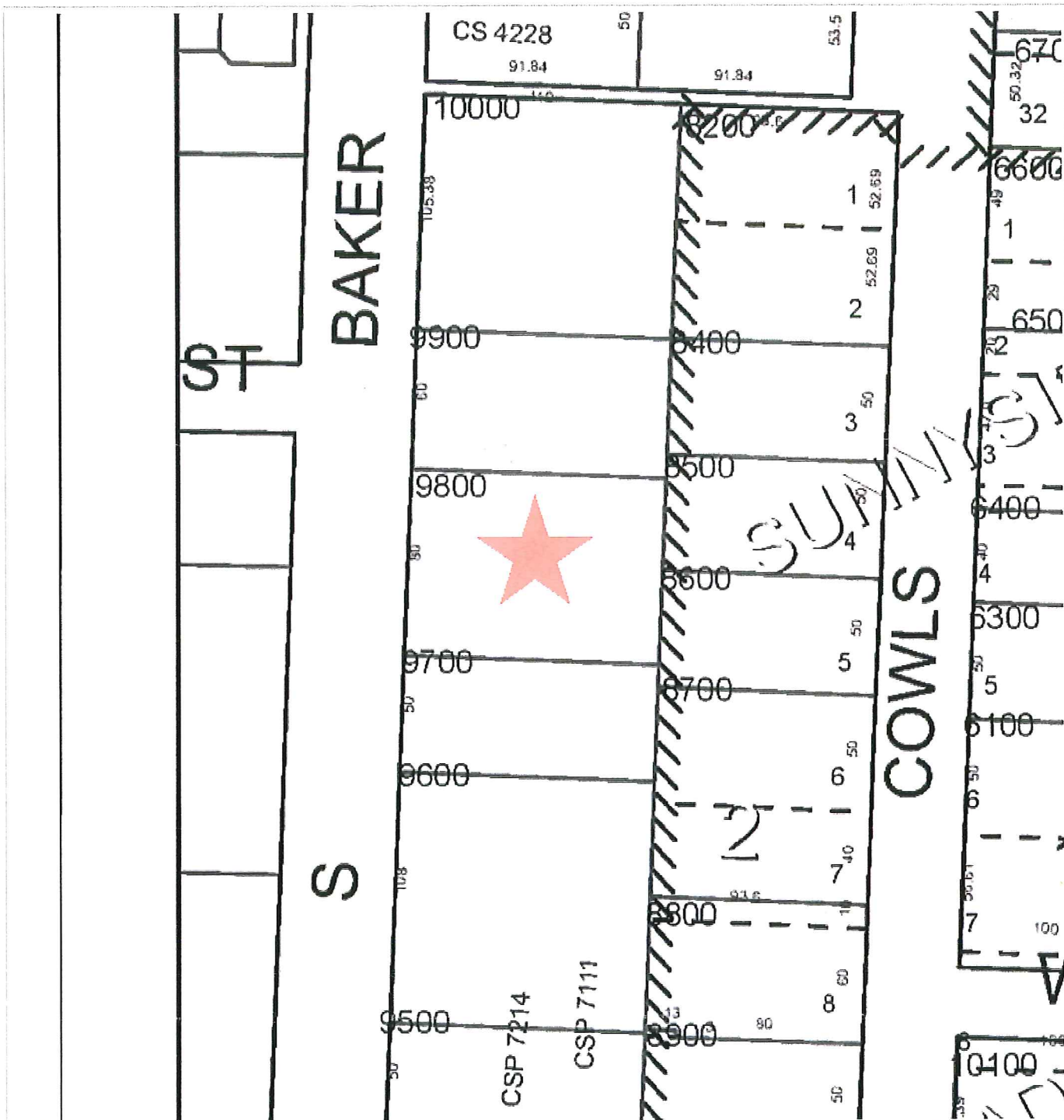


TICOR TITLE™

Parcel ID: 164583

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TICOR TITLE™

Parcel ID: 164583

Site Address: 436 SE Baker St

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

**Neighborhood Meeting For:
436 SE Baker Street
Mcminnville, Oregon 97128
Parcel Number: 164583**

Date of Meeting: October 26, 2021

Time of Meeting: 7:00 pm

Location of Meeting: 436 SE Baker Street

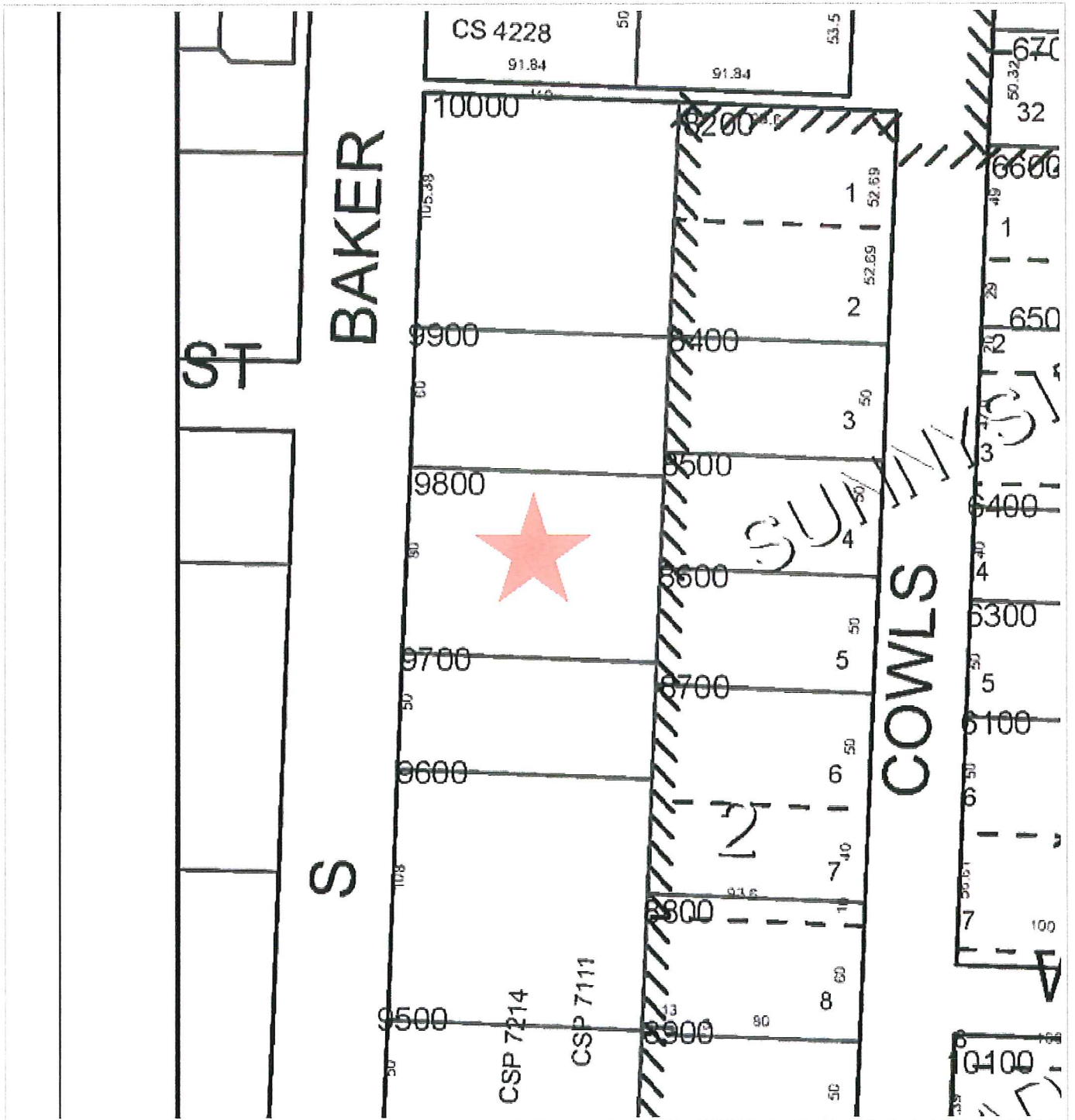
Mcminnville, OR 97128

This meeting will provide an opportunity to neighbors of the surrounding area to see and hear what will be proposed to the McMinnville Planning Commission in the near future. Please attend this meeting to ask questions, provide input, and voice any concerns that may arise.

Proposal: Zoning change from Office/residential (O-R) to Commercial-3 (C-3). We believe that the best use for the property of 436 SE Baker Street is as a short term rental which would be granted under the zoning designation of C-3. The property sits directly adjacent to properties zoned C-3 and therefore we feel that this change would not be out of place when compared to the rest of the neighborhood.

We invite anyone interested in discussing our future proposal to attend.

Included in the following is a copy of the tax map, aerial map, as well as a zoning map of this property and the surrounding area.



TICOR TITLE™

Parcel ID: 164583

Site Address: 436 SE Baker St

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Zoning Map



TICOR TITLE™

Parcel ID: 164583

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Aerial Map



Parcel ID: 164583

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**Neighborhood meeting sign posted
10/04/2021-10/26/2021**





Neighborhood meeting signs posted 10/4/2021-10/26/2021

Property after renovation
(showing public meeting signs)



NEIGHBORHOOD MEETING MAILING LIST

Map No.	Tax Lot	Site Address	Owner
1	R4420DA01800	335 SE BAKER ST	MCMURTRY MATTHEW
2	R4420DA01900	345 SE BAKER ST	SCHASTEEN ENA
3	R4420DA02100	411 SE BAKER ST	OAKLEAF PROPERTIES LLC
4	R4420DA08300	429 SE BAKER ST	BAKERVILLE LLC
5	R4420DA08400	106 SE HANDLEY ST	ST JAMES CONFERENCE OF THE
6	R4420DA08500	500 SE ADAMS ST	WOBEL CONNECTIONS LLC
7	R4420DA90000		BLAKE JANETTE I 1/4 &
8	R4420DA90000		BLAKE JANETTE I 1/4 &
9	R4420DA90001	349 SE BAKER ST	LAUTENBACH JOHN C & MONIKA TRUSTEES FOR
10	R4420DA90002	351 SE BAKER ST	TRAN JOSEPH
11	R4420DA90003	353 SE BAKER ST	TIMBERLINE GROUP LLC
12	R4420DA90004	355 SE BAKER ST	BLAKE JANETTE I & CHRISTOPHER A TRUSTEES
13	R4420DD00500	527 SE BAKER ST	PARK WEST PROPERTIES INC
14	R4421CB05700	409 SE DAVIS ST	DOMENICHINI KATHERINE M 1/2 &
15	R4421CB05800	501 SE DAVIS ST	CAPO CLINTON LLC
16	R4421CB05900	505 SE DAVIS ST	BISCHOFF DONNA M TRUST
17	R4421CB06000	545 SE DAVIS ST	OAK CREEK RENTALS LLC
18	R4421CB06100	424 SE COWLS ST	SPALDING DAVID G
19	R4421CB06300	414 SE COWLS ST	SIMPSON THOMAS E
20	R4421CB06400	412 SE COWLS ST	GUINNEE COREY G
21	R4421CB06500	408 SE COWLS ST	MCLEAN ANNE
22	R4421CB06600	404 SE COWLS ST	BRIERLEY SUZY &
23	R4421CB06700	348 SE COWLS ST	FORD DAN K &
24	R4421CB06800	344 SE COWLS ST	COX FAMILY TRUST
25	R4421CB06900	342 SE COWLS ST	HEIDER GARY C TRUSTEE &
26	R4421CB07700	333 SE COWLS ST	WELCH NATALIE M
27	R4421CB07800	343 SE COWLS ST	BERRY CHRISTINA D
28	R4421CB07900	340 SE BAKER ST	BURCHAM BRIAN L & CAROLE J
29	R4421CB08000	350 SE BAKER ST	YUTZY ELLA
30	R4421CB08100	355 SE COWLS ST	DRUSE STEPHEN E & ANNA B
31	R4421CB08200	367 SE COWLS ST	KOLLASCH KATHLEEN A &
32	R4421CB08400	389 SE COWLS ST	WADE TIMOTHY W
33	R4421CB08500	395 SE COWLS ST	PURKEY JENNIFER L (WROS)
34	R4421CB08600	405 SE COWLS ST	SIMPSON EDITH
35	R4421CB08700	421 SE COWLS ST	WHYTE WISWALL TRUST
36	R4421CB08800	435 SE COWLS ST	GRANT RANDY R & SUSAN M
37	R4421CB08900	535 SE COWLS ST	WINE COUNTRY PROPERTIES LLC
38	R4421CB09000	545 SE COWLS ST	DEPPE MATTHEW G
39	R4421CB09100	547 SE COWLS ST	KUMP KEVIN
40	R4421CB09300	520 SE BAKER ST	RKJ PROPERTIES LLC
41	R4421CB09400	510 SE BAKER ST	RKJ PROPERTIES LLC
42	R4421CB09500		RKJ PROPERTIES LLC
43	R4421CB09600	448 SE BAKER ST	RKJ PROPERTIES LLC
44	R4421CB09700	438 SE BAKER ST	RKJ PROPERTIES LLC
45	R4421CB09800	436 SE BAKER ST	DREVDAHL TERESA
46	R4421CB09900	424 SE BAKER ST	WALSH ELIZABETH L
47	R4421CB10000	408 SE BAKER ST	P & P PROPERTIES INC
48	R4421CB10100	508 SE COWLS ST	WHITE SHAUN K
49	R4421CB10200	516 SE COWLS ST	BEAM KAARINA J

50	R4421CB10400	360 SE WILSON ST	THE BERRY HOUSE LLC
51	R4421CB90000		WARNER W LAWRENCE &
52	R4421CB90002	320 SE BAKER ST	WALNUT HILL INVESTMENTS LLC
53	R4421CB90003	330 SE BAKER ST	WALNUT HILL INVESTMENTS LLC
			MCMINNVILLE PLANNING DEPT

Attn:	Mailing Address	City
	335 SE BAKER ST	MCMINNVILLE
	345 SE BAKER ST	MCMINNVILLE
	19173 SW PEAVINE RD	MCMINNVILLE
	2002 PACIFIC AVE	FOREST GROVE
ST VINCENT DEPAUL	435 S BAKER ST	MCMINNVILLE
	19173 SW PEAVINE RD	MCMINNVILLE
JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE
JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE
LAUTENBACH LIVING TRUST	1796 NW TROON CT	MCMINNVILLE
	12521 SE WOODWARD ST	PORTLAND
	1796 NW TROON CT	MCMINNVILLE
BLAKE JANETTE I REVOCABLE LIVING TRUST	13080 SW FOX RIDGE RD	MCMINNVILLE
	12670 SW 68TH SUITE 300	TIGARD
GLEN WILLIAM L TRUSTEE FOR	1012 NW OAKWOOD CIRCLE	MCMINNVILLE
	PO BOX 820190	PORTLAND
BISCHOFF DONNA M TRUSTEE	505 SE DAVIS ST APT 2	MCMINNVILLE
	3204 NE GRANDHAVEN DR	MCMINNVILLE
SPALDING TERESA A	428 NE 3RD ST	MCMINNVILLE
	PO BOX 1205	MCMINNVILLE
MCCLELLAN SYLLA G	4935 NE FLANDERS ST	PORTLAND
MCLEAN MARTIN	637 SW KECK DR UNIT 216	MCMINNVILLE
WIGHTMAN SALLY	404 SE COWLS ST	MCMINNVILLE
SCARBORO SUZANNE E	348 SE COWLS ST	MCMINNVILLE
COX VIRGINIA J TRUSTEE	18630 S HIGHWAY 99W	AMITY
REDDEN DIANA S TRUSTEE FOR	342 SE COWLS ST	MCMINNVILLE
BRADLEY CLARA L	333 SE COWLS ST	MCMINNVILLE
	343 SE COWLS ST	MCMINNVILLE
	637 SW KECK DR SUITE 214	MCMINNVILLE
	7740 SE BOOTH BEND RD	MCMINNVILLE
	639 NW BIRCH ST	MCMINNVILLE
MORGAN SHARON R	367 SE COWLS ST	MCMINNVILLE
LUNDGREN CAROLE M	389 SE COWLS ST	MCMINNVILLE
ALLM JAMES M (WROS)	145 WHITE COTTAGE RD	HELENA
	8980 NE OAK SPRINGS FARM	CARLTON
WISWALL IRVING W JR TRUSTEE	421 SE COWLS ST	MCMINNVILLE
	435 SE COWLS ST	MCMINNVILLE
	PO BOX 1707	MCMINNVILLE
DEPPE BRIELLE N	649 NE 11TH ST	MCMINNVILLE
	660 THE VILLAGE APT 107	REDONDO BEACH
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	14275 SW PEAVINE RD	MCMINNVILLE
	PO BOX 665	YAMHILL
	14400 NW BERRY CREEK RD	MCMINNVILLE
	PO BOX 827	MCMINNVILLE
	508 SE COWLS ST	MCMINNVILLE
	516 SE COWLS ST	MCMINNVILLE

	PO BOX 782	MCMINNVILLE
BARKER GEORGE T ET AL	14400 NW PHEASANT HILL RD	MCMINNVILLE
	320 SE BAKER ST	MCMINNVILLE
	320 SE BAKER ST	MCMINNVILLE
CITY OF MCMINNVILLE	231 NE 5TH ST	MCMINNVILLE

OCTOBER 26,
2021
7:00PM

NEIGHBORHOOD MEETING
NOTES - 436 SE BAKER ST.
McMINNVILLE, OR
97128

ATTENDEES

RANDY GRANT 435 SE COWLS ST.

IRVING WISWALL 421 SE COWLS ST.

RICK JOHN HAGAN HAMILTON
TO COWLS ST.
448 SE BAKER ST.

JOE STRUNK 609 N BAKER ST.
Mac

COMMENTS MADE

- ASKED ABOUT ZONING COMPLIANCE OF THE PROPERTY
- ASKED ABOUT OCCUPANCY OF BUILDING AS WELL AS HOW MANY PEOPLE WE ALLOW TO STAY OVER NIGHT
- NOISE COMPLAINT MADE

- CONCERN OVER QUIET HOURS
AND ASKED IF WE MAKE
GUESTS AWARE OF QUIET
HOURS

- DISTANCE TO NEAREST AIR BUS
QUESTION IN RELATION TO
CURRENT ZONING

- QUESTION ABOUT SMOKING
RULE FOR EXTERIOR OF THE
HOUSE

- PERSON DID NOT WANT TOBACCO
AND/OR MARIJUANA SMOKE BLOWING
INTO THEIR PROPERTY

- COMMENT MADE THAT IF
SOMEONE OWNED THE HOUSE
AND USED IT AS A SINGLE
FAMILY HOME THERE WOULD
BE NOTHING HE COULD DO
IF OWNER SMOKED

- ASKED IF OWNER COULD
MAKE SIGNS ENFORCING NON-
SMOKING POLICELY ON HOME EXTERIOR

- COMMENT MADE ABOUT HOW THE RENOVATION IMPROVED THE LOOK OF NEIGHBORHOOD
- COMMENT MADE ABOUT PRIOR STATE OF THE HOUSE, HOW RUN DOWN, AND UNKEMPT IT WAS AND COMPLEMENTED CURRENT STATE
- COMMENT MADE THAT PAST OCCUPANTS OF THE HOME WERE "SCARED" AND HOW HE SPECULATED IT WAS A DRUG HOUSE. PRIOR TO 2014.
- THANKED US FOR RENOVATING THE HOME
- OWNER ~~EXPLAIN~~ EXPLAINED THAT HOME IS SURROUNDED BY COMERCIAL PROPERTIES.
- OWNER EXPLAINED THA PROPERTY IS ZONED AS COMMERCIAL BY THE COUNTY, AND NEIGHBORHOOD IS LISTED AS MC MINNVILLE HIGHWAY.



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

**PUBLIC HEARING NOTICE
PLANNING COMMISSION REVIEW OF A
ZONE MAP AMENDMENT
436 SW BAKER STREET**

NOTICE IS HEREBY GIVEN that an application for a McMinnville Zone Map Amendment has been submitted to the McMinnville Planning Department, and a public hearing has been scheduled. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the Planning Commission meeting where this request will be reviewed, and a public hearing will be held. Please contact Heather Richards, Planning Director, with any questions at (503) 474-5107 or heather.richards@mcminnvilleoregon.gov.

DOCKET NUMBER: ZC 1-21 (Zone Change)

REQUEST: Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

APPLICANT: Teresa Drevdahl

SITE LOCATION(S): 436 SE Baker Street (see attached map)

MAP & TAX LOT(S): R4421CB09800

ZONE(S): O-R (Office Residential)

MMC REQUIREMENTS: McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): MMC Chapter 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria); Comprehensive Plan Goals and Policies. (see reverse side for review criteria)

NOTICE DATE: November 24, 2021

PUBLIC HEARING DATE: December 16, 2021, at 6:30 P.M.

HEARING LOCATION: Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>
Meeting ID: 856 3179 4745 Passcode: 286067

(See below for instructions on how to join Zoom meeting)

Proceedings: A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5th Street, McMinnville, OR 97128, or by email to heather.richards@mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available on the Planning Department’s portion of the City of McMinnville webpage at www.mcminnvilleoregon.gov. The materials can also be made available at the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

Appeal: Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

Invitation to Zoom Meeting: The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call-in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745

Passcode: 286067

The public may also join the Zoom meeting by phone by following the instructions below:

+1 253 215 8782

Meeting ID: 856 3179 4745

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5th Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

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.

REVIEW CRITERIA:

MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria:

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

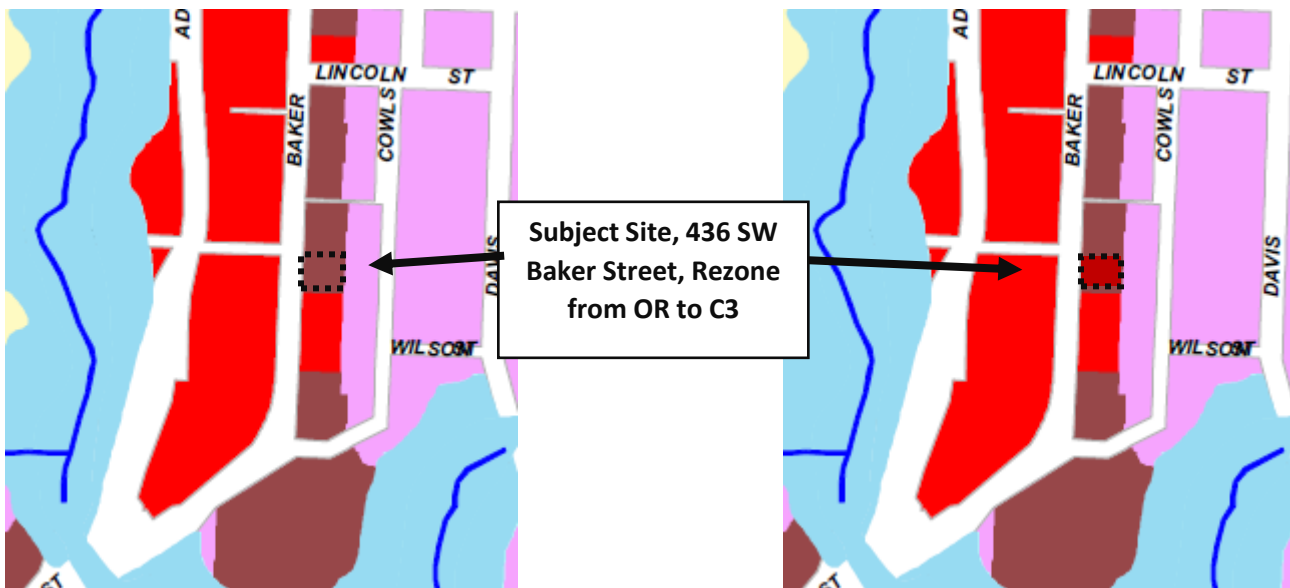
When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

Proposed Zone Map Amendment:



Vicinity Map

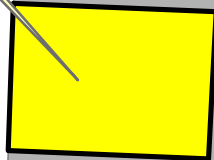
COLN

ST

BAKER

COWLS

Subject Site



WILSON ST



90 45 0 90 Feet

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

Amended on 01.26.22
173 of 196

Geographic Information System

Vicinity Map

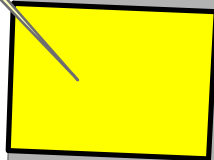
COLN

ST

BAKER

COWLS

Subject Site



WILSON ST



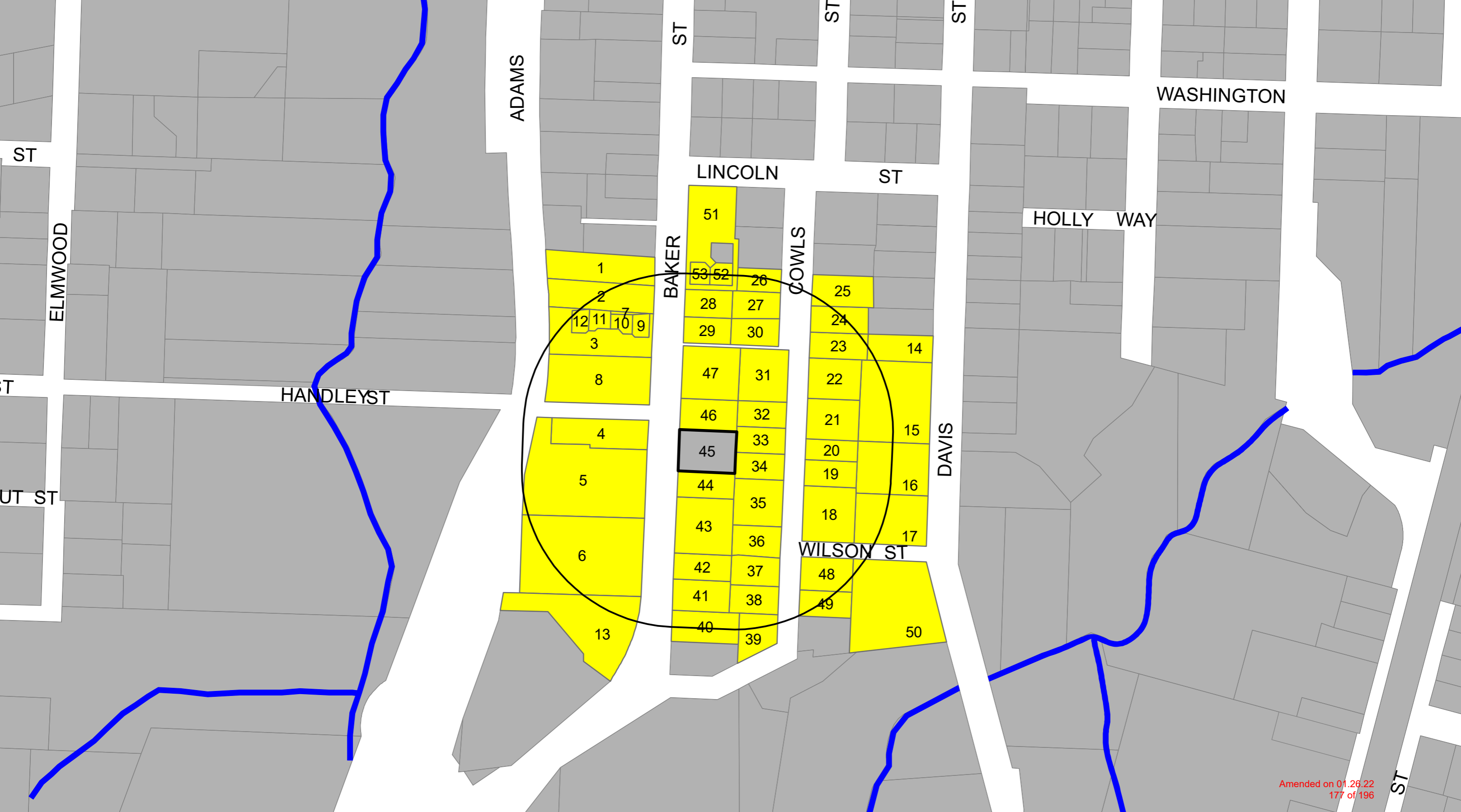
Geographic Information System



90 45 0 90 Feet

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

Amended on 01.26.22
176 of 196



Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4420DA01800	335 SE BAKER ST	MCMURTRY MATTHEW		335 SE BAKER ST	MCMINNVILLE	OR	97128
2	R4420DA01900	345 SE BAKER ST	SCHASTEEN ENA		345 SE BAKER ST	MCMINNVILLE	OR	97128
3	R4420DA02100	411 SE BAKER ST	OAKLEAF PROPERTIES LLC		19173 SW PEAVINE RD	MCMINNVILLE	OR	97128
4	R4420DA08300	429 SE BAKER ST	BAKERVILLE LLC		2002 PACIFIC AVE	FOREST GROVE	OR	97116
5	R4420DA08400	106 SE HANDLEY ST	ST JAMES CONFERENCE OF THE	ST VINCENT DEPAUL	435 S BAKER ST	MCMINNVILLE	OR	97128
6	R4420DA08500	500 SE ADAMS ST	WOBEL CONNECTIONS LLC		19173 SW PEAVINE RD	MCMINNVILLE	OR	97128
7	R4420DA90000		BLAKE JANETTE I 1/4 &	JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE	OR	97128
8	R4420DA90000		BLAKE JANETTE I 1/4 &	JOHNSON MARVIN J & JULIA A TRUSTEES FOR	349 SE BAKER ST	MCMINNVILLE	OR	97128
	R4420DA90001	349 SE BAKER ST	LAUTENBACH JOHN C & MONIKA TRUSTEES FOR	LAUTENBACH LIVING TRUST	1796 NW TROON CT	MCMINNVILLE	OR	97128
10	R4420DA90002	351 SE BAKER ST	TRAN JOSEPH		12521 SE WOODWARD ST	PORTLAND	OR	97236
11	R4420DA90003	353 SE BAKER ST	TIMBERLINE GROUP LLC		1796 NW TROON CT	MCMINNVILLE	OR	97128
12	R4420DA90004	355 SE BAKER ST	BLAKE JANETTE I & CHRISTOPHER A TRUSTEES	BLAKE JANETTE I REVOCABLE LIVING TRUST	13080 SW FOX RIDGE RD	MCMINNVILLE	OR	97128
13	R4420DD00500	527 SE BAKER ST	PARK WEST PROPERTIES INC		12670 SW 68TH SUITE 300	TIGARD	OR	97223
14	R4421CB05700	409 SE DAVIS ST	DOMENICHINI KATHERINE M 1/2 &	GLEN WILLIAM L TRUSTEE FOR	1012 NW OAKWOOD CIRCLE	MCMINNVILLE	OR	97128
15	R4421CB05800	501 SE DAVIS ST	CAPO CLINTON LLC		PO BOX 820190	PORTLAND	OR	97282
16	R4421CB05900	505 SE DAVIS ST	BISCHOFF DONNA M TRUST	BISCHOFF DONNA M TRUSTEE	505 SE DAVIS ST APT 2	MCMINNVILLE	OR	97128
17	R4421CB06000	545 SE DAVIS ST	OAK CREEK RENTALS LLC		3204 NE GRANDHAVEN DR	MCMINNVILLE	OR	97128
18	R4421CB06100	424 SE COWLS ST	SPALDING DAVID G	SPALDING TERESA A	428 NE 3RD ST	MCMINNVILLE	OR	97128
19	R4421CB06300	414 SE COWLS ST	SIMPSON THOMAS E		PO BOX 1205	MCMINNVILLE	OR	97128
20	R4421CB06400	412 SE COWLS ST	GUINNEE COREY G	MCCLELLAN SYLLA G	4935 NE FLANDERS ST	PORTLAND	OR	97213
21	R4421CB06500	408 SE COWLS ST	MCLEAN ANNE	MCLEAN MARTIN	637 SW KECK DR UNIT 216	MCMINNVILLE	OR	97128
	R4421CB06600	404 SE COWLS ST	BRIERLEY SUZY &	WIGHTMAN SALLY	404 SE COWLS ST	MCMINNVILLE	OR	97128
23	R4421CB06700	348 SE COWLS ST	FORD DAN K &	SCARBORO SUZANNE E	348 SE COWLS ST	MCMINNVILLE	OR	97128
24	R4421CB06800	344 SE COWLS ST	COX FAMILY TRUST	COX VIRGINIA J TRUSTEE	18630 S HIGHWAY 99W	AMITY	OR	97101
25	R4421CB06900	342 SE COWLS ST	HEIDER GARY C TRUSTEE &	REDDEN DIANA S TRUSTEE FOR	342 SE COWLS ST	MCMINNVILLE	OR	97128
26	R4421CB07700	333 SE COWLS ST	WELCH NATALIE M	BRADLEY CLARA L	333 SE COWLS ST	MCMINNVILLE	OR	97128
27	R4421CB07800	343 SE COWLS ST	BERRY CHRISTINA D		343 SE COWLS ST	MCMINNVILLE	OR	97128
28	R4421CB07900	340 SE BAKER ST	BURCHAM BRIAN L & CAROLE J		637 SW KECK DR SUITE 214	MCMINNVILLE	OR	97128
29	R4421CB08000	350 SE BAKER ST	YUTZY ELLA		7740 SE BOOTH BEND RD	MCMINNVILLE	OR	97128
30	R4421CB08100	355 SE COWLS ST	DRUSE STEPHEN E & ANNA B		639 NW BIRCH ST	MCMINNVILLE	OR	97128
31	R4421CB08200	367 SE COWLS ST	KOLLASCH KATHLEEN A &	MORGAN SHARON R	367 SE COWLS ST	MCMINNVILLE	OR	97128

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
32	R4421CB08400	389 SE COWLS ST	WADE TIMOTHY W	LUNDGREN CAROLE M	389 SE COWLS ST	MCMINNVILLE	OR	97128
33	R4421CB08500	395 SE COWLS ST	PURKEY JENNIFER L (WROS)	ALLM JAMES M (WROS)	145 WHITE COTTAGE RD	HELENA	AL	35080
34	R4421CB08600	405 SE COWLS ST	SIMPSON EDITH		8980 NE OAK SPRINGS FARM	CARLTON	OR	97111
35	R4421CB08700	421 SE COWLS ST	WHYTE WISWALL TRUST	WISWALL IRVING W JR TRUSTEE	421 SE COWLS ST	MCMINNVILLE	OR	97128
36	R4421CB08800	435 SE COWLS ST	GRANT RANDY R & SUSAN M		435 SE COWLS ST	MCMINNVILLE	OR	97128
37	R4421CB08900	535 SE COWLS ST	WINE COUNTRY PROPERTIES LLC		PO BOX 1707	MCMINNVILLE	OR	97128
38	R4421CB09000	545 SE COWLS ST	DEPPE MATTHEW G	DEPPE BRIELLE N	649 NE 11TH ST	MCMINNVILLE	OR	97128
39	R4421CB09100	547 SE COWLS ST	KUMP KEVIN		660 THE VILLAGE APT 107	REDONDO BEACH	CA	90277
	R4421CB09300	520 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
41	R4421CB09400	510 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
42	R4421CB09500		RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
43	R4421CB09600	448 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
44	R4421CB09700	438 SE BAKER ST	RKJ PROPERTIES LLC		14275 SW PEAVINE RD	MCMINNVILLE	OR	97128
46	R4421CB09900	424 SE BAKER ST	WALSH ELIZABETH L		14400 NW BERRY CREEK RD	MCMINNVILLE	OR	97128
47	R4421CB10000	408 SE BAKER ST	P & P PROPERTIES INC		PO BOX 827	MCMINNVILLE	OR	97128
48	R4421CB10100	508 SE COWLS ST	WHITE SHAUN K		508 SE COWLS ST	MCMINNVILLE	OR	97128
49	R4421CB10200	516 SE COWLS ST	BEAM KAARINA J		516 SE COWLS ST	MCMINNVILLE	OR	97128
50	R4421CB10400	360 SE WILSON ST	THE BERRY HOUSE LLC		PO BOX 782	MCMINNVILLE	OR	97128
51	R4421CB90000		WARNER W LAWRENCE &	BARKER GEORGE T ET AL	14400 NW PHEASANT HILL RD	MCMINNVILLE	OR	97128
52	R4421CB90002	320 SE BAKER ST	WALNUT HILL INVESTMENTS LLC		320 SE BAKER ST	MCMINNVILLE	OR	97128
53	R4421CB90003	330 SE BAKER ST	WALNUT HILL INVESTMENTS LLC		320 SE BAKER ST	MCMINNVILLE	OR	97128
Corner	R4421CB09800	436 SE BAKER ST	DREVDAHL TERESA		PO BOX 665	YAMHILL	OR	97148
			JOSEPH STRUNK, ATTORNEY AT LAW	STRUNK LAW	PO BOX 1631	MCMINNVILLE	OR	97128

Tom Schauer

From: Tom Schauer
Sent: Monday, December 13, 2021 8:38 AM
To: Tom Schauer
Subject: FW: docket ZC 1-21

From: Sylla McClellan <mccllellan.sylla@gmail.com>
Sent: Sunday, December 12, 2021 9:36 AM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: docket ZC 1-21

This message originated outside of the City of McMinnville.

Hello Planning Commission,

I am a neighbor to the proposed address (436 SW Baker). I did not receive the notification of a neighborhood meeting or I would have addressed these concerns at that time.

While I am grateful for the improvements made to this home, I am concerned about the owners plans to make this a short-term rental.

This home has been operating as a short-term vacation rental for at least the last nine months. While some guests are respectful of their neighbors, many have not been. Since the house is so large, it attracts (and has been marketed to) large groups and events. This past summer we were kept awake by noise (loud music, loud talking and yelling) late into the night (midnight and beyond). It was unpleasant.

While I am not opposed to a short-term rental in our neighborhood, I am opposed to multiple. There is an existing STR at 389 SE Cows. I have not personally measured the distance between these two properties, but they appear to be within the 200 feet limit.

The zoning change concerns me. Partially for precedence and partially because it seems like a way to skirt the existing requirements for STR permits.

Thank you,
Sylla

--

Sylla McClellan
mccllellan.sylla@gmail.com
971.237.9266

ORDINANCE NO. 5110

AN ORDINANCE APPROVING A ZONE CHANGE FROM O-R (OFFICE RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL) FOR A 0.2 ACRE PARCEL AT 436 SE BAKER STREET.

RECITALS:

WHEREAS, the Planning Department received application ZC 1-21 (Zone Change) from Teresa Drevdahl, property owner, requesting approval of a Zone Change from O-R (Office Residential) to C-3 (General Commercial) for the subject property; and

WHEREAS, the subject site is located at 436 SE Baker Street, and is more specifically described as Tax Lot R4421CB09800; and

WHEREAS, a public hearing before the McMinnville Planning Commission was held on December 16, 2021, after due notice had been provided in the local newspaper on December 7, 2021, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

WHEREAS, the Planning Commission, being fully informed about said request, found that the requested Zone Change conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 7-0, recommended approval of said Zone Change to the Council; and

WHEREAS, 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, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A approving ZC 1-21; and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 25th day of January 2022, by the following votes:

Ayes: _____

Nays: _____

Approved this 25th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Zone Change from O-R (Office Residential) to C-3 (General Commercial) for a 0.2 Acre Parcel on 436 SE Baker Street



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

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM O-R (OFFICE RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL) FOR A 0.2 ACRE PARCEL ON 436 SE BAKER STREET

DOCKET: ZC 1-21 (Zone Change)

REQUEST: Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

LOCATION: 436 SE Baker Street (R4421CB09800)

ZONING: O-R (Office Residential)

APPLICANT: Teresa Drevdahl

STAFF: Heather Richards, Planning Director

DATE DEEMED COMPLETE: November 22, 2021

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 16, 2021

Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGImaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745 Passcode: 286067

DECISION MAKING BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

DECISION DATE & LOCATION: January 25, 2022

Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/89378589705?pwd=VFYvamZvbWxlSC81KzRHR2xCUjlfZz09>

Meeting ID: 893 7858 9705 Passcode: 049423

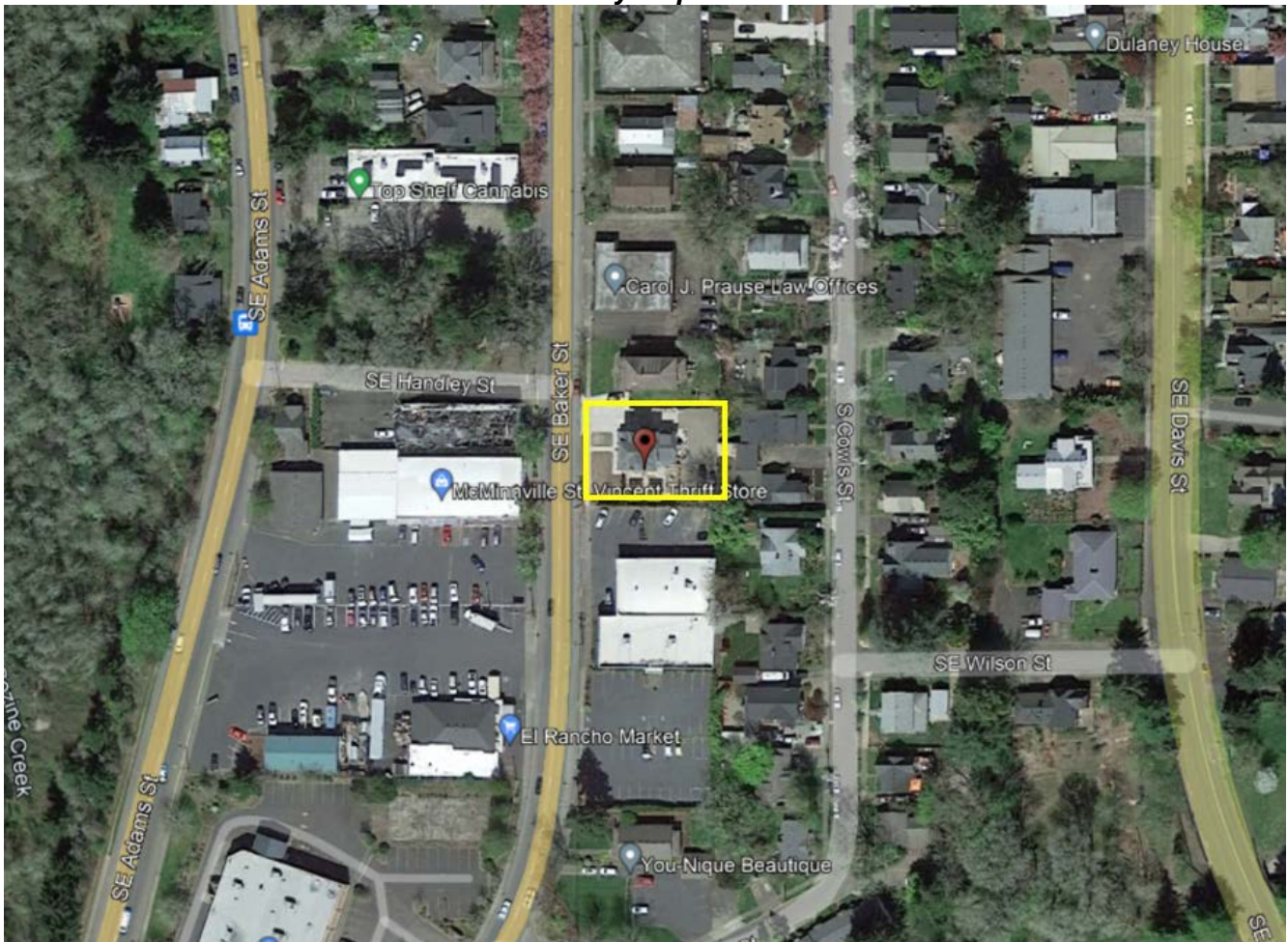
I. APPLICATION SUMMARY:

The proposal is an application for a Zone Change (ZC 1-21) to rezone the subject property from O-R (Office Residential) to C-3 (General Commercial).

Subject Property & Request

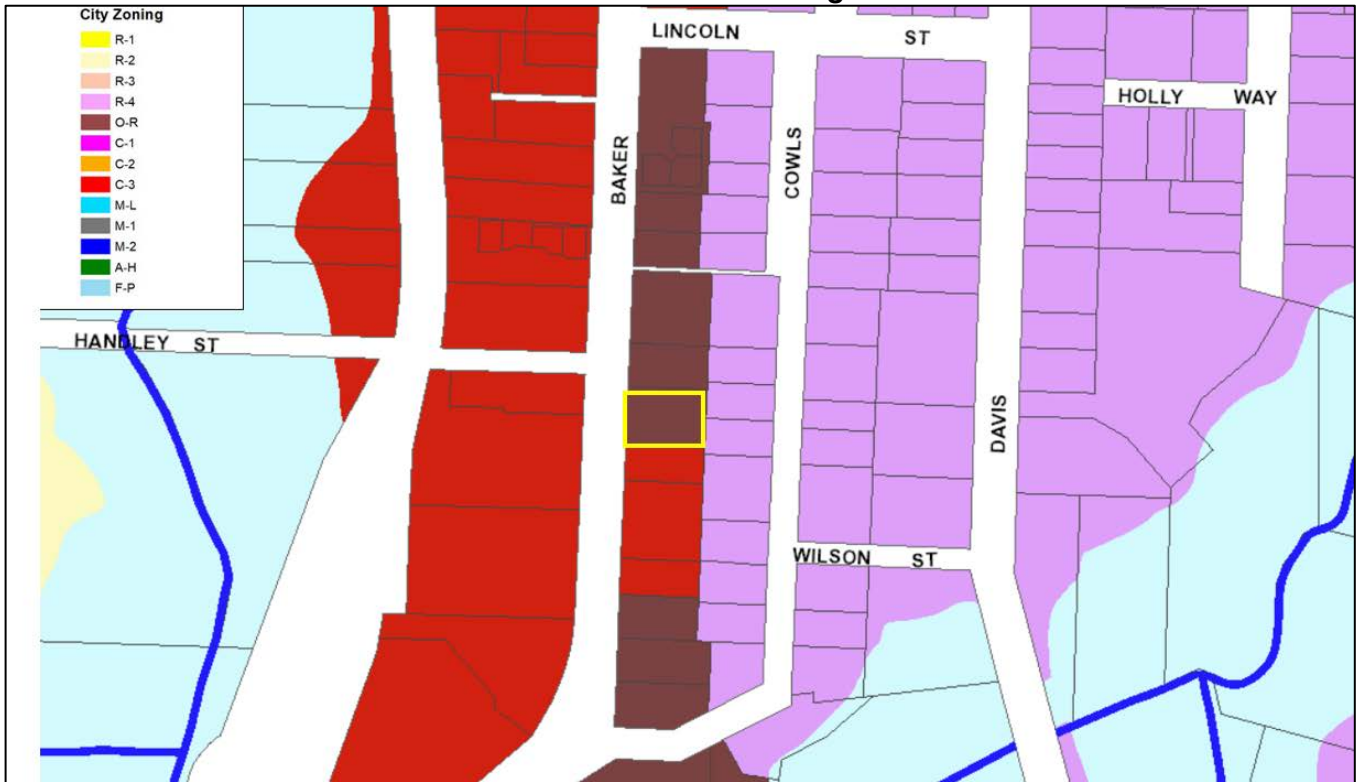
The subject property is a 0.2 acre parcel located at 436 SE Baker Street, on the east side of SE Baker Street and north of Cows Street. ***See Exhibit 1: Vicinity Map & Aerial Photo.***

Exhibit 1: Vicinity Map & Aerial Photo



The subject property and property to the north are zoned O-R. Properties to the south and west are zoned C-3, and property to the east is zoned R-4. ***See Exhibit 2: Current Zoning.*** Predominant surrounding uses are a mix of commercial and residential. The subject property is developed with a single-family residence and accessory structures, as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on SE Baker Street.

Exhibit 2: Current Zoning



The request would rezone the property from O-R to C-3 to allow for a wide range of commercial uses. **See Exhibit 3: Proposed Zoning.** The property is developed with an existing historic building that has recently gone through extensive renovations. The owner is requesting to use the property for lodging which would be allowed in the C-3 zone. **Exhibit 4: Site Plan** is provided for reference.

Exhibit 3: Proposed Zoning

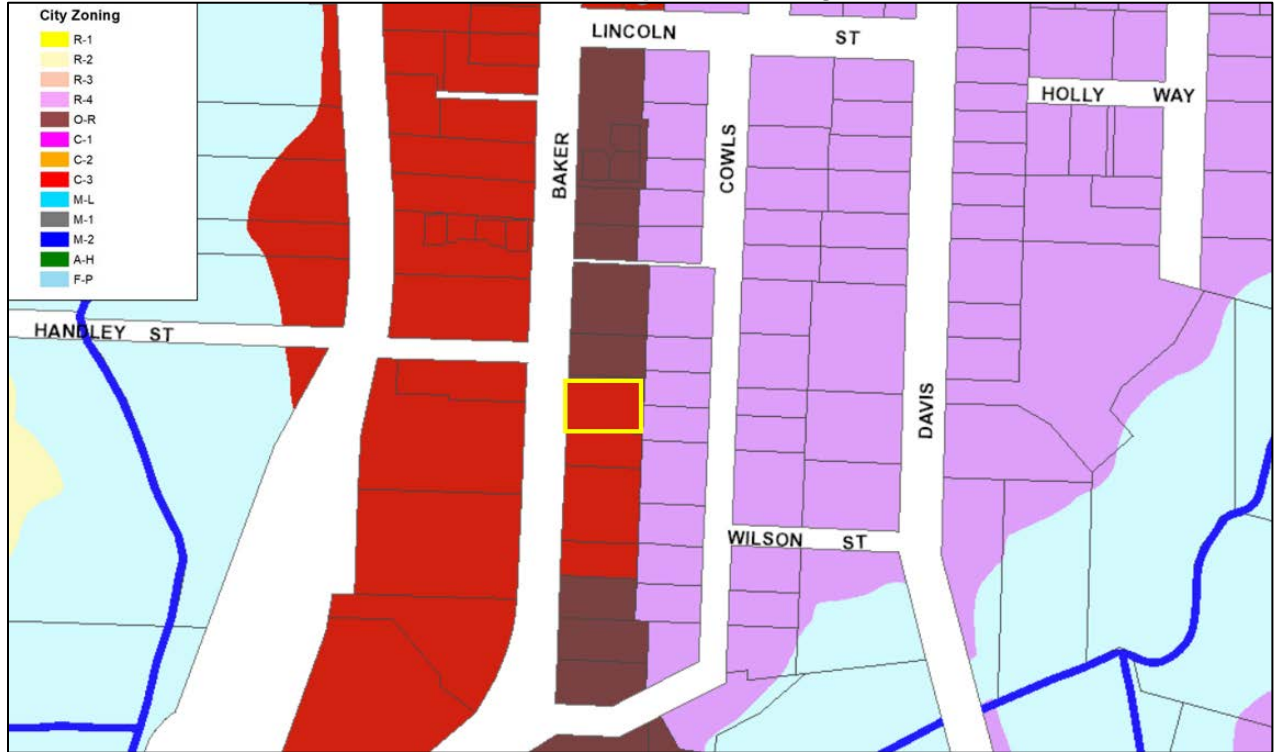


Exhibit 4: Site Plan



Summary of Criteria & Issues

The application (ZC 1-21) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land-use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

III. ATTACHMENTS:

1. ZC 1-21 Application and Attachments

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No objections, comments, or conditions from the Engineering department.

- McMinnville Water & Light
The water account code will require a change to “General Services”. General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.
- McMinnville Building Department
May not have more than five guest rooms to retain its residential occupancy. If more than five guest rooms it will be viewed as a commercial occupancy.
- Oregon Department of Transportation
Checked on driveway approach and no additional permits or information was requested.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Wednesday, November 24, 2021. The following testimony was received:

- December 12, 2021, Email from Sylla McClellan

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The owner, Teresa Drevdahl, held a neighborhood meeting on October 26, 2021.
2. The applicant submitted the Zone Change application (ZC 1-21) on October 28, 2021.
3. The application was deemed incomplete on November 15, 2021.
4. The applicant submitted revised application materials on November 16, 2021.
5. Based on the revised application submittal, the application was deemed complete on November 22, 2021. Based on that date, the 120 day land-use decision time limit expires on March 21, 2022.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance on November 22, 2021: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from agencies are addressed in the Decision Document.
7. Notice of the application and December 16, 2021, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 24, 2021.
8. Notice of the application and December 16, 2021, Planning Commission public hearing was published in the News Register on Tuesday, December 7, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.

9. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
10. On December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 436 SE Baker Street (R4421CB09800)
2. **Size:** 0.2 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** Current: O-R, Requested: C-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
 - a. **Natural Resources:** None
 - b. **Other:** None Identified
8. **Other Features:** Generally level site.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on Baker Street.
10. **Transportation:** Baker Street is identified as a Major Arterial in the 2010 McMinnville Transportation System Plan (TSP). The TSP identifies a right-of-way width of 76 feet for major arterials.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Municipal Code, Title 17. Zoning Ordinance provide criteria applicable to the request:

17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

APPLICANT RESPONSE: Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan. The comprehensive plan designation for the Property is already commercial, so changing the zoning of the Property to the C-3 commercial zone is consistent with the comprehensive plan designation. More specifically, Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan as detailed in the application - Exhibit 1.

FINDING: SATISFIED. See responses to applicable Comprehensive Plan policies below.

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

APPLICANT RESPONSE: Applicant's request is orderly and timely considering the pattern of development in the area in which it is located and the surrounding land uses. The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

The applicant recently invested significant funds and resources in remodeling and rehabilitating the property, which was in very poor repair and condition. Neighbors recounted to the applicant the problems the property caused for the neighborhood as a nuisance that attracted problematic behavior before applicant purchased and improved it. Applicant's improvements have made the property a viable part of the area again, removing the nuisance that once plagued the area, and permitting the renovated structure and property to be used consistently with the comprehensive plan.

FINDING: SATISFIED. The City concurs with the applicant. The proposed development is located on a highway corridor with an underlying commercial comprehensive plan designation and mostly C3 zoned frontage.

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

APPLICANT RESPONSE: The property is already adequately serviced by public utilities, including sewer, electricity, and water.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The property is located in an area with available services to serve the property for commercially zoned development, including the proposed lodging use.

CONDITION OF APPROVAL #1. The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

FINDING: Not Applicable. Criterion B is satisfied.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

FINDING: SATISFIED. As addressed below, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

17.33, C-3, General Commercial Zone, the proposed use needs to be compliant with the standards of the rezone request.

Section 17.33.010	Permitted Uses	Lodging and Short Term Rentals are both permitted uses in the C-3 zone.
Section 17.33.010(B)	Yard Requirements: Rear yard shall not be less than twenty feet when adjacent to a residential zone.	Per the site plan illustrated as Exhibit 4, the rear yard setback which is adjacent to a residential zone is thirty-four feet.
Section 17.33.040	Building Height, buildings shall not exceed a building height of eighty feet.	The building does not exceed a height of eighty feet.
Section 17.33.050,	Use limitations, screening outside storage.	There is no outside storage on the site.

FINDING: SATISFIED. The existing development on the site meets the criteria of the proposed C3 zone.

17.60.060 – Off Street Parking Spaces Required. One off-street parking space is required for each guest room.

FINDING: SATISFIED. Currently, the site has paved parking for six off-street parking spaces.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

17.04 Increase interpretation efforts of the city's historic resources.

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

Policy 17.07 Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.

APPLICANT'S RESPONSE: The property is developed with a historic building that the Applicant intends to use as a short-term rental. The proposed zoning will allow the existing historic building to be utilized to promote the foregoing goals and policies. Applicant's intended use will support heritage tourism by providing accommodations for visitors to McMinnville. The property's relative proximity to downtown and intended use as a short-term rental facilitates the policy of increasing the interpretation efforts of the city's historic resources and increasing heritage tourism.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed rezone will allow for the historic structure to be used for a variety of commercial uses in the future, such as professional office, medical office, restaurant, lodging, or other compatible, small-scale commercial uses. By rezoning this site to the general commercial, it will allow the historic house to be used in a variety of ways consistent with the C-3, thus increasing the preservation potential in the future.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

- Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*
- Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*
- Policy 23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*
- Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: The property is currently designated for commercial use by the comprehensive plan for McMinnville. A change of zoning to the commercial C-3 zoning will maximize the efficiency of land use and utilize an existing commercially designated land. Changing the zoning to a commercial zoning of C-3 will also protect the property from encroachment of uses incompatible with the commercial designation on the comprehensive plan. Because properties to the south and the west are already zoned C-3, changing the zoning of the property to C-3 will foster cluster development of commercial uses.

FINDING: SATISFIED. The City concurs with the applicant’s findings and adds that this proposal to expand the C-3 zoning to the north will allow this property a more robust allowance of commercial uses under the C-3 zone that are appropriate on the Highway 99W corridor. As stated, this property is already designated commercial under the Comprehensive plan. The change to C-3 will just allow this property the additional flexibility of commercial uses thus encouraging the continued growth and diversification opportunities in McMinnville.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

Downtown Development Policies:

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.
(Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: The Applicant’s request promotes the downtown as a cultural, service, and retail center because the property’s relatively close location to downtown and the applicants intended use.

FINDING: SATISFIED. The City concurs with the applicant's findings and adds that this proposal to expand the C-3 zoning to the north will allow additional commercial around the City core. The site's proximity to downtown continues to promote walkability and convenient circulation pattern. No additional infrastructure is proposed or required with the rezone.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No new development is proposed at this time, therefore use of the existing driveway onto SE Baker, a major arterial will remain.

Streets

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]

1. *Major, minor arterials.*
 - *Access should be controlled, especially on heavy traffic-generating developments.*
 - *Designs should minimize impacts on existing neighborhoods.*
 - *Sufficient street rights-of-way should be obtained prior to the development of adjacent lands.*
 - *On-street parking should be limited wherever necessary.*
 - *Landscaping should be required along public rights-of-way.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network.

Baker Street is classified as a major arterial in the City's Transportation System Plan (TSP).

Currently, there is on-street parking adjacent to the subject property, although on-street parking is not proposed at this time it would be available to the commercial use proposed on this lot.

Parking

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land-use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

APPLICANT'S RESPONSE: The property has significant off-street parking, which is more than adequate to service the intended use.

FINDING: SATISFIED. Staff concurs with the applicant's finding. The site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Lodging requires one space per guest room. Off-street parking will be required based on the type of use proposed and allowed on the subject site.

GOAL X1: 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.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.