



City Council Meeting Agenda

Tuesday, October 22, 2024

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

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

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

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

- Attend in person and fill out a public comment card.
- Email at any time up to **noon on Monday, October 21st** to CityRecorderTeam@mcminnvilleoregon.gov
- If appearing via telephone only please sign up prior by **noon on Monday, October 21st** by emailing the City Recorder at CityRecorderTeam@mcminnvilleoregon.gov as the chat function is not available when calling in Zoom;
- Join the Zoom meeting 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 the City Recorder with your First and Last name, Address, and contact information (email or phone) for a public comment card.**

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

mcm11.org/live

Download the "Cablecast" app on iOS, Android, Roku, Apple TV or Amazon Firestick and watch McMinnville City Council on all your devices.

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/87275185011?pwd=Zny9yHTWRBdxsW4ouwuZNOmFbh4LB.1>

Zoom ID: 872 7518 5011

Zoom Password: 795543

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

ID: 872 7518 5011

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PROCLAMATION
 - a. Extra Mile Day Proclamation
4. 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.
5. PRESENTATIONS
 - a. Chemeketa Community College Bond Update presented by Dr. Jessica Howard

6. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports

7. CONSENT AGENDA
 - a. Consider the Minutes of the July 13, 2021, City Council Regular Meeting.
 - b. Consider the Minutes of the July 21, 2021, City Council Work Session Meeting.
 - c. Consider the Minutes of the July 27, 2021, City Council Work Session & Regular Meeting, and Joint City Council & Budget Committee Meeting.

8. ORDINANCES
 - a. Consider the first reading with a possible second reading of **Ordinance No. 5149**: An Ordinance Amending Title 17 (Zoning) of the McMinnville Municipal Code to Chapter 17.54 “General Regulations,” and Approving the Decision, Findings, and Conclusionary Findings for Docket G 1-24.

9. ADJOURNMENT OF REGULAR MEETING

CITY COUNCIL EXECUTIVE SESSION – IMMEDIATELY FOLLOWING THE REGULAR MEETING (NOT OPEN TO THE PUBLIC)

1. CALL TO ORDER
2. **EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(j)**: To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
3. ADJOURNMENT OF EXECUTIVE SESSION



PROCLAMATION

Whereas, McMinnville, Oregon is a community that acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

Whereas, McMinnville, Oregon is a community that encourages its community members to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

Whereas, McMinnville, Oregon is a community that chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

Whereas, McMinnville, Oregon acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2024.

Now, therefore, I, Remy Drabkin, Mayor of the City of McMinnville, Oregon, do hereby proclaim November 1, 2024 as

EXTRA MILE DAY

And I urge each individual in the community to take time on this day to not only “go the extra mile” in their own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 22nd day of October, 2024.

Remy Drabkin, Mayor

Chemeketa: Transforming Lives and Strengthening Communities



We are Proud to be Your Community College

- VALUE: \$8.50 return (Oregon average is \$5.20)
- OPPORTUNITY: Largest Hispanic Serving Institution
- CTE QUALITY: #1 nursing program in the state
- EXCELLENCE: Chemeketa Scholars program
- SUCCESS: Only CC in the nation that publishes low-cost textbooks written by faculty, saving students over \$6M to date.
- INNOVATION: Bachelor's Degree degree in Leadership and Management



2008 Bond Levy \$92M



- Brooks Center (2011)
- Salem Campus, Bldg. 8 (2011)
- Salem Campus, Bldg. 20 (2015)
- Salem Campus, Bldg. 21 (2015)
- Yamhill Valley Campus (2011)



2024 General Obligation Bond Measure

2008 Bonds

- Amount: \$92 million
- Ends 2026
- **Average Tax Rate: \$0.27 per \$1,000**

2024 Bonds

- Amount: \$140 million
- Term: 15-20 years
- **Projected Tax Rate: \$0.27 per \$1,000**



Drivers and Prep for 2024 Bond Measure

- 17 external community conversations
- Comprehensive facilities study
- Internal Chemeketa conversations
- Mid-Valley employer workforce study
- Community polling (December 2023)

Cutting-Edge Career and Technical Training



Increase capacity in career and technical education (CTE), specifically in healthcare, the trades, and emergency services programming.

- New Trades Center on Salem Campus
- Double capacity for paramedic programming



Wellness and Disaster Preparedness



Renovate Building 7 on the Salem Campus to support wellness programming in addition to physical education, and to function as a community disaster resource site.

- Leverage an \$8M state grant (Article XI-G bond)



Improved Teaching and Learning Spaces



Renovate educational spaces across the college district for both CTE and Lower Division Transfer programs.

- Modernize technology
- Meet ADA and other compliance standards



Safety and Security

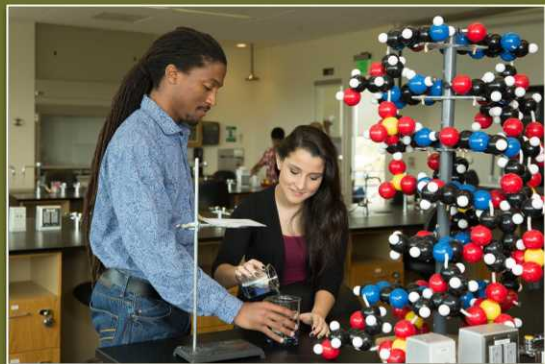


Enhance district-wide safety and security through improvements to:

- Parking lots, lighting
- Security cameras
- Elevators
- HVAC systems



Improved Science Opportunities



Create a Science lab at the Woodburn Center to facilitate the completion of the Associate of Arts Oregon Transfer (AAOT) program by local students.



Supportive Environments for Student Success



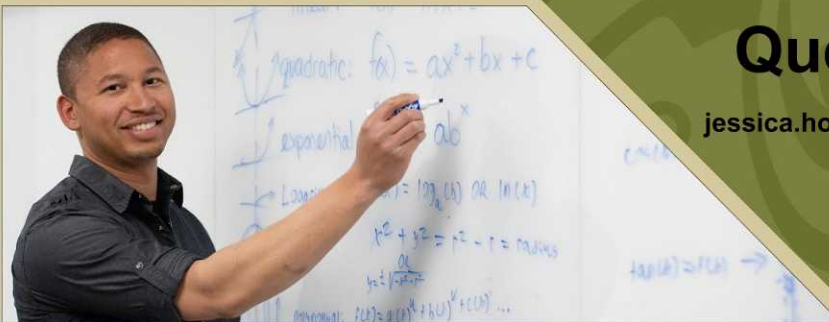
Renovate, upgrade, and improve student activity and support spaces across the college district.

- Student environments
- Community athletic fields



Questions?

jessica.howard@chemeketa.edu



CITY OF McMinnville
MINUTES OF CITY COUNCIL REGULAR SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, July 13, 2021 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin, Council President	
	Adam Garvin	
	Zack Geary	
	Kellie Menke	
	Chris Chenoweth	
	Sal Peralta	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Police Chief Matt Scales, Fire Chief Rich Leipfert, Finance Director Jennifer Cuellar, Planning Director Heather Richards, Engineering Services Manager Larry Sherwood, Human Resources Manager Kylie Bayer, Information Technology Director Scott Burke, Parks and Recreation Director Susan Muir, and *members of the News Media Jerry Eichten, McMinnville Community Media and Kirby Neumann-Rea, News Register.*

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:04 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Councilor Geary led the pledge of allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Maeshowe Pierce, McMinnville community member, requested the City Council help Chris Bean get his house and belongings back and drop the discriminatory fines. She would like to be a part of the Climate Action Plan Committee and work on important environmental issues.

Tynan Pierce, McMinnville community member, discussed Chris Bean's arrest and taking of his belongings. He hoped all the charges would be dropped and that changes would be made to the process.

Valerie Miller, McMinnville community member, had witnessed what happened with Chris Bean and it was traumatic. The City needed to evaluate what was reasonable when it came to the homeless.

Jacob Miller, McMinnville community member, was concerned about criminalizing the homeless and the difference between homelessness and permitted camping. He thought Chris Bean should get his property back without fines.

Chris Bean, McMinnville community member, had been sober for six months and his tent trailer was his home where he felt safe. He thought he had been doing the right things, but he was arrested, and all his possessions taken. It made him feel defeated.

Summer Hatfield, McMinnville community member, requested a radar speed sign be put near the intersection of 9th and Evans. It was especially unsafe to cross the street there, and she had almost been hit and her brother's dog had been run over. She thought the sign would help reduce speeds. The signs were low cost considering maintenance fees.

Linda Hatfield, McMinnville community member, said she lived on Evans where there were four blocks of no stop signs. People sped on this street and she had talked to the Police Department several times. However, a speed radar sign had not been placed out there yet. She had a signed petition from 150 neighbors, but nothing was done. She read comments from neighbors about this safety issue.

David Hatfield, McMinnville community member, discussed the speeding on Evans and the safety hazards it caused. Between 8th and 12th there were no stop signs. He suggested putting a stop sign on 10th.

Leonard O'Dell, McMinnville community member, thanked the City for the stop sign on 9th and Galloway. He had witnessed the issues on Evans and it was a safety concern. Some traffic calming device was needed.

4. PRESENTATION

TurtleDove Presentation

John Mead and Patrick Evans discussed the TurtleDove shelters project including the background on the project, what a Turtledove shelter was, their mission statement, personal observations on homelessness, their inspiration, how these were temporary shelters, what the Turtledove organization was not, future steps, where homeless needed Council's help, and where Turtledove Shelters needed Council's help.

There was discussion regarding how the community could help.

5. ADVICE/ INFORMATION ITEMS

5.a. Reports from Councilors on Committee & Board Assignments

Councilor Peralta reported on the Rental Property Inspection Committee meeting.

Council President Menke reported on Visit McMinnville business promotions and mural on 3rd Street.

Councilor Drabkin reported on the DEI meetings with department heads, Wine Country Pride event, and Oregon Wine Board presentations.

Mayor Hill reported on the Bypass funding.

5.b. Department Head Reports

Parks and Recreation Director Muir reported on the Senior Center reopening, registration for Kids on the Block, Mac Pac developing a finance subcommittee, Summer Fun program, and upcoming events.

Finance Director Cuellar said there was a clerical error in Resolution 2021-46 that adopted the budget and changes were made to the document. The auditors would be in next week.

Human Resources Manager Bayer gave an update on the DEI Committee community outreach subcommittee and furlough program.

Police Chief Scales reported on the Park Ranger Program and Crime Response Unit.

Fire Chief Leipfert discussed the upcoming Council Work Session with the consultant on the new fire district and reengaging partners.

City Manager Towery reported that the Mid-Willamette Valley Council of Governments would be hosting an in-person meeting on ARPA funds on Friday.

6. CONSENT AGENDA

- a. Consider the Minutes of the April 28, 2020 City Council Regular Meeting.
- b. Consider the Minutes of the May 12, 2020 City Council Regular Meeting.

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Peralta. Motion PASSED unanimously with Councilor Chenoweth abstaining.

7. RESOLUTIONS

- 7.a. Consider **Resolution No. 2021-47**: A Resolution for City of McMinnville, Oregon Ratifying the Declaration of State of Emergency concerning the collection, disposal, and general management of solid waste.
City Attorney Guile-Hinman said Riverbend Landfill informed Recology they were no longer going to be accepting municipal waste effective June 19. This was in violation of the Conditional Use Permit for Recology's

Transfer Station. Because of the public health and safety considerations, a state of emergency needed to be put in place until the issue was resolved over the next few months.

Carl Peters, Recology, said as of July 1, they were not accepting anything at the landfill except particular types of soils. Commercial contractors could dump at the transfer station.

Councilor Geary MOVED to adopt Resolution 2021-47; A Resolution for City of McMinnville, Oregon Ratifying the Declaration of State of Emergency concerning the collection, disposal, and general management of solid waste. City Attorney Guile-Hinman said Riverbend Landfill informed Recology they were no longer going to be accepting municipal waste effective June 19. This was in violation of the Conditional Use Permit for Recology's Transfer Station. Because of the public health and safety considerations, a state of emergency needed to be put in place until the issue was resolved over the next few months SECONDED by Councilor Chenoweth. Motion PASSED unanimously 6-0.

*Aye – Councilors Garvin, Menke, and Chenoweth, Peralta
Nay – Councilors Payne, Geary*

8. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 8:25 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, July 21, 2021 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Megan Simmons

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	Remy Drabkin, Council President
	Zack Geary	
	Kellie Menke	
	Sal Peralta	
	Chris Chenoweth	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, Information Services Specialist Megan Simmons, Fire Chief Rich Leipfert, Planning Director Heather Richards, Parks and Recreation Director Susan Muir, Library Director Jenny Berg, Engineering Services Manager Larry Sherwood, and *members of the News Media Jerry Eichten, McMinnville Community Media and Kirby Neumann-Rea, News Register.*

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:00 p.m. and welcomed all in attendance.

2. MCMINNVILLE PROGRAMMING ADVISORY COMMITTEE (MacPAC) UPDATE:

Parks and Recreation Director Muir, Library Director Berg, and Meredith Maxfield, MacPAC Vice Chair, gave an update on MacPAC's work. They discussed the project timeline, purpose of the project, MacPAC's role in the process, value driven framework, MacPAC members, subcommittees, and charge, vision for the Senior Center, vision for the Library, vision for the new Rec Center, finances, ongoing challenges, and next steps.

3. ANNEXATION PRESENTATION/DISCUSSION:

Planning Director Richards gave a presentation on annexations. She explained the definition of annexation and what it was governed by, the history of local ordinances, vote by electorate, and Ordinance No. 4636. Staff recommended embedding annexation requirements and procedures in the City Code, replacing the existing Chapter 16 which was a redundant

land division standards chapter, with a Chapter 16 dedicated to annexations. Staff also recommended amending Chapter 17 to remove any references to annexation processes and procedures, making them administrative and not quasi-judicial. She then discussed the MGMUP process and components, what was in an annexation agreement, and next steps.

There was discussion regarding the language in the Charter for voter-approved annexations, how state statute overruled home rule, annexation agreements which included affordable housing provisions, rectifying islands of properties that did not want to annex, preservation of heritage trees and other environmental resources, natural hazards overlay, and cost recovery.

There was consensus for staff to move forward with the provisions in the annexation agreements as presented.

4. ADJOURNMENT: Mayor Hill adjourned the meeting at 7:30 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, July 27, 2021 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Excused Absence
	Remy Drabkin, Council President	Adam Garvin
	Kellie Menke	
	Sal Peralta (joined at 5:36 p.m.)	
	Chris Chenoweth	
	Remy Drabkin	
	Zack Geary	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, Planning Director Richards, Police Chief Matt Scales, Library Director Jenny Berg, Human Resources Manager Kylie Bayer, and *member of the News Media Jerry Eichten, McMinnville Community Media.*

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:31 p.m. and welcomed all in attendance.

2. REVIEW CITY COUNCIL LEVEL 10 MONTHLY TEAM MEETING AGENDA:

Wendy Stassens, consultant, said the purpose of the meeting was to agree to the top 5-7 principles that would be refined and utilized as guiding principles for the Council going forward. The homework for Council was to share their favorite leadership quote and explain why they chose it.

The Council shared their quotes.

Ms. Stassens gave a status on the last meeting's action items. She introduced the process for refining the operating agreement.

The Council individually shared their top 5 guiding principles and discussed why each had been chosen.

Ms. Stassens took the top-ranking principles as the principles to carry forward and fine-tune at the next meeting.

3. ADJOURNMENT: Mayor Hill adjourned the meeting at 6:59 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL REGULAR SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, July 27, 2021 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin, Council President	
	Adam Garvin	
	Zack Geary	
	Kellie Menke	
	Chris Chenoweth	
	Sal Peralta	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Police Chief Matt Scales, Fire Chief Rich Leipfert, Finance Director Jennifer Cuellar, Planning Director Heather Richards, Engineering Services Manager Larry Sherwood, Human Resources Manager Kylie Bayer, Information Technology Director Scott Burke, Parks and Recreation Director Susan Muir, and *members of the News Media Jerry Eichten, McMinnville Community Media and Kirby Neumann-Rea, News Register.*

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:01 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE

Mayor Hill led the pledge of allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Planning Director Richards gave an update on the issue of Jacob Miller and his RV located on private property. She had met with the parties involved to work on solutions.

Tynan Pierce, McMinnville community member, spoke about the quick response of the City to this issue. He thought City ordinances should be reviewed for discriminatory language. There needed to be a sense of urgency to all these types of situations. Affordable housing was a big issue in the City and needed to be addressed.

Jacob Miller, McMinnville community member, spoke about changes to the enforcement model in the City. He thought there should be a more diverse response team instead of police officers for these types of issues.

Maeshowe Pierce, McMinnville community member, thought they needed to change the City's ordinances to allow humans to be humans and get down to other business, such as climate change instead of policing people who were just trying to get by.

Deborah Schwartkopez, McMinnville community member, addressed the need for a tent city or tiny home village for the homeless.

Alisa Nice, McMinnville community member, said there was nowhere for homeless to go in the City and a long-term shelter needed to be put in place instead of giving homeless tickets or taking them to jail.

Richard Henricks, McMinnville community member, thought the homeless situation was getting out of hand. There needed to be more communication and caring. The homeless needed help instead of being written tickets or sent to jail.

Amy Gillette, McMinnville community member, gave her perspective on the needs of the homeless. She thought there could be a good outcome for all involved and proposed a tent city or a tiny home village for the homeless. A contract could be drafted and the homeless would work to obtain gainful employment and live in the village for a period of time. Services would be provided as needed, and community organizations would be overseers.

Raymond Berry, McMinnville community member, said the homeless needed better circumstances and a place to live.

4. JOINT MCMINNVILLE CITY COUNCIL & MCMINNVILLE BUDGET COMMITTEE MEETING

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin, Council President	
	Adam Garvin	
	Zack Geary	
	Kellie Menke	
	Chris Chenoweth	
	Sal Peralta	

Budget Committee:	<u>Present</u>	<u>Excused Absence</u>
	Cherry Haas	Jerry Hart
	Peter Hofstetter	
	Alison Seiler	
	Wendy Phoenix	
	Debbie Harmon Ferry	

Meredith Maxfield

CALL TO ORDER: Mayor Hill called the meeting to order at 7:30 p.m.

RESOURCES AND SUSTAINABLE CITY SERVICES DISCUSSION:

Finance Director Cuellar introduced the topic. She discussed resource options available to the City. The goal was to identify the options that merited further study and consideration by the group versus those where consensus was that the revenue option was a definite no. The options included property tax and income taxes, sales and excise taxes, fees for services, existing revenue sources that could be reviewed and/or expanded, and miscellaneous others. She explained the limits imposed under Measure 5 for property taxes. The City was slightly above the \$5 limit on education and under the \$10 limit on government category spending.

There was discussion regarding the operating levy for the new Fire District and differences between the current levy authority, new net levy authority, and a district, and how much revenue would be needed. There was further discussion about the reasons the City had a deficit, taxes directed towards specific spending, funding model for roads, utility rate review, how much revenue each option would generate, creating a stormwater utility fee, payroll tax, and surveying registered voters on their awareness of critical issues facing the City and their priorities to address them.

The Council and Committee discussed creating a ranking system for the options. They talked about categorizing revenue streams for specific items, creating a ballot, identifying which options would net more revenue, utilizing the DEI Committee to evaluate the options, Covid considerations, revenue goals, and core services.

There was consensus for staff to come back with a document with high level expectations for the magnitude of revenue for each option and a ranking system that got to the issue of supportability. Finance Director Cuellar would put together a Google poll that the Council and Committee would discuss on August 10.

Mayor Hill adjourned the meeting at 8:56 p.m.

5. ADVICE/ INFORMATION ITEMS

5.a. Reports from Councilors on Committee & Board Assignments

Councilor Geary reported on MacPac and the Landscape Review Committee.

Councilor Menke reported on YCAP and Yamhill County youth outreach.

Councilor Garvin discussed the soft launch of Pulse Point.

Councilor Peralta reported on the Mid-Willamette Valley Council of Governments training sessions and legislative bills they had supported.

Council President Drabkin discussed the Affordable Housing Committee and email from the County about current public health.

Mayor Hill discussed the Bypass Committee and bypass funding sources, McMinnville Water & Light Board water rate increases, and facilities.

5.b. Department Head Reports

Finance Director Cuellar shared information about in-person Municipal Court and deadline for state-shared revenue certification,

Fire Chief Leipfert reported on the Air Show this weekend and the County Fair next week.

City Manager Towery discussed the update from Yamhill County Public Health related to COVID-19.

City Attorney Guile-Hinman addressed Mr. Davis's public comments about annexations and public input. She then discussed the appeal of Yamhill County's approval of Docket No. M-01-20/SDR-20-20, the Verizon cell tower monopole to be built outside of the city limits.

Councilor Peralta MOVED to authorize the City Attorney to pursue an appeal before the Land Use Board of Appeals and the Oregon Court of Appeals if necessary on Yamhill County Docket No. M-01-20/SDR-20-20; SECONDED by Councilor Geary. Motion PASSED unanimously 6-0.

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

Claudia Cisneros, City Recorder



STAFF REPORT

DATE: October 22, 2024
TO: Mayor and City Councilors
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Ordinance No. 5149: (Docket G 1-24), An Ordinance amending 17.54 of the McMinnville Municipal Code, Residential Accessory Structures

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This action is the consideration of Ordinance No. 5149, amending the McMinnville Municipal Code (MMC), Title 17 "Zoning" regarding the provisions for residential accessory structures and yards in Chapter 17.54 of the Zoning Ordinance. This is a legislative action, recommended by the Planning Commission and staff.

The proposal will memorialize a historic interpretation of the code language regarding residential accessory structures, by expanding the permitted area of accessory structures in setbacks from 100 to 200 square feet, and make those residential accessory structures placed prior to the adoption of the proposed amendment legally non-conforming if compliant with the proposed standards.

The City of McMinnville historically interpreted provisions of McMinnville Municipal Code (MMC) Section 17.54.020(D) to allow an unenclosed covered patio, or a covered deck enclosed only by railings, to encroach into a required rear yard of a residence provided no part is closer than 10 feet to a rear property line.

In 2023, an application for an administrative variance to this standard was filed, and a public comment was received challenging this interpretation and requesting a hearing, which went to the Planning Commission in 2024. Legal Counsel advised that the provision as written only applied to detached accessory structures, and did not allow for a covered porch or covered deck attached to a residence to encroach into a required rear yard. The Planning Commission subsequently provided direction to staff to initiate proposed amendments to amend the code to

be consistent with the historic interpretation. In addition, the proposed amendments address a related issue in MMC Section 17.54.020 which was raised regarding limitations on the number and maximum size of small accessory structures that may encroach into a required rear yard or side yard behind the rear building line of a residence. At their August 15, 2024, meeting, the Planning Commission requested staff to bring a Zoning Ordinance Amendment to the residential accessory structures and yards at a future meeting. Staff returned with a draft Zoning Ordinance Amendment at the September 19, 2024, Planning Commission meeting, where the Planning Commission recommended adoption of the proposed Zoning Ordinance Amendment as presented to City Council.

Background:

This proposal aims to implement a request received from the Planning Commission during their meetings on April 4, 2024, May 16, 2024, and August 15, 2024. The request is to adopt revised code provisions concerning residential accessory structures and yard setbacks.

An Administrative Variance was requested to reduce the rear yard setback for an attached unenclosed patio from 10 feet to 9 feet, which equates to a 10% reduction in the setback and meets the relevant criteria. During the public comment period, a concern was raised regarding the definition of an unenclosed patio, questioning whether it is considered an accessory structure under the McMinnville Municipal Code (MMC) Section 17.54.020. Additionally, it was pointed out that only one residential accessory structure is permitted within the required rear yard or a required interior side yard behind the back building line as per Section 17.54.020(A).

The comment pointed to the preamble of Section 17.54.020, which describes an accessory structure as a detached structure, and the proposed patio is attached to the building. Please see below. Emphasis in **bold**:

17.54.020 Residential Accessory Structure and Use. An accessory structure **refers to a detached**, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

The City of McMinnville historically interpreted 17.54.020(D) to include both attached and detached patios per the definition below. The impact of the patio on adjacent property owners is the same whether it is attached to the structure or detached from the structure.

The comment pointed to Section 17.54.020(A), which describes one accessory structure at maximum within a required rear yard or a required interior side yard behind the back building line.

A. **One** accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.

The City of McMinnville historically interpreted 17.54.020 to permit multiple residential accessory structures, when attached and detached, within the required rear yard or a required interior side yard behind the back building line.

Staff consulted legal counsel, who agreed with the public comment on both issues.

On August 15, 2024, the Planning Commission held a workshop to review potential amendments for residential accessory structures and yards. Where the Planning Commission directed staff to return with a Zoning Ordinance Amendment application, including a draft ordinance to include revisions to the amendments presented at the workshop, including 1) increase the area of an accessory structure permitted within a required rear yard or a required interior side yard behind the back building line from 100 to 200 square feet and 2) make those residential accessory structures placed prior to the adoption of the proposed amendment legally non-conforming if compliant with the proposed standards.

At the September 19, 2024, Planning Commission meeting, the Planning Commission recommended approval of the proposed Zoning Ordinance Amendment as presented.

Discussion:

The draft amendments prepared by staff and recommended for adoption by the Planning Commission are summarized below.

Amend Provisions to Codify Previous Residential Accessory Structure Interpretation

- 1. Remove detached requirements for patios and decks.** Staff recommends the addition of Section 17.54.050(C)(3) to allow for attached enclosed covered patios, covered decks, or decks to encroach into setbacks, provided they are no closer than 10 feet to the rear property line, and to allow uncovered decks behind the rear building line to encroach into the interior side property line no closer than 5 feet to the side property line.
- 2. Remove the restriction of a maximum of one accessory structure in setbacks.** Staff recommends revising the preamble of Section 17.54.020 and Section 17.54.020(A) to remove language limiting to one (1) structure.

Additional Actions

- 1. Provide additional examples of types of detached accessory structures.** The proposed draft also lists additional examples of the types of structures that are considered detached accessory structures to which the allowance applies to provide additional clarity regarding common requests by revising Section 17.54.020.
- 2. Increase the permitted area of accessory structures in setbacks from 100 to 200 square feet.** Staff recommends revisions to Section 17.54.020(A) to increase the square feet in area of accessory structures located in a required rear yard or a required interior side yard behind the back building line from 100 to 200 square feet.
- 3. Make those residential accessory structures placed prior to the adoption of the proposed amendment legally non-conforming if compliant with the proposed standards.** Staff recommends adding Section 17.54.020(G) and Section 17.54.050(C)(4) to allow those residential accessory structures and attached unenclosed covered patios and covered decks enclosed only be railings placed prior to the adoption of this amendment to remain subject to Chapter 17.63 Nonconforming Uses.

Attachments:

- Attachment 1: Ordinance No. 5149
 - a. Exhibit A to Ordinance No. 5149, Proposed Code Amendments
 - b. Exhibit B to Ordinance No. 5149, Decision Document

- Attachment 2: Minutes for the September 19, 2024, Planning Commission hearing

Fiscal Impact:

No fiscal impact is anticipated.

City Council Options:

Per Section 17.72.130(B) of the McMinnville Municipal Code:

Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:

1. *Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;*
2. *Upon receipt of the decision of the Planning Commission, the City Council shall:*
 - a. *Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
 - b. *Adopt an ordinance effecting the proposed change in an amended form, or*
 - c. *Refuse to adopt the amendment through a vote to deny, or*
 - d. *Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*

1. **ADOPT ORDINANCE NO. 5149** approving the proposed amendments for Docket G 1-24, as presented in Exhibit A to the ordinance.
2. **ADOPT ORDINANCE NO. 5149 in an amended form**, approving the proposed amendments for Docket G 1-24, **with revisions**.
3. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
4. **REFUSE TO ADOPT THE ORDINANCE**

Recommendation/Suggested Motion:

Staff recommends the Council adopt Ordinance No. 5149, which would approve Docket G 1-24, amendments to and Chapter 17.54 "General Provisions" of the Zoning Ordinance.

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS RECOMMENDED BY THE PLANNING COMMISSION AND SUBMITTED BY STAFF, I MOVE TO ADOPT ORDINANCE NO. 5149."

ORDINANCE NO. 5149

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE MUNICIPAL CODE TO CHAPTER 17.54 "GENERAL REGULATIONS," AND APPROVING THE DECISION, FINDINGS, AND CONCLUSIONARY FINDINGS FOR DOCKET G 1-24.

RECITALS:

WHEREAS, Docket G 1-24 is a legislative action amending provisions related to trees in Title 17 (Zoning) of the McMinnville Municipal Code.

WHEREAS, Docket G 1-24, a draft legislative proposal for amendments to standards for residential accessory structures and yards, was initiated on August 13, 2024 with notice of the proposed amendments and a September 19, 2024 Planning Commission public hearing submitted to DLCD.

WHEREAS, on September 13, 2024, notice of the application and the September 19, 2024 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.

WHEREAS, on September 19, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments as presented.

WHEREAS, notice of the October 22, 2024 City Council meeting was posted on the City website in accordance with Oregon public meetings law.

WHEREAS, the City Council received the Planning Commission recommendation and staff report, and has deliberated.

WHEREAS, the City Council, being fully informed about said request, found that the requested amendments attached as Exhibit A conform to the applicable criteria, including the Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the Planning Division and the findings of fact and conclusionary findings for approval in Exhibit B.

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

1. The McMinnville Zoning Ordinance is amended as provided in Exhibit A; and
2. The Council adopts the Decision, Findings, and Conclusionary Findings for Docket G 1-24 attached as Exhibit B; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 22nd day of October 2024 by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Amendments to McMinnville Zoning Ordinance (17.54 of McMinnville Municipal Code)
- B. Decision, Findings, and Conclusionary Findings for Docket G 1-24

EXHIBIT A TO ORDINANCE NO. 5149

**McMinnville Zoning Ordinance
Amendments to Provisions Relating to Residential Accessory Structures
and Yards**

New text is in ***bold, italic, underline text***. Deleted text is in ~~strikethrough text~~

Chapter 17.54

GENERAL REGULATIONS

(as amended by ***Ordinance No. 5149, October 2024,***
and Ordinance No. 4912, March 2009)

...

17.54.020 Residential Accessory Structure and Use. An accessory structure refers to a detached, non-habitable building (such as a shed or greenhouse, ***detached covered deck, garage, detached unenclosed covered patio, and similar structure***) generally used for storage or other non-commercial use. ~~An~~ ***Accessory structure*** ~~s are~~ is permitted in addition to an attached or detached garage and shall comply with the following limitations:

- A. ~~One~~ ***Accessory structure***s may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than ~~400~~ ***200*** square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.
- B. No accessory structure may be constructed on any lot prior to the issuance of a building permit for the principal structure. A permit for a detached garage may be issued simultaneously with the issuance of a permit for a principle dwelling on the subject property.
- C. Accessory structure placed within six (6) feet of a residence must comply with the Oregon State Building Code fire safety requirements.
- D. ~~An~~ ***Unenclosed covered patio***s ~~and~~ ~~or~~ ~~a~~ ***covered deck***s enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. ~~An~~ ***Uncovered deck***s may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line.
- E. The placement of a temporary storage structure (such as a "POD") for non-commercial use is permitted in a required yard for a period not exceeding 10 (ten) days in a calendar year. This does not apply to construction trailers (typically erected for the duration of the construction period of a home, subdivision, commercial or industrial site) which must be removed within two (2) weeks of the date that a final certificate of occupancy is issued for the particular development.
- F. Play structures may be placed along rear and/or interior side yard property lines except that any portion of the structure that is six (6) feet or more in height must be a minimum of five (5) feet from the interior side and/or rear property line.
- G. ***Accessory structures placed prior to the adoption of Ordinance 5149 on October 22, 2024 and compliant with the standards of Section 17.54.020 are legally non-conforming as per the requirements of Chapter 17.63 (Nonconforming Uses) (Ord. 5149(part); 2024, Ord. 4128 (part), 1981; Ord. 3380 (part), 1968)***

...

17.54.050 Yards.

- A. Measurement. The measurement of a yard shall be made perpendicular from the property line to the nearest portion of the building.
- B. Requirement exceptions. The following exceptions to the front-yard requirements for a dwelling are authorized for a lot in any zone:
 - 1. If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
 - 2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front-yard depth.
 - 3. Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.
- C. Projections into yards.
 - 1. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18 (eighteen) inches into a required yard;
 - 2. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard;
 - 3. **When attached to a dwelling, unenclosed covered patios and covered decks enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. When attached to a dwelling, uncovered decks may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line.**
 - 4. **When attached to a dwelling, unenclosed covered patios and covered decks enclosed only by railings placed prior to the adoption of Ordinance 5149 on October 22, 2024 date and compliant with the standards of Section 17.54.050(C)(3) are legally non-conforming as per the requirements of Chapter 17.63 (Nonconforming Uses).**
- D. In a district where automobile service stations are permitted or conditionally permitted, freestanding gasoline pumps and pump islands shall not be closer than 10 (ten) feet to a street property line.
- E. In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley.
- F. Yards required along arterial streets. Except in zones where greater setbacks are required, a minimum five (5) foot yard shall be provided where a lot or parcel abuts an arterial street, as those streets are defined in the City's Transportation Master Plan. The required five (5) foot yard shall be maintained as a clear vision area as defined in Section 17.54.080 except that the following uses may be allowed when alternatives are unavailable:
 - 1. The exceptions described in Section 17.54.080.
 - 2. Signs and signposts provided that the body of the sign is below three (3) feet in height or above eight (8) feet in height when measured from the top of the curb, or where no curb exists, eight and one-half (8.5) feet from the edge of the pavement or top of asphalt measured at the property line.

- G. A building may be constructed with a cantilever which extends up to two (2) feet over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half (8.5) feet above the edge of the pavement, or top of asphalt measured at the property line.
- H. Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:
 - 1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:
 - 2. Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110. (**Ord. 5149(part), 2024**; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

...



**City of McMinnville
Community Development**
231 NE Fifth Street
McMinnville, OR 97128
503-434-7311
www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 1-24, RELATING TO RESIDENTIAL ACCESSORY STRUCTURES AND YARDS CHAPTERS 17.54

- DOCKET:** G 1-24
- REQUEST:** Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for Residential Accessory Structures and Yards.
- LOCATION:** N/A. The proposal is a legislative text amendment.
- ZONING:** N/A. The proposal is a legislative text amendment.
- APPLICANT:** City of McMinnville
- STAFF:** Taylor Graybehl, Senior Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** September 19, 2024, 6:30pm. Hybrid In-Person and Zoom Online Meeting: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, Zoom Meeting ID: 893 6863 4307
- DECISION-MAKING BODY:** McMinnville City Council
- DATE & TIME:** October 22, 2024, 7:00 PM. Hybrid In-Person and Zoom Online Meeting: Kent Taylor Civis Hall, 200 NE 2nd Street, McMinnville, Zoom Meeting ID: 872 7518 5011
- PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.
- CRITERIA:** Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.
- APPEAL:** The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided

in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the legislative amendments to the Zoning Ordinance (Docket G 1-24).

////////////////////////////////////
DECISION: APPROVAL
////////////////////////////////////

City Council: _____
Remy Drabkin, Mayor

Date: _____

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Community Development Director

Date: _____

I. APPLICATION SUMMARY

This application is a legislative proposal for proposed amendments to the McMinnville Zoning Ordinance adopting amended standards for Residential Accessory Structures and Yards in Chapter 17.54, specifically Sections 17.54.020 (Residential Accessory Structure and Use) and 17.54.050 (Yards)

II. ATTACHMENTS

- Attachment 1. Amendments (on file with Planning Division, see also Exhibit A to Ordinance 5149)

III. FINDINGS OF FACT – GENERAL FINDINGS

Docket G 1-24 is a legislative package of City-initiated proposed McMinnville Comprehensive Plan and McMinnville Municipal Code amendments related to annexations. The proposal is intended to implement the adopted revised standards for Residential Accessory Structures and Yards.

The City Council finds, that based on the findings of fact and the conclusory findings contained in this findings report, that the; proposed amendments to Sections 17.54.020 and 17.54.050 of the McMinnville Zoning Ordinance are consistent with all of the applicable state and local regulations.

This findings document provides conclusory findings regarding consistency with applicable provisions of state and local law. Supporting these is a factual basis upon which the conclusory findings rest.

IV. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. On August 15, 2024, city staff hosted a work session with the Planning Commission to discuss options for accessory structures and yards amendments to the McMinnville City Code. At that time, Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to modify regulatory standards for residential accessory structures and yard intrusions.
2. Notice of the application and the September 19, 2024, Planning Commission public hearing were provided to DLCD on August 13, 2024.
3. Notice of the application and the September 19, 2024, Planning Commission public hearing was published in the News Register on Wednesday, September 13, 2024, in accordance with Section 17.72.120 of the Zoning Ordinance.
4. On September 19, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments.
5. Notice of the October 8, 2024, City Council meeting was posted on the City website in accordance with Oregon public meetings law.
6. On October 22, 2024, the City Council held a duly noticed public meeting to consider the recommendation of the Planning Commission and the proposal.

V. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Zoning Ordinance

The Purpose Statement of the Zoning Ordinance serves as a criterion for Zoning Ordinance amendments:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

FINDING: SATISFIED. The proposal amends standards for residential accessory structures and intrusions into required yards. The Planning Commission evaluated a variety of issues, including required setbacks from property lines, accessory structure area and height, and if/where intrusions into required yards should be permitted. The proposal reflects the balancing of the needs of neighborhood residents and property owners in a manner that addressed compatibility in residential neighborhoods.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

FINDING: SATISFIED. The proposal is consistent with this applicable Goal of Chapter X of the Comprehensive Plan.

The Planning Commission held a work session on August 15, 2024 to evaluate a draft zoning ordinance amendment and consider best practices, including those of other communities.

At the work session, the Planning Commission agreed to initiate the public hearing process for public consideration with presented draft proposal modified to permit for larger residential accessory structures to intrude into required yards (from 100 square feet to 200 square feet) and to allow for those residential accessory structures and yard intrusions permitted by the revised code to continue.

The Commission determined that the proposed amendments best balanced the needs of neighborhood and property owners, and that the proposed amendments should be considered through the public hearing process.

Notice of the proposal and public hearing was provided to DLCD and published in the newspaper.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.



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

MINUTES

September 19, 2024
Planning Commission
Work Session and Regular Meeting

5:30pm
Hybrid Meeting
McMinnville, Oregon

- Members Present:** Sidonie Winfield, Dan Tucholsky, Gary Langenwaller, Sylla McClellan, Beth Rankin, Meg Murray, Rachel Flores, and Elena Mudrak
- Members Absent:** Brian Randall
- Staff Present:** Heather Richards – Community Development Director, Susan Muir – Parks & Recreation Director, Taylor Graybehl – Senior Planner, Evan Hietpas – Associate Housing Planner, and Matthew Deppe – Associate Planner
- Others Present:** Stephanie Deneke - Rogue Retreat Presenter

WORK SESSION

1. Call to Order

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

2. Parks, Recreation and Open Space Master Plan

Parks and Recreation Director Muir reviewed the process and purpose of the plan, organization and components of the draft plan, community engagement, vision statement, goals and objectives, community survey and priorities, recommended projects and costs, five year action plan, and implementing the plan.

There was discussion regarding sports fields, volunteer groups, and next steps.

REGULAR MEETING

3. Call to Order

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

4. Citizen Comments

None.

5. Presentation: Rogue Retreat re: Transitional Housing

Stephanie Deneke, Rogue Retreat, shared examples and pictures about their transitional housing called Hope Village and how it worked. She explained the things they had learned and how they had low impact to the neighboring residential areas.

There was discussion regarding repairs to the units, success rates for movement into permanent housing, community sentiment when the program was being put into place, locations, how many they served, screening for sex offenders, how violations were handled, need for vehicles since the site was not near stores, pet policy, people coming from other cities and other cities contributing financially, neighborhood compatibility, design standards, and how they brought the buildings through the building code process.

6. Public Hearings

A. Quasi-Judicial Hearing: Conditional Use Permit (Docket CU 1-24), Young Life, 535 NE 14th Street, Tax Lot R4416CC 01200 - (Exhibit 3)

Request: Request for review and approval of a Condition Use Permit application to allow for the operation of a Young Life facility providing study space, meetings, services, and activities for McMinnville students, within an existing building on a 12,000 square foot lot in an R-2 zone. The property previously had a conditional use permit approval for religious instruction for McMinnville students, which lapsed after at least 12 months of inactivity.

Applicant: Michael Rilee on behalf of Young Life

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

Commissioner Dan Tucholsky stated they had visited the site.

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

Chair Winfield was involved in the process when it came from the LDS church several years ago.

Commissioner Tucholsky had spoken with Mr. Rilee recently on a different matter.

Staff Presentation: Associate Planner Deppe presented the staff report. This was a request for a Conditional Use Permit application to allow for the operation of a Young Life facility providing study space, meetings, services, and activities for McMinnville students. The previous Conditional Use had expired due to a year's gap in service. A neighborhood meeting had been held, but no one had attended. Notice had been sent for this public hearing and no public comments had been received. He discussed the subject site, applicable criteria, conditions of approval, site plan, and proposed uses. Staff recommended approval with conditions.

There was discussion regarding the use of astroturf and desirability.

Applicant's Testimony: Michael Rilee and Shaun Strong were available for questions. They spoke about the convenience, appropriateness, and desirability of the conditional use. This facility was located near the high school, and it would provide a safe place for kids before school, during lunch, and after school. They would work within the capacity requirements but would investigate increasing the number.

Public Testimony: None

Rebuttal: None

Commissioner Tucholsky moved to close the public hearing; Seconded by Commissioner Flores. The motion passed unanimously.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

The Commission thought it was an appropriate conditional use.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Tucholsky MOVED to APPROVE CU 1-24 subject to the conditions of approval; SECONDED by Commissioner Rankin. The motion PASSED unanimously.

B. **Legislative Hearing: Proposed Amendments to Chapter 17.54 of the McMinnville Zoning Ordinance Regarding Accessory Structures and Yards (Docket G 1-24) - (Exhibit 4)**

Proposal: This is a proposed legislative amendment to the Zoning Ordinance, initiated by the City of McMinnville. The proposal would amend various provisions of Chapter 17.54 regarding residential accessory structures and yards. The proposal would include the following changes:

- allow for attached unenclosed covered patios, unenclosed covered decks, and uncovered decks to encroach into the rear yard setback, provided they are no closer than ten (10) feet to the rear property line;
- also allow uncovered decks located behind the rear building line to encroach into the interior side yard no closer than five (5) feet to the side property line;
- remove the limitation of one (1) residential accessory structure allowed within the rear yard; and
- increase the maximum size of accessory structures which are allowed encroachments into certain yards from 100 square feet to 200 square feet.

Applicant: City of McMinnville

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

Staff Presentation: Senior Planner Graybehl presented the staff report. This was a request for amendments to Chapter 17.54 of the City's zoning ordinance. He explained the process for the revisions and proposed changes including removing the detached

requirements for patios and decks, removing the restriction of a maximum of one accessory structure, providing additional examples of detached accessory structures, allowing the area of a residential accessory structure in the setback to be increased from 100 to 200 square feet, and residential accessory structures placed prior to these code changes would continue as legally non-conforming. Staff recommended approval.

Public Testimony: None

Commissioner Tucholsky moved to close the public hearing; Seconded by Commissioner Mudrak. The motion passed unanimously.

Chair Winfield closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE G 1-24; SECONDED by Commissioner Rankin. The motion PASSED unanimously.

7. Work Session: Follow-Up Discussion re: Transitional Housing

Associate Housing Planner Hietpas said staff would bring this back to the Commission in November. There was a Work Session scheduled with the Council on October 8. He had given an update to the Affordable Housing Committee and a subcommittee was formed to continue the discussion on local need and messaging. An open house was also being planned.

Commissioner Flores acknowledged the work being done by community partners to address the need for housing. They were currently meeting only 10% of the need across the resources available.

8. Commissioner Comments

None

9. Staff Comments

Community Development Director Richards discussed a lawsuit relative to the Endangered Species Act which impacted FEMA and NFIP programs. Any city that allowed development in the flood plain would need to go through an Endangered Species Act analysis. Staff would be looking at how this would affect McMinnville. They had submitted the Housing Needs Analysis to the state and there were two objections to it from the Friends of Yamhill County, 1,000 Friends, and Mark Davis. The state had affirmed the City's work except for one objection, the parkland inventory of existing land. They City had elected not to appeal it and it would go back to Council to add the 76 acres to the inventory and reduce the needs analysis by that amount. Friends of Yamhill County, 1,000 Friends, and Mark Davis appealed the decision affirming the work and LCDC had scheduled the appeal hearing for October 25. They would be posting for a Planning Manager position soon, and interviews would be in November.

10. Adjournment

Chair Winfield adjourned the meeting at 7:51 p.m.