

**Planning Commission / Affordable Housing Committee
Joint Work Session
Thursday, July 18, 2024
6:30 PM Regular Meeting**

HYBRID Meeting

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

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

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

<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFHeFdmK2pZUmJNdkdSZz09>

Meeting ID: 893 6863 4307

Meeting Password: 989853

Public Participation:

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

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

- 1) **Written testimony in advance of the meeting** – Email written testimony at any time up to 12 p.m. the day before the meeting to evan.hietpas@mcminnvilleoregon.gov, (for Docket ZC 1-24) that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **In person at the meeting** – Sign up in advance to provide testimony at the meeting by emailing evan.hietpas@mcminnvilleoregon.gov, (for Docket ZC 1-24) or sign up at the meeting by filling out a testimony form found at the entry to the hearing chambers.
- 3) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Tom Schauer, Senior Planner, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 4) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing evan.hietpas@mcminnvilleoregon.gov (for Docket ZC 1-24) as the chat function is not available when calling in zoom.

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

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

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

Commission Members

Agenda Items

Planning Commission:

Sidonie Winfield,
Chair

Dan Tucholsky,
Vice Chair

Rachel Flores

Gary Langenwalter

Sylla McClellan

Elena Mudrak

Meg Murray

Brian Randall

Beth Rankin

Affordable Housing Committee:

Kellie Menke
Chair

Zack Geary
Vice-Chair

Vickie Ybarguen

Katie Curry

Frank Foti

Rachel Flores

Tracy Haas

Philip Higgins

Steve Iversen

Carrie Martin

Kenneth Cash Yount

Ex-Officio:

Howie Harkema,
Encompass Yamhill Valley

Alexandra Ball,
YCAP

Lindsey Manfrin,
Yamhill County

Miriam Vargas Corona,
Unidos

1. Call to Order / Introductions

2. Joint Work Session with Affordable Housing Committee – Transitional Housing Discussion (*Exhibit 1*)

3. Citizen Comments

4. Minutes:

November 2, 2023 (*Exhibit 2*)

November 16, 2023 (*Exhibit 3*)

5. Planning Commission Work Session – Long Range Planning Work Plan

6. Commissioner Comments

7. Staff Comments

8. Adjournment

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

EXHIBIT 1 – STAFF REPORT

DATE: July 18, 2024
TO: Planning Commission Members & Affordable Housing Committee Members
FROM: Evan Hietpas, Associate Housing Planner
SUBJECT: Transitional Housing Code Amendments

STRATEGIC PRIORITY & GOAL:



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

OBJECTIVE/S: Conduct thorough and timely planning and forecasting to ensure that regulatory frameworks for land supply align with market-driven housing needs

Report in Brief:

February 28, 2024: The AHC prioritized their remaining Action Plan items, and Transitional Housing was set as the top priority to focus on immediately.

March 27, 2024: City staff compiled examples of transitional housing programs from other communities as well as regulatory framework summaries and resources from other agencies and jurisdictions. The AHC reviewed and discussed this information to better understand how they would like to move forward with transitional housing within the context of ORS 197.746.

April 24, 2024: Staff prepared a conceptual code structure and development standards for discussion and input. Staff also prepared background information regarding transitional housing regulations from five jurisdictions (Bend, Redmond, Medford, Grants Pass, and Bellevue, WA). The “Code Regulations Comparison Matrix” (attachment 2) outlines different approaches to Transitional Housing regulations and showed if they were less (light green) or more (dark green) restrictive than what is being proposed for the City of McMinnville.

May 22, 2024: Staff provided DRAFT transitional housing code amendments for discussion. AHC members provided input on the proposed amendments and requested a Joint Work Session with the Planning Commission to discuss the proposed regulations. The AHC has recommended the adoption of transitional housing regulations that respond to this specific housing need in the community.

Background:

Oregon Revised Statutes (ORS) [197.746](#) – sets the parameters of which a local government may choose to regulate transitional housing accommodations. Transitional housing is intended to house individuals and families experiencing homelessness, or at imminent risk of homelessness, and is paired with on-site or off-site supportive services designed to eventually transition the residents to permanent independent living arrangements.

The standard goal of transitional housing is to help people find permanent housing within two years. To this point, “transitional housing” implies a longer stay than an emergency shelter. Any proposal which is identified as a **qualifying emergency shelter** under ORS 197.782 “Emergency shelters developed under temporary authorization” shall be reviewed for compliance with State law and approved accordingly.

In the context of local land use regulations, it is important to note that although the residency of transitional housing is meant to be temporary, the transitional housing development itself will be permitted as permanent land use.

The definition of “transitional housing” is not as important as:

- what type of housing units can be proposed under the “transitional housing” land use;
- design and development standards required to ensure neighborhood compatibility;
- required facilities and services provided to support the housing; and
- whether or not any operational standards need to be established.

The City of McMinnville’s Single-Room Occupancy (SRO) standards provide a path forward for housing that does not meet the definition of “dwelling units” under the Building Code. However, the SRO model requires provisions that are different than what the transitional housing regulations will be. The transitional housing standards are intended to provide relief from the SRO regulatory framework on things like site improvements and building design standards to reduce barriers associated with bringing this specific housing need into the community.

Discussion:

The Affordable Housing Committee recommendations for Transitional Housing regulations include:

1. Application Review Process:
 - Transitional Housing developments should be processed through a Director’s (Administrative) Review Process. Proposals should **not be required** to have neighborhood meetings, public noticing, or a public hearing process.
2. Land Use Allowance: Permitted outright in all Residential zones, O/R zone, and C-3 zone.
3. Housing Types:
 - Unique and unconventional construction types should be **allowed** as transitional housing (residential units that do not qualify as “dwelling units” under the Building Code). This includes structures that may be prefabricated or modular buildings. Allowing non-traditional housing types may promote lower-cost options for service providers looking for creative solutions for people experiencing homelessness.

- Yurts, tents, and temporary fabric structures should be **prohibited**. Although these provide shelter from the elements, they are not aligned with the goal of transitioning people into permanent, stable housing.
4. Common Shared Facilities. For residential structures that lack private bathrooms and kitchens, common shared facilities must be required. This includes kitchen areas, full bathrooms with showers, and secure storage. Laundry facilities are not required.
 5. Management and Operational Standards. Specific regulations must be set for:
 - Qualifications for Eligible Operational Agency to manage the transitional housing;
 - Qualifications for Eligible Residents who can benefit from transitional housing;
 - Requirements for supportive services;
 - Management Plan, to be approved by Director;
 - Resident Code of Conduct, to be approved by Director;
 - Annual Agency Reporting Requirement.
 6. Neighborhood Compatibility. (Planning Commission to investigate further with staff)
 - Planning Commission to help determine appropriate “scale” of development to be allowed in different zoning districts. Development should be less intensive in lower-density neighborhoods and more intensive in high-density areas.
 - Planning Commission to help determine the appropriate design and development standards that should be required for transitional housing.

Staff provided proposed DRAFT transitional housing code amendments (Attachment 1). Key areas for further refinement have been **highlighted in purple**.

Attachments:

1. DRAFT Code Amendment Language
2. Code Amendment Research Matrix

Recommendation:

Staff will begin the discussion with a presentation. Following the presentation, Affordable Housing Committee Members and Planning Commissioners should discuss transitional housing and associated code amendments. This Joint Work Session is an opportunity to collaborate on this topic. Following this meeting, staff will be working with the Planning Commission to move forward with code amendments.

DRAFT Transitional Housing Regulations

Permitted Use

R-1	R-2	R-3	R-4	R-5	O-R	C-1
Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Prohibited
C-2	C-3	M-L	M-1	M-2	A-H	F-P
Prohibited	Permitted	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

17.11.085 Transitional Housing.

- A. Purpose. Transitional housing is intended to house individuals and families experiencing homelessness, or at imminent risk of homelessness, and is paired with on-site or off-site supportive services designed to eventually transition the residents to permanent independent living arrangements.

- B. Guiding Principles. These transitional housing regulations are in addition to the regulations of the underlying zoning districts where transitional housing development is permitted.
 - 1. Transitional housing shall comply with all of the applicable standards of this Chapter.
 - 2. Transitional housing shall comply with the standards of the applicable zoning district including height, setbacks, and other standards of the zoning district.
 - 3. Transitional housing shall comply with the standards of the respective Chapters of the Zoning Ordinance for signs, fences, solid waste enclosures, and other applicable general provisions.
 - 4. Transitional housing shall provide adequate utilities to serve the development.
 - 5. Transitional housing may be located in one building or multiple buildings on the site, subject to the provisions of this Chapter.
 - 6. Transitional housing may include accessory uses and structures which are customary to residential development subject to the regulations of the Zoning Ordinance.
 - 7. Transitional housing shall comply with all applicable local, state, and federal laws, rules, and regulations unrelated to land use, unless waived by the appropriate approving authority/official.
 - a. Applicant shall obtain all building permits deemed necessary by the Building Official.
 - b. All residential structures shall comply with International Property Maintenance Code (IPMC) regulations for habitable and occupiable buildings.

C. Housing Types.

1. Dwelling units¹, sleeping units², or congregate living facilities³, as defined by the Oregon State Building Code, are **permitted** as transitional housing types.
 - a. Various types of permitted housing may be collocated on one site. All structures must be sited with adequate separation. Spacing will vary depending on housing type, fire-separation requirements, ADA compliance, emergency egress pathways, and emergency access for first responders.
2. Designated temporary campsites are permitted, consistent with Chapter 8.36.
3. Yurts, huts, cabins, fabric structures, tents, and similar accommodations are **prohibited**.

D. Solid Waste and Recycling Enclosures. Waste collection service is required for all transitional housing developments. Solid waste and recycling receptacles and enclosures shall be provided as required by Chapter 17.61 of the Zoning Ordinance.

E. Resident Storage. All residents must have access to personal secure storage space.

1. This shall be provided as a private closet in a sleeping unit or bedroom, or as a lockable dedicated storage space located in a shared building.
2. The dedicated storage area must be at least thirty-six (36) cubic feet with an unobstructed height of at least four feet.

F. Domestic Animals. If the managing agency allows residents to have domestic animals, a dedicated open space for animals must be provided, and a pet waste disposal station is required. Compliance with Chapter 8.10: Public Nuisances, is required.

G. Common Shared Facilities.

1. Transitional housing development that includes sleeping units or congregate living facilities shall provide common shared facilities. Common areas shall be accessible to all residents and include:
 - a. A common kitchen and dining area with adequate provisions for food storage, cooking, eating, and sanitation.
 - b. A common bathroom area with adequate provisions for handwashing and sanitation, toilets, and showers.

¹ **Dwelling Unit** - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

² **Sleeping Unit** - A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

³ **Congregate Living Facility** - A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both.

2. Common shared areas may include additional amenities for residents that the managing agency deems necessary, such as laundry facilities, exercise equipment, or workstations.
3. Clearly defined and illuminated pathways between common shared facility buildings and sleeping units shall be provided.
4. Common shared facility buildings shall have clearly marked and illuminated entrances.

H. Development Standards. The following development standards shall be met for all transitional housing.

1. Site Lighting.

- a. Lighting shall be installed in areas where safety or security concerns exist.
- b. Lighting shall be directed or shielded to place light on the intended target, and not result in skyward glare or light pollution onto adjacent properties.

2. Security and Safety. The City may require specific security measures that are deemed necessary.

3. Privacy Fencing.

- a. A sight-obscuring fence (*17.06.015*)⁴ shall be constructed to provide privacy.
 - 1) The fence shall be constructed or planted around the perimeter of the property, or the perimeter of the area in which residents are living.
 - a) No fence is required within the front yard setback of a property or the exterior side yard of a corner lot.
 - 2) The fence shall be maintained, and the long-term maintenance of the fence shall be described in the Management Plan.
 - 3) Fencing shall comply with all underlying zoning district requirements.

4. Minimum Parking Requirements. *(May amend 17.60.060: Spaces Required, instead of including detailed requirements in this section)*

- a. Off-Street Parking and Loading shall be provided as required by Chapter 17.60 of the Zoning Ordinance.
- b. Off-Street Parking Spaces Required.
 - 1) Dwelling Units. Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms, consistent with the requirements for a Single detached dwelling unit in 17.60.060(A)(4).
 - 2) Sleeping Units. (as separate structures or within congregate living facility) Parking shall be provided at the rate of one off-street parking space for every three sleeping units.
 - 3) Employee Parking. One space per two employees on the largest shift.

⁴ A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

- I. **Development Intensity/Building Bulk Regulations.** (Less units in R-1, R-2, R-3, more in other zones)
- J. **Design Standards.** (MMC 17.11)
- K. Management of Transitional Housing.
 - 1. Qualified Organization or Agency. Transitional Housing developments shall be operated by one of the following:
 - a. A local government as defined in ORS 174.116 (“Local government” and “local service district” defined);
 - b. An organization with at least two years’ experience operating an emergency shelter using best practices that is:
 - 1) A local housing authority as defined in ORS 456.375 (Definitions for ORS 456.375 to 456.390);
 - 2) A religious corporation as defined in ORS 65.001 (Definitions); or
 - 3) A public benefit corporation, as defined in ORS 65.001 (Definitions), whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
 - c. A nonprofit corporation partnering with any other entity described in this subsection.
 - 2. Qualified Residents. ***(further refinement needed)***
 - a. Transitional housing is intended individuals and families experiencing homelessness, or at imminent risk of homelessness. When accepting new residents, managing agencies shall only accept individuals or families who meet the following criteria:
 - 1) Households earning incomes of 60 percent or less of the area median income,
 - 2) Physical disability preventing employment,
 - 3) Experiencing mental or emotional health crisis,
 - 4) Recovering from substance abuse and addiction,
 - 5) Facing personal health and safety concerns, such as fleeing domestic violence and abuse.
 - 3. Management Plan.
 - a. All transitional housing projects shall submit a Management Plan. The Management Plan must be approved by the Community Development Director. The Management Plan shall contain:
 - 1) Evidence of complying with the Qualified Organization or Agency requirements.
 - 2) Agency management policies.
 - 3) Required facilities proposal (garbage collection, storage, bathrooms, kitchens).
 - 4) On-going site maintenance plan.

- 5) Summary of supportive services provided.
 - 6) Rental procedures.
 - 7) Security and privacy procedures.
 - 8) Management policies, maintenance plans, rental procedures, tenant rules, and security procedures.
- b. 24-Hour Contact. Transitional housing developments shall have a manager available on call 24 hours per day and shall provide contact information to residents and the City.
4. Resident Code of Conduct.
- a. All transitional housing projects shall submit a Resident Code of Conduct. The Resident Code of Conduct must be approved by the Community Development Director. The Code of Conduct shall contain policies and information regarding:
 - 1) How individuals will be selected for available residential units.
 - 2) How the managing agency will work with residents to ensure that progress is being made to find permanent housing.
 - 3) Identification of the supportive services or case management to be provided.
 - 4) Location and expected use of all common area facilities.
 - 5) What structures or other items may be placed or stored on the premises, and where they may be placed or stored.
 - 6) Rules regarding noise disturbance and pets. (Quiet hours, designated areas, pet waste disposal)
 - 7) Rules for guests and visitation.
 - 8) Rules for on-site parking.
 - 9) Prohibition of open flames on the premises, or within vehicles.
 - 10) Other information or policies the managing agency feels necessary to include.
 - b. The managing agency shall ensure that the Code of Conduct is provided to residents in a language that they understand.
 - c. The managing agency shall not authorize a resident without providing them with a code of conduct form to review and sign.
5. Reporting.
- a. The operator shall submit an annual report to the Community Development Department. The report may include the following information regarding the applicable operational period:
 - 1) Number of residents housed.
 - 2) Number of people who were provided with more permanent or transitional housing and the timeframe to achieve permanent housing.
 - 3) Number of residents connected to employment.
 - 4) Number of residents connected to medical care.
 - 5) Number of residents connected to dental care.
 - 6) Results of satisfaction and feedback surveys from residents.
 - 7) Number of nights spent at full capacity (if applicable)

- 8) Number of public service calls to the shelter and reason for each call
- 9) Work accomplished collaboratively with surrounding businesses and neighbors to monitor and proactively respond to any public safety emerging concerns to ensure safety for all residents in the community.
- 10) Include metrics demonstrating partnerships and engagement from the community (i.e. volunteer hours, community meetings, in-kind donation values, monetary donations.)
- 11) Additional information requested by the Community Development Director.

L. Enforcement. ***(further refinement needed)***

1. The City Manager, Community Development Director, Building Official, or designee may visit and inspect a transitional housing development periodically to ensure compliance with all applicable regulations, with reasonable notice.
2. Approval of a transitional housing site shall not be construed to abrogate or limit the jurisdiction or authority of the McMinnville Police Department or any other law enforcement agency. The City Manager or designee may:
 - a. Revoke authorization of a transitional housing site for violations of the requirements of this Section.
 - b. Prohibit a transitional housing site on a property if the City finds that any activity related to the site on that property constitutes a nuisance or other threat to the public welfare.
 - c. Nothing in this Section of this code creates any duty on the part of the City or its agents to ensure the protection of persons or property with regard to permitted transitional housing sites.

<p style="text-align: center;">Transitional Housing <i>Updated, based on the April 24, 2024 Discussion</i></p>						
Topic	McMinnville	Bend ¹	Redmond ²	Medford ³	Grants Pass ⁴	Bellevue, WA ⁵
Land Use Processing						
Type Allowed	- Dwelling Units - Sleeping Units (meet building code reqs.)	-Group shelter, outdoor shelter, multi-room shelter. -Multiple types can be collocated. -Overnight camping allowed	- Shelter Unit (tents, RVs, prefab structures)	- Tents, yurts, and similar temporary structures are not allowed to be used.	-Stick-built or temporary structures, existing or new structures, tents, RVs, camp trailers, and purpose-built shelters such as "Pallet Shelters."	- Tents, yurts, and similar temporary structures are not allowed to be used.
Zoning Districts Allowed	All Residential zones, C-3 zones, and Office/Residential zone	Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District	Allowed outright in all Residential zones, and in most of commercial and mixed-use zones.	Allowed through CUP in most zones	Mid-density residential zones and General Commercial zone.	Permitted use in all Residential zones and in most commercial/ business/ office zoning districts.
Review Process	Administrative Review	Administrative Review	Administrative Review	Conditional Use Permit, Planning Commission decision	Special Use Permit (SUP)- City Council decision. Valid for 4 years only	"Registration" Process, Administrative Review
Public Hearing	No Public Hearing	No Public Hearing	No Public Hearing (Planning Commission may request one)	Public Hearing	Public Hearing	No Public Hearing
Neighborhood Noticing	Notice not required	Notice not required	Notice Required, if Public Hearing Requested	Notice Required	Notice Required	Notice Required
Maximum Density/Size	TBD <i>Suggestion: Limited by building size/ bulk standards in zones</i>	Outdoor - One unit per every 1,000 square feet of land Group - maximum number of shelter beds allowed will be determined by the building code standards for occupancy Multi-Room – 24 rooms to 258 rooms per acre, depending on zone	25 shelter units per net acre	Not set standards, because of discretion through CUP process.	Discretionary because of Special Use Permit process	Limited by building size/ bulk standards in zones

Topic	McMinnville	Bend	Redmond	Medford	Grants Pass	Bellevue, WA
Facilities						
Toilets/Handwashing Station	Required	Required (at least one)	Required (at least one)	Required	Required	Required
Showers/ Bathing Facilities	Required	Not Required	Not Required	Not Required	Not Required	Not Required
Trash Collection	Required	Required	Required	Required	Required	Required
Secure Storage	Required	Required	Required	Required	Not specified	Not specified
Kitchen/Food Preparation	Required	Not required	Not required	Not required	Not required	Required
Laundry	Not Required	Not Required	Not Required	Not Required	Not required	Not Required
Kennel/ Pet Area	Not Required	Not Required	Not Required	Not Required	Not required	Not Required
Development Regulations/ Site Improvements						
Potable Water and Sewer Service	Required	Required	Required	Required	Required	Required
Building Height and Setbacks	Required	Required	Required	Required	Required	Required
Signage	Comply with Zone	Signage Required	Signage Required	Comply with Zone	Discretionary because of Special Use Permit process	Comply with Zone
Parking/ Vehicular Circulation	Required (reduced)	Exempt	Required	Required		Requires "Early Community Notification" to work through proposed development
Residential Design Standards	Exempt	Exempt	Exempt	Not specified		
Landscaping	Exempt, except for screening purposes	Exempt	Exempt	Not Required (could be conditioned with CUP)	Required	Not Required
Perimeter Fencing/ Screening	Required	Required	Required	Required	Required	Not Required
Site Lighting	Required	Not Required	Not Required	Required	Required	Not Required
Management and Operations						
Supportive Services	Required	Not Required	Required	Not Required	Not Required	Required
Qualifying Operating Agency	Required	Management Required, but not specific qualifications	Required	Required	Required	Management Required, but not specific qualifications
Management Plan	Required	Not Required	Required	Required	Required	Required
Code of Conduct	Required	Required	Required	Required	Required	Required
Financial Security	Not Required	Not required	Required	Not required	Not required	Not required
Time Limitation of Residents	No time limit enforced	No time limit enforced	No time limit enforced	24 months (2 years)	No time limit enforced	24 months (2 years), per WA State Law definition
Agency Reporting Requirement	TBD	Not required	Not required	Required	Not required, but a bi-annual City review is required	Not required

1. City of Bend Development Code Chapter 3.6: Special Standards and Regulations for Certain Uses, <https://bend.municipal.codes/BDC/3.6>
2. City of Redmond Chapter 8: Development Regulations, https://library.municode.com/or/redmond/codes/code_of_ordinances?nodeId=CH8DERE
3. City of Medford Section 10.819A: Temporary and Non-Temporary Shelters, <https://medford.municipal.codes/Code/10.819A>
4. City of Grants Pass Article 12: Zoning Districts, <https://www.grantspassoregon.gov/DocumentCenter/View/1279/Article-12-Zoning-Districts-PDF?bidId=>

5. City of Bellevue Section 20.20.845: Supportive Housing. <https://bellevue.municipal.codes/LUC/20.20.840>

EXHIBIT 2 - MINUTES

**November 2, 2023
Planning Commission
Regular Meeting**

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

Members Present: Sidonie Winfield, Dan Tucholsky, Matt Deppe, Megan Murray, Beth Rankin, Rachel Flores, and Brian Randall

Members Absent: Sylla McClellan and Gary Langenwalter

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Adam Tate – Associate Planner, David Ligtenberg – City Attorney, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

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

2. Citizen Comments

Mark Davis, McMinnville resident, supported the conversation at the last meeting about the Housing Needs Analysis and the need for the community to work together for affordable housing and parks.

3. Minutes

- August 18, 2023
- September 7, 2023
- September 21, 2023

Commissioners MOVED to APPROVE the August 18, September 7 and 21, 2023 minutes. The motion was passed 7-0.

4. Public Hearings

A. Quasi - Judicial Hearing: Short Term Rental Permit, 1036 NW Baker Crest Court (Docket STR 3-23)

Requests: Approval of a short term rental permit for the residential property at 1036 NW Baker Crest Court. Tax Lot R4417BA 02700.

Applicant: Naseem Momtazi

Chair Winfield opened the public hearing and read the hearing statement. She 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.

Commissioner Murray was friends with the applicant, but it would not have an affect on her decision.

Commissioner Rankin visited the site and took a photo of the basement bedroom window.

Commissioners Tucholsky and Winfield had also 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. There was none.

Staff Report: Associate Planner Tate said this was a request for a short-term rental permit on NW Baker Crest Court. He described the subject site, short term rental map and buffers, project summary, public testimony received, agency comments, applicable review criteria, and amended conditions of approval. Staff recommended approval with conditions.

There was discussion regarding CO2 and smoke detectors, being limited to the criteria, and outdated language on occupancy.

Applicant's Testimony: Naseem Momtazi, applicant, thought the opposition from the neighbors to the application was due to a desire to maintain the status quo in the community and a general disapproval of the criteria for short term rentals. Their concerns were unrelated to her particular application. She wanted to use the home as an investment property, which was within her rights as a property owner. A short term rental was permitted in this zone and this application met all of the criteria. She did not intend to disturb the neighbors' peace and explained the parameters she had put in place to limit the concerns about parking on the street, activity and noise level, and drinking and driving. Her property and those in the neighborhood were not candidates for affordable housing.

Katherine Gowell, legal counsel for the applicant, discussed the amended conditions regarding occupancy, concerns posed by neighbors at the neighborhood meeting about the rental being open to the family's winery clients, how the CC&R's for the neighborhood did not prohibit this use, how the complaints about people driving under the influence or damaging or disturbing the neighborhood was speculation, and general opposition to short term rentals. She thought the application met all the criteria.

Proponents: None

Opponents: Larry Tool, McMinnville resident, lived across the street from the home. He had circulated a petition in opposition and most of the neighbors signed it. He was concerned about the quality of life, physical safety, and City liability. He thought there would be partyers staying at the home, it would impact traffic and parking, thought the home should be inspected to make sure they were meeting code, and questioned who would address problems after business hours. He thought the neighbors' safety and well-being should be priority over tourists.

There was discussion regarding other businesses and events in the area as well as inspections. Community Development Director Richards said inspections were not required, but it could be an added condition of approval.

Rebuttal: Ms. Gowell noted many of the complaints were personal opposition to changing the dynamics of the neighborhood. This was a permitted use in the R-1 zone. It would not be rented out through the winery and visitors would have to comply with City rules related to noise and night hours.

Commissioner Tucholsky asked if they had worked with the neighbors to assure them this use would be a good neighbor.

Ms. Gowell said there had been two neighborhood meetings and a lot of complaints were out of the applicant's control.

Ms. Momtazi said she was willing to have multiple people available to contact after hours. Ms. Gowell pointed out only one contact was required, but Ms. Momtazi had three.

Commissioner Tucholsky wanted to make sure YCOM had the numbers. Community Development Director said they would submit the numbers to YCOM after approval.

Ms. Momtazi also had an essential monitoring system for fire that would alert her or her husband. Ms. Gowell said they would be open to an inspection if that was an added condition.

Commissioner Tucholsky asked if she had considered putting in a handrail in the front. Ms. Momtazi was planning to put one in.

Commissioner Deppe MOVED to CLOSE the public hearing. SECONDED by Commissioner Flores. The motion PASSED 7-0.

Chair Winfield closed the public hearing.

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

Commissioner Murray MOVED to APPROVE Short Term Rental Permit, 1036 NW Baker Crest Court (Docket STR 3-23) with the amended conditions. SECONDED by Commissioner Randall. The motion PASSED 7-0.

Chair Winfield explained how they had worked on new short term rental guidelines for the last several years. It was a contentious issue and the Commission could only make a decision based on the criteria.

B. Quasi - Judicial Hearing: Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23) and Minor Variance (VR 3-23), Southern end of SE Norton Lane (West of Norton Lane)

Requests: Concurrent review and approval of four applications for the Norton Landing 138-unit multi-dwelling development, which consists of seven three-story buildings: a Planned Development Amendment for approval of a Master Plan (PDA 5-23); a Three Mile Lane Review (TML 4-23), a Landscape Plan Review (L 38-23), and a Minor Variance (VR 3-23). Tax Lot R4427 00701

Applicant: Reiter Design Architect Incorporated c/o Scott Reiter, on behalf of property owner KWDS, LLC c/o Chad Juranek.

Chair Winfield opened the public hearing and read the hearing statement. She 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.

*****The screen was on screen-share so I could not see who raised their hand for a site visit.**

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. There was none.

Staff Report: Senior Planner Schauer said this was a request to approve four applications for Norton Landing, a 138-unit residential development. He entered additional information into the record that was received after the packet had been distributed. He described the subject site, zoning, proposed site plan, landscape plan, elevations, and site details. He then reviewed the separate applications: Planned Development Amendment to adopt a master plan and request flexibility regarding certain standards, Three Mile Lane review, Landscape Plan review, and Variance to the roof height. He also discussed the applicable criteria and conditions. Staff recommended approval with conditions.

There was discussion regarding traffic impact analysis, addressing the height variance requests for PDAs by creating a blanket variance for this style of development, requirement for permeable surfaces, adding an address map at the entrance for emergency responders, landscaping and building design to reflect the Three Mile Lane Area Plan, and having only one entrance to this development.

Applicant's Testimony:

Kim McAvoy of KWDS, LLC, applicant, gave a background on her organization. They owned and managed their properties and built them as well to control costs, quality, and maintenance. They had on-site managers to assist residents, a full-time maintenance team, and professional landscaping team. They were committed to customer service and creating a positive resident experience.

Scott Reiter, architect representing the applicant, said they had looked at different options for site access, and putting in two driveways did not function with traffic issues and driveway separation distances. They had an adequate fire truck turn-around at the rear of the site and the drive aisles were wide enough for a fire truck to access. They had also added fire protection systems to the buildings, such as sprinklers in the attics. Regarding the project, there would be seven buildings and 138 units in total. There would be one, two, and three bedroom units. He thought they had addressed all the criteria. He showed photos of other properties owned by KWDS. The plan was to create workforce housing. Regarding the signage, all the buildings and unit numbers would be identified and there would be a mounted map of the site that would be visible in the dark. There would be a ten-foot landscape buffer from the parking along the west to the mobile home property. He then discussed the wheel overhang proposed over the landscape bed so the buffer would not be reduced. Bike parking was included at each building. The units had decks with a storage closet where bikes could be stored as well. They had proposed a six-foot site obscuring fence around the perimeter of the property, or they could use the existing fence.

Commissioner Randall suggested adding a tot lot or climbing facility for young kids. Ms. McAvoy said they put these facilities in when required. In her experience they became a garbage dump, possible liability, and a place people were destructive with. There were green spaces for people to use in this proposal.

Chair Winfield asked about a response to Mr. Bridge's comments. Mr. Reiter said they would not be affecting the driveway and access to the Altimus Plaza.

Community Development Director Richards clarified through this land use process the proximity of the two accesses were not identified as an issue.

Chair Winfield asked about the Three Mile Lane design standards. She did not think the project fit those requirements to show the uniqueness and heritage of McMinnville.

Commissioner Randall thought this complex would be mostly out of public view and he was not as worried about complying with that requirement. The applicant was providing a lot of open space.

Chair Winfield was concerned about setting precedent. There needed to be at least some nod to the area. Ms. McAvoy asked if the color choices for the buildings or artwork would meet the requirement. Chair Winfield thought it would.

Commissioner Deppe discussed the parking requirements compared to other cities. Mr. Reiter thought McMinnville's requirements were reasonable and typical to other cities.

Commissioner Deppe asked about the shape of the entrance to slow down vehicles. Mr. Reiter agreed it was traffic calming.

Proponents: Mark Davis, McMinnville resident, supported the application. They needed the housing; however, this was not a good area for apartments because there was not access across Highway 18. They also needed a park in this area. He noted there were discussions about a monthly stormwater charge based on square footage of impervious surfaces, although nothing had been put in place yet.

Drew Milligan, McMinnville resident, also supported the project. He agreed with Mr. Davis about the location due to access and being a food desert area. He liked the idea of creating a blanket variance for height limits on Planned Developments to allow more creativity for projects.

Opponents: None

Rebuttal: Mr. Reiter asked for clarification on the Three Mile Lane design requirements.

Community Development Director Richards pointed to where they were in the requirements. She gave the Commission options for moving forward.

Mr. Reiter agreed to continue the hearing to bring back a design that met the requirements.

Commissioner Deppe MOVED to CONTINUE Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23_ and Minor Variance (VR 3-23), Southern end of SE Norton Lane (West of Norton Lane) to November 16, 2023. SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

5. Commissioner Comments

Commissioner Rankin reported on the Statewide Planning meeting.

Commissioner Randall announced a Veterans Day concert on November 12.

6. Staff Comments

Community Development Director Richards discussed upcoming staffing recruitment. There would be a holiday dinner/work session before the Commission's next regular meeting. She introduced new City Attorney Ligtenberg.

7. Adjournment

Chair Winfield adjourned the meeting at 9:21 p.m.

EXHIBIT 3 - MINUTES

November 16, 2023
Planning Commission
Work Session & Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Sidonie Winfield, Matt Deppe, Megan Murray, Beth Rankin, Rachel Flores, Gary Langenwalter, Sylla McClellan, and Brian Randall

Members Absent: Dan Tucholsky

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Adam Tate – Associate Planner, David Ligtenberg – City Attorney, and Bill Kabeiseman – Bateman Seidel

1. Work Session – Work Plan Development

Chair Winfield called the Work Session to order at 5:39 p.m.

Community Development Director Richards discussed the current five-year Work Plan and her suggestions for the next two to three years based on state mandates and items that had not been completed yet. Several Commissioners had approached her with other projects as well. She gave a background on how the Work Plan had been created.

The Commission discussed items they would like to see on the plan, including the Downtown Master Plan which was being done by the Urban Renewal Advisory Committee, adding more teeth to the downtown design guidelines, adding more commercial development design standards for the whole City, housing production and state approved housing standards that were an automatic approval at the city level, getting developers to participate in the development of regulations, funding and rebates, affordable housing plan, EV charging station requirements, reworking the Neighborhood Activity Center zone or creating a new mixed use zone, incentives for apartments and infill, transit stops at developments, ADA plan, 20 minute neighborhood planning, and County facilities downtown.

Community Development Director Richards said staff would work on incorporating these ideas into the Work Plan.

Chair Winfield adjourned the Work Session at 6:25 p.m.

2. Call to Order

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

3. Citizen Comments

Larry Tool, McMinnville resident, spoke about the short-term rental application from the last meeting. He gave suggestions for the Commission when making these decisions. They included changes to meeting notices, hybrid meetings, conflicts of interest, and personal attacks.

4. Public Hearings

A. Quasi - Judicial Hearing: Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23 and Minor Variance (VR 3-23), Southern end of SE Norton Lane (West of Norton Lane)

(Continued from November 2, 2023)

Requests: Concurrent review and approval of four applications for the Norton Landing 138-unit multi-dwelling development, which consists of seven three-story buildings: a Planned Development Amendment for approval of a Master Plan (PDA 5-23); a Three Mile Lane Review (TML 4-23), a Landscape Plan Review (L 38-23), and a Minor Variance (VR 3-23). Tax Lot R4427 00701

Applicant: Reiter Design Architect Incorporated c/o Scott Reiter, on behalf of property owner KWDS, LLC c/o Chad Juranek.

Chair Winfield opened the public hearing and read the hearing statement. She 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 since the last hearing.

Commissioner McClellan 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. There was none.

Staff Report: Senior Planner Schauer said this was a request for approval of a Planned Development amendment for flexibility for certain standards, Three Mile Lane review, Landscape Plan review, and height variance for Norton Landing, a 138-unit residential development. The hearing had been continued from the November 2 meeting. He explained what was currently in the record, the subject site, revised site plan, revised elevations, applications, issues raised at the November 2 meeting, revised submittal and proposed updates and revisions, key conditions, and additional/revised conditions. Staff recommended approval with conditions.

Scott Reiter, representing the applicant, said they had revised the application to address the issues raised regarding compliance with the Three Mile Lane Area Plan policies. He discussed how the overall site plan and landscape plan had been changed, as well as the building elevations. Materials and design elements proposed to be incorporated into the site and building

design included board and batten siding, timber-framed gable entry roof forms, metal roofing, wine barrel planters throughout the site, and grape vine trellis rows. They had also incorporated a 10-foot pedestrian/bike pathway through the site with cherry trees along the pathway, a site map-EMS directory sign, and increased the westerly landscape buffer to 12 feet to accommodate the 2-foot standard parking stall wheel overhang. He showed enlarged partial site plans and revised building elevations to illustrate the changes.

There was discussion regarding how there would not be a play structure due to liability issues, how they would put in infrastructure for EV charging stations but none would be installed at this time, how the charging stations would be installed when the need arose and it would be lower voltage for overnight charging, how long it would take for the shrubbery to fill in to be site obscuring, including recreation activities per the Three Mile Lane plan like play structures or sports courts, and how the applicant welcomed families but due to noise and liability only wanted to provide open space.

Jeff Kreeel, landscape architect, said the landscape plants were spaced four to five feet on center and they were using five gallon plant material. He thought it would be five years to get to a six foot height and width.

Proponents: None

Opponents: None

Rebuttal: Mr. Reiter had confirmed with the applicant that they were willing to put in a play structure.

Chair Winfield encouraged the applicant not to charge the tenants for putting in the low voltage EV stations. Commissioner Randall suggested they put in one EV station per building.

Commissioners McClellan and Langenwalter would be abstaining as they were not present at the last hearing.

Commissioner Deppe MOVED to CLOSE the public hearing. SECONDED by Commissioner Rankin. The motion PASSED 7-0-2 with Commissioners McClellan and Langenwalter abstaining.

Chair Winfield closed the public hearing.

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

Commissioner Randall suggested adding a condition that the applicant provide a site obscuring fence on the west property line prior to occupancy of any unit until the landscaping filled in. The intent was to block headlights into the existing residential area.

There was discussion regarding whether or not they could require putting in more than the existing chain link fence. Mr. Kabeiseman thought it would be allowable.

The site obscuring fence would be added to the conditions for the Planned Development Amendment and Landscape Plan.

Commissioner Deppe MOVED to APPROVE Planned Development Amendment (PDA 5-23), with the amended conditions. SECONDED by Commissioner Flores. The motion PASSED 6-0-2 with Commissioners McClellan and Langenwalter abstaining.

Commissioner Deppe MOVED to APPROVE Three Mile Lane Review (TML 4-23) with the amended conditions. SECONDED by Commissioner Rankin. The motion PASSED 6-0-2 with Commissioners McClellan and Langenwalter abstaining.

Commissioner Deppe MOVED to APPROVE Landscape Plan Review (L 38-23) with the amended conditions. SECONDED by Commissioner Flores. The motion PASSED 6-0-2 with Commissioners McClellan and Langenwalter abstaining.

Commissioner Deppe MOVED to APPROVE Minor Variance (VR 3-23) with the amended conditions. SECONDED by Commissioner Rankin. The motion PASSED 6-0-2 with Commissioners McClellan and Langenwalter abstaining.

B. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)

(Continued from September 21, 2023)

Proposal: THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS: Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She 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 Report: Community Development Director Richards said this was the natural hazards planning project. Due to lack of staff, they had not been able to review comments received. She requested continuing the hearing to January.

Commissioner McClellan MOVED to CONTINUE Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22) to January 4, 2024. SECONDED by Commissioner Langenwalter. The motion PASSED 8-0.

5. Commissioner Comments

None

6. Staff Comments

Community Development Director Richards asked if the Commission needed another Work Session to discuss the Work Plan or if staff should incorporate the items discussed earlier that night and bring it back to the Commission.

There was consensus to have staff incorporate the items and bring it back to the Commission.

Community Development Director Richards discussed upcoming meetings and two empty staff positions.

7. Adjournment

Chair Winfield adjourned the meeting at 8:09 p.m.