



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Planning Commission**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**February 15, 2018**

**5:30 PM Work Session**

**6:30 PM Regular Meeting**

*Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.*

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

Commission Members	Agenda Items
Roger Hall, Chair  Zack Geary, Vice-Chair  Erin Butler  Martin Chroust-Masin  Susan Dirks  Gary Langenwalter  Roger Lizut  Lori Schanche  Erica Thomas	<p><b>5:30 PM - WORK SESSION – COUNCIL CHAMBERS</b></p> <p><b>1. Call to Order</b></p> <p><b>2. Discussion Items</b></p> <ul style="list-style-type: none"> <li>• <b>Historic Single Family Homes in General Commercial Zone</b>  <i>(Work Session Exhibit 1)</i></li> <li>• <b>Downtown/NE Gateway Parking</b> <i>(Presentation will be provided)</i></li> </ul> <p><b>3. Adjournment</b></p>

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](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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Commission Members	Agenda Items
Roger Hall, Chair  Zack Geary, Vice-Chair  Erin Butler  Martin Chroust-Masin  Susan Dirks  Gary Langenwalter  Roger Lizut  Lori Schanche  Erica Thomas	<p><b>6:30 PM – REGULAR MEETING – COUNCIL CHAMBERS</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes:</b> <ol style="list-style-type: none"> <li><b>A. November 16, 2017 Work Session (Exhibit 1a)</b></li> </ol> </li> <li><b>4. Discussion Item:</b></li> <li><b>5. Public Hearing</b> <ol style="list-style-type: none"> <li><b>A. <u>Zoning Text Amendment (G 1-18)</u> (Exhibit 1)</b></li> </ol> <p>Request: Approval to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the reclassification of vacation home rentals as short term rentals. The amendments will introduce spacing standards for</p> </li> </ol>

short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

Applicant: City of McMinnville

**6. Discussion Items**

**7. Old/New Business**

**8. Commissioner/Committee Member Comments**

**9. Staff Comments**

**10. Adjournment**



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## **WORK SESSION EXHIBIT 1 - STAFF REPORT**

**DATE:** February 15, 2018  
**TO:** Planning Commissioners  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** Historic Single Family Homes in General Commercial Zone

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### **Report in Brief:**

The purpose of this discussion item is to discuss the commercial zoning classifications of historic residential properties in the vicinity of the downtown.

### **Background:**

The Planning Department was previously contacted by the owner of a property in McMinnville, and the owner had concerns with the zoning of their property and the permitted uses. The property in question is located close to the downtown core, and is zoned C-3 (General Commercial). The current and historic use of the property has been a single family home. In the C-3 (General Commercial) zoning district, single family homes are not a permitted use. This is not an issue in terms of the current use of the property in question as a single family home, as it is an existing use and therefore considered to be a legal nonconforming use.

There are a number of other properties around the downtown area that are in a similar situation, with existing single family homes on properties that are zoned C-3 (General Commercial). There are some issues with the treatment of these single family homes as nonconforming uses, which the owner and resident mentioned above has brought to the attention of the Planning Department. The issues that have been identified relate to the regulations on nonconforming uses. Nonconforming uses are allowed to continue, as long as the use is active. If a nonconforming use is discontinued for a period of one year (e.g. single family home sits vacant for 13 months), the property cannot go back to a nonconforming use (e.g. single family home) and all future uses of the property must comply with the permitted uses in the underlying zoning district. Also, if the use changes (e.g. to a permitted office use), the property cannot then change back to a nonconforming use (e.g. single family home).

This creates difficulty in the financing process when these types of properties are on the market. If a potential buyer is interested in purchasing a property with a single family home, but the structure was most recently used as an office, their lender would likely not approve any financing as the proposed use as a single family home would be considered prohibited at that point (since the structure had been most recently used as an office). Apparently, this issue with financing has led to some properties staying on the market and becoming vacant for extended periods of time, and can lead to the structures eventually becoming deteriorated. The same issue applies to existing duplexes in the C-3 zone. The Planning Department was recently in discussions with a potential buyer that was interested in purchasing a

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### *Attachments:*

*Attachment A - Map Identifying Single Family Homes in C-3 Zones*

*Attachment B - Map Identifying Single Family Homes in C-3 Zones that are Historic Resources*



dilapidated existing duplex located in the C-3 zone. However, the potential buyer shared that the property had been sitting vacant for nearly three years, which was confirmed by checking recent utility services at the property. Therefore, the previous nonconforming use of a duplex had expired because the use had been discontinued for a period of more than one year.

**Discussion:**

Many of the types of situations described above are occurring on properties with designated historic resources, or they are located in historic areas of town. Existing single family homes that are historic resources but are considered nonconforming uses in the C-3 zone could be at risk for a number of reasons. The homes could become dilapidated if they are left to sit vacant for extended periods of time, be heavily altered in a manner not consistent with the historic character of the structure to suit general commercial uses that are allowed in the C-3 zone, or be requested to be demolished to allow for the development of general commercial uses that are allowed in the C-3 zone.

Staff completed an aerial and street survey of the C-3 (General Commercial) zoned properties around the downtown core area. The area surveyed generally included all C-3 zoned property bounded on the west by Baker Street, on the east by Logan Street, on the north by 10<sup>th</sup> Street, and on the south by Lincoln Street. Properties that have frontage on Baker Street were not included in the survey.

Within the area described above, staff identified 61 (sixty-one) properties that had single family homes and were zoned C-3 (General Commercial). Some of these properties did have businesses operating out of the structures already. However, a majority of the properties seemed from the exterior to either be currently used as single family homes or still retain the general characteristics and appearance of a single family home. Properties with single family homes that were owned and operated by Yamhill County around the courthouse and other County facilities were not included, and any property that was developed with a structure that appeared to be strictly for a commercial use was not included.

Of the 61 (sixty-one) identified properties, 32 (thirty-two) properties contain structures that are designated on the Historic Resources Inventory. The breakdown in classification of those structures that are on the Historic Resources Inventory is as follows:

- Distinctive – 6
- Significant – 8
- Contributory – 18

Staff discussed this issue with the Historic Landmarks Committee (HLC) at their July 26, 2017 meeting and attempted to again at their January 24, 2017 meeting (that meeting was eventually cancelled due to a lack of quorum). The HLC was generally supportive of some type of zoning text amendment to address this issue and better protect the existing historic resources in these areas of the city. Since the July 26, 2017 HLC meeting, staff has been exploring options to address the issue. One potential option that was presented to staff from a property owner in one of the areas with single family homes in the C-3 zone was to consider a rezoning of these type of properties from C-3 (General Commercial) to O-R (Office-Residential). Staff believes that this rezoning process could assist in the preservation of existing single family homes that are designated as historic resources on the McMinnville Historic Resources Inventory.

The O-R (Office-Residential) zone allows for single family homes and duplexes as permitted uses, while also allowing for smaller scale commercial uses such as offices, studios, home occupations, clinics, and some limited retail services. A rezoning from C-3 to O-R would allow for the preservation of the historical use of some of the structures as single family residences, would still allow for some commercial uses to occur, and would also provide for additional buffering between commercial and residential areas to

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*Attachments:*

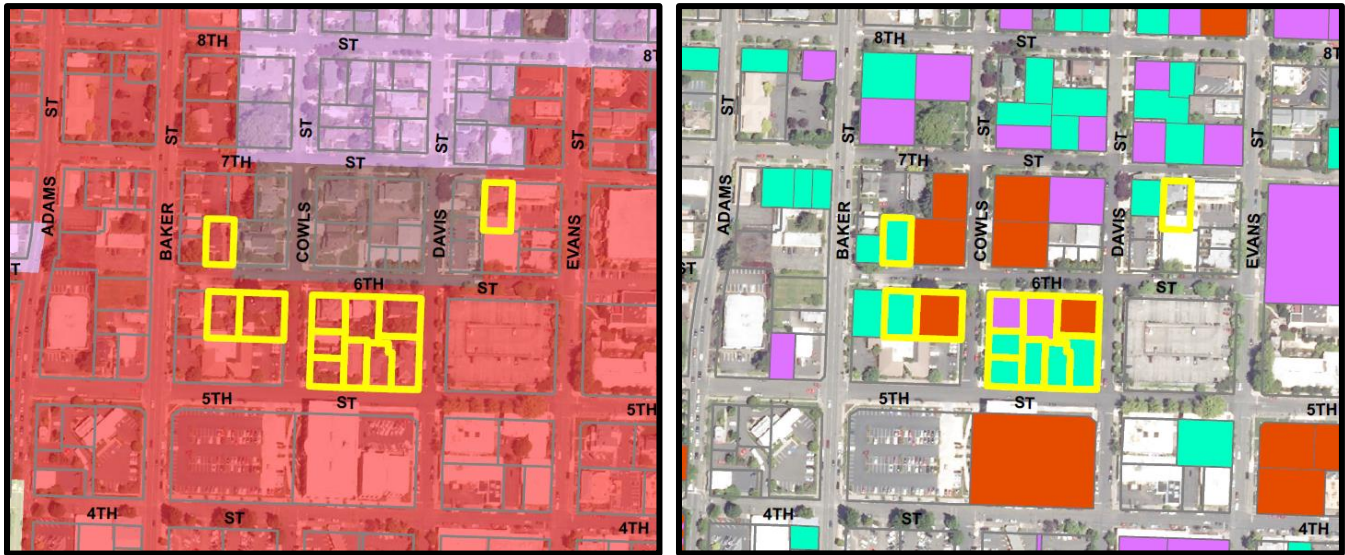
*Attachment A - Map Identifying Single Family Homes in C-3 Zones*

*Attachment B – Map Identifying Single Family Homes in C-3 Zones that are Historic Resources*

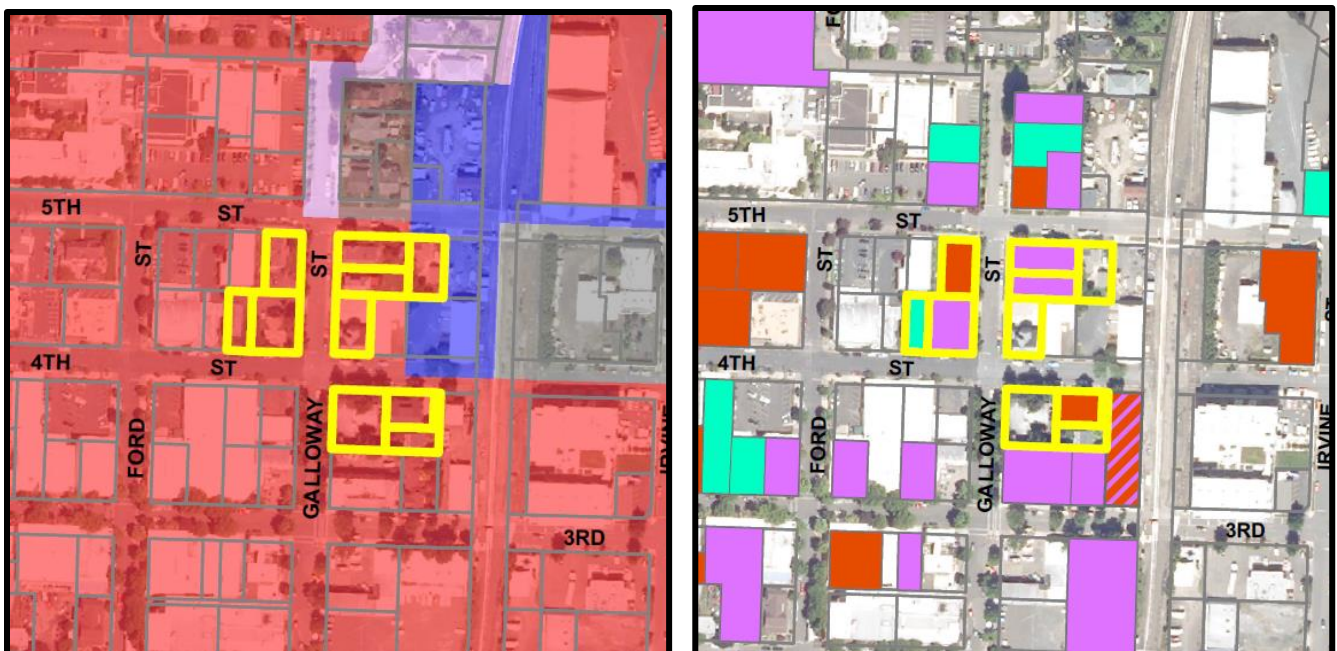
potentially prevent incompatible development from occurring adjacent to residential, and often historic, areas around the downtown core.

Within the general survey area described above, there are a few smaller areas that contain continuous groups of existing single family homes that are also designated as historic resources on the Historic Resources Inventory. These smaller areas are also located immediately adjacent to areas that are already zoned O-R. In terms of the surrounding zoning and development pattern, it would not be inconsistent for these properties to also be zoned O-R. The specific areas are shown below by their underlying zoning, as well as the classification of historic resource significance:

Between Baker & Davis Street and 5<sup>th</sup> & 7<sup>th</sup> Streets



Between Ford Street & Railroad Tracks and 3<sup>rd</sup> & 5<sup>th</sup> Streets

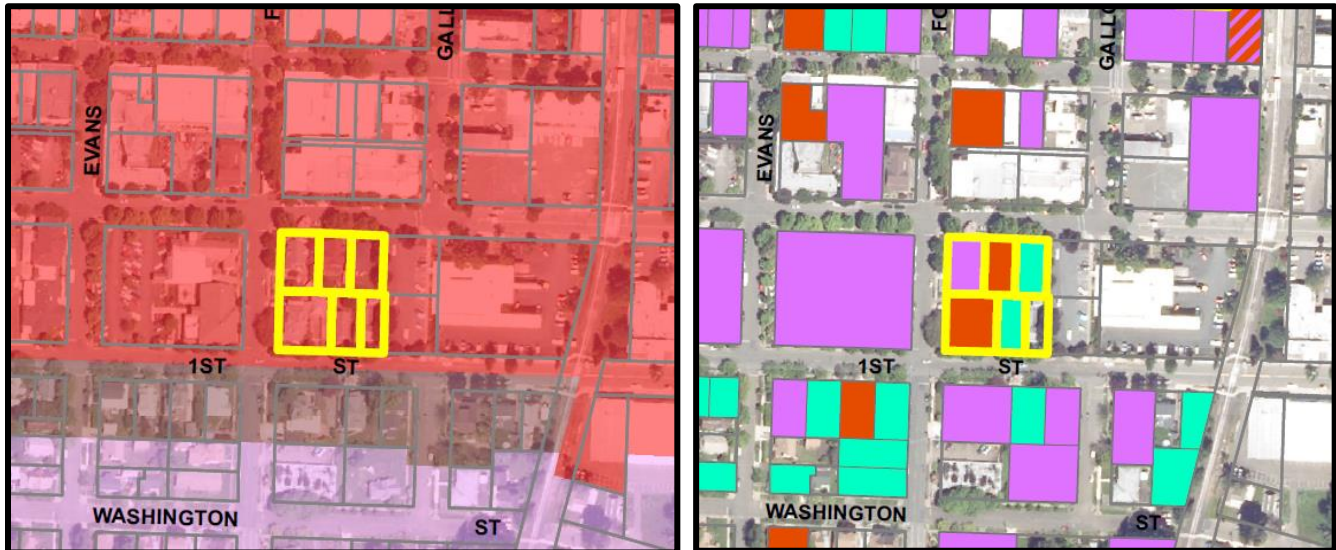


Attachments:

Attachment A - Map Identifying Single Family Homes in C-3 Zones

Attachment B - Map Identifying Single Family Homes in C-3 Zones that are Historic Resources

Between Ford & Galloway Streets and 1<sup>st</sup> & 2<sup>nd</sup> Streets



**Fiscal Impact:**

None.

**Recommendation/Suggested Motion:**

No specific motion is required at this time. Staff would like to determine whether the Planning Commission is supportive of the potential rezoning of the areas identified in detail above from C-3 (General Commercial) to O-R (Office-Residential) as a means to better protect and preserve single family homes that are designated as historic resources.

If so, staff would continue to do more research into the specific properties being considered for the rezoning. Further investigation would be required to determine whether the rezoning was consistent with the Comprehensive Plan policies and whether the existing uses of the subject properties would all be allowed as permitted uses in the O-R zone (some of the properties are being used commercially today). Also, staff would reach out to the owners of the properties to determine whether they are interested in the potential rezoning process.

CD:sjs

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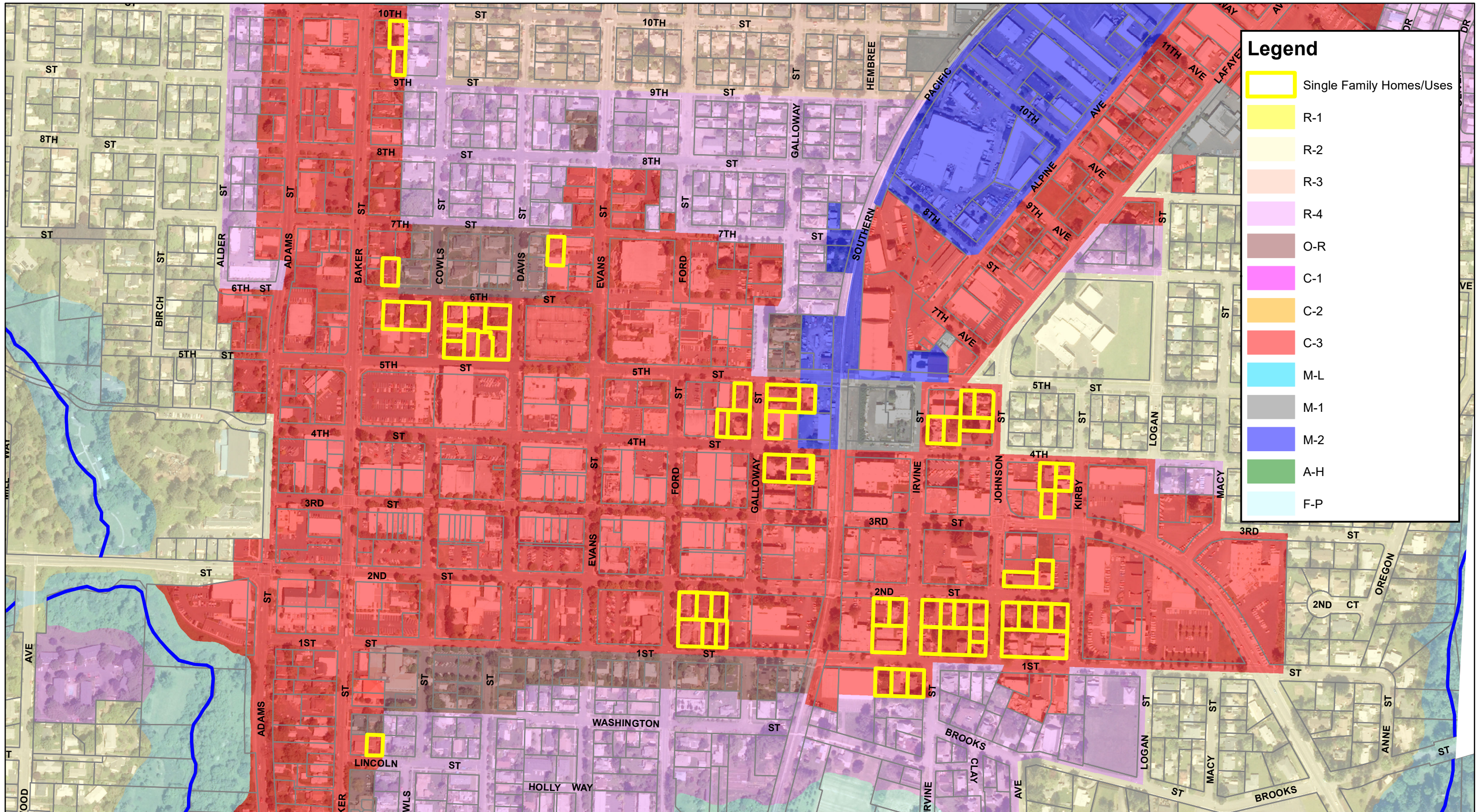
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# Single Family Homes in C-3 (General Commercial) Zone



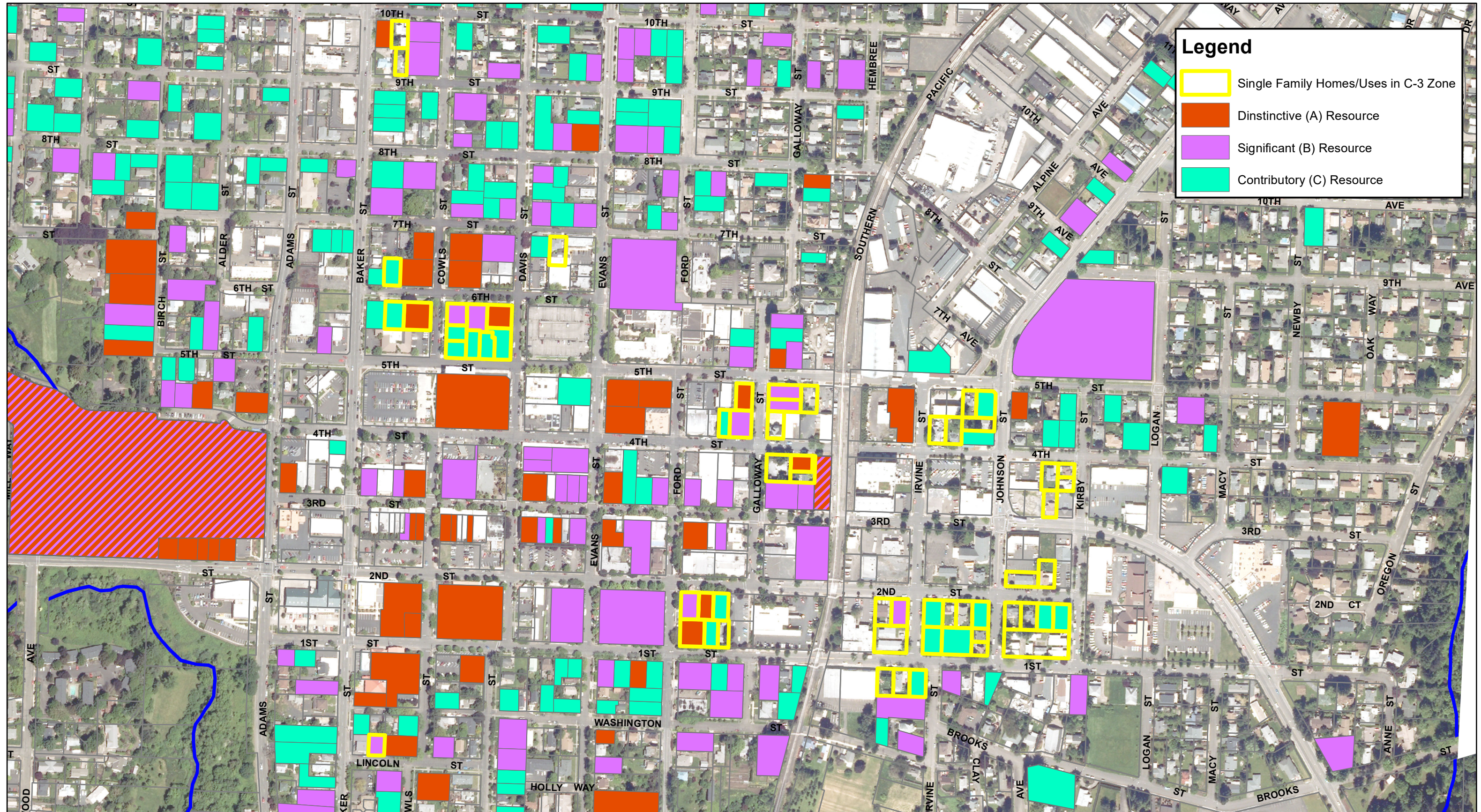
0 0.25 0.5 Miles

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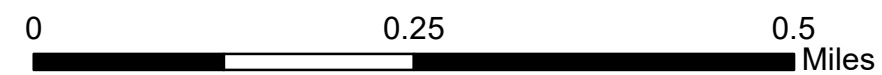


# Single Family Homes that are Historic Resources in C-3 (General Commercial) Zone



**Legend**

- Single Family Homes/Uses in C-3 Zone
- Dinstinctive (A) Resource
- Significant (B) Resource
- Contributory (C) Resource



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# MINUTES

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**November 16, 2017**  
**Planning Commission**  
**Work Session Meeting**

**5:30 pm**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Roger Lizut, and Lori Schanche

**Members Absent:** Zack Geary, Erica Thomas, and Gary Langenwalter

**Staff Present:** Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, and Heather Richards – Planning Director

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## 1. Call to Order

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

## 2. Discussion Items:

- **Kittelson & Associates, Traffic Impact Analysis**

Marc Butorac, Kittelson & Associates, provided a presentation on traffic impact studies and analysis. He discussed the purposes of a traffic impact study and how study areas were determined. Traffic impact studies looked at site access and on-site circulation, localized operation and safety, and localized improvements. He described how sites were analyzed as well as impacts and proportionality. He explained the four steps of a traffic study, which were: trip generation using the ITE Trip Generation Manual and types of trips, traffic distribution, mode split, and assigning traffic onto the circulation system. Traffic studies generally left out a key component, trip length. The things the Planning Commission should think about when reviewing applications were access needs and locations, site distance, circulation and connectivity needs, mitigation requirements, safety impacts, quality of life impacts, and System Development Charges. He gave examples of traffic studies that had been done. He then discussed levels of service, volume to capacity ratios, average delays, and questions to ask when there was a Level F situation.

There was discussion regarding the analysis and how it was affected by the community's value choices for congestion and waiting time tolerance and the amount of SDCs and other funding sources for improvements.

Mr. Butorac discussed the analysis that was done for zone changes and the cost for the analysis of intersections. Some cities were deciding whether to have developers pay for the studies or contribute more to SDCs.

- **Land-Use Notification Requirements**

Associate Planner Darnell had reviewed the City's land use notification distance requirements as there had been discussion regarding increasing the distance. He had also looked at what was required by law, which was a minimum of 100 feet, and what other cities did. Currently McMinnville's minimum distance for lower level applications was 100 feet, and for higher level applications it was 300 feet. On average they were on par with what other cities were doing.

There was discussion regarding typical applications and notification distances and whether or not to increase the distances.

Commissioner Chroust-Masin was in favor of adding a water proof sign requirement. This would make it visible as people drove by the sign. Some people did not even look at mailed notices, but a sign regarding a land use hearing on the property would help draw attention.

There was consensus to add a requirement for a water proof sign and that the minimum distance of 300 feet as currently required was acceptable for all applications. Associate Planner Darnell explained that the water proof sign requirement was associated with the neighborhood meeting requirements, and that provision is proposed to be included in the zoning text amendments that would incorporate neighborhood meeting requirements into the land use review process.

### 3. Adjournment

Chair Hall adjourned the meeting at 6:34 p.m.



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Heather Richards  
Secretary



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## **EXHIBIT 1 - STAFF REPORT**

**DATE:** February 15, 2018  
**TO:** McMinnville Planning Commission  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** G 1-18 – Vacation Home/Short Term Rentals – Zoning Text Amendments

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### **Report in Brief:**

This is a public hearing to review and consider proposed zoning text amendments to Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance.

The proposed zoning text amendments are related to the reclassification of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

### **Background:**

The Planning Commission discussed VHRs at the September 21, 2017 work session, and also provided an opportunity for public comment on the topic of VHRs at the October 19, 2017 work session. Following the public comment portion of the October work session, the Planning Commission had a brief discussion and directed staff to research other options for the regulation of vacation home rentals in the City of McMinnville. Staff completed additional research into how vacation home rentals are regulated in other cities in Oregon, and presented that information to the Planning Commission at the December 21, 2017 work session. Based on that information and subsequent discussion, the Planning Commission directed staff to explore spacing standards for VHRs and enforcement procedures for short term rentals that are found to be operating without City approval as a VHR.

Staff explored options for spacing standards and enforcement procedures, as well as alternative definitions and operational requirements, for vacation home rentals, and brought additional information back to the Planning Commission for discussion at the January 18, 2018 regular meeting. After discussion and deliberation, the Planning Commission provided guidance to staff and directed staff to

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#### *Attachments:*

*Attachment A: Maps of 200 Foot Spacing Standard Application - Northeast and Northwest of Downtown*

*Attachment B - Decision, Findings of Fact and Conclusionary Findings for the Approval of Legislative Amendments to Multiple Chapters of the McMinnville Zoning Ordinance to Update Definitions and the Regulation of Short Term Rentals and Lodging Establishments in Residential and Commercial Zones*



bring proposed amendments related to the regulation of vacation home rentals back to the Planning Commission for consideration during a formal public hearing.

### **Discussion:**

Based on the direction provided at the previous Planning Commission meetings, staff has drafted zoning text amendments to update the definitions of vacation home rentals, incorporate a spacing standard for vacation home rentals in residential zones, and update the regulations on the operation of these types of uses. A copy of the draft zoning text amendments are included in the decision document that is attached to this staff report.

The main components of the proposed amendments to the vacation home rental regulations are explained in more detail below:

### **Definitions:**

Staff is proposing to update the definitions of the current “vacation home rental”, “bed and breakfast”, “hotel”, “motel”, and “boardinghouse, lodginghouse, and roominghouse” uses that are currently allowed in residential and commercial zones in the city. Some of these definitions are out dated and do not accurately describe or reflect the type of rental uses that are occurring in the city and are available for short term rental through various third party rental platforms (e.g. Airbnb, VRBO, HomeAway, etc.).

Staff is proposing to add “short term rental” and “resident occupied short term rental” as defined uses in the McMinnville Zoning Ordinance. Staff is also proposing to consolidate and update the current definitions of “hotel” and “motel”, and consolidate those uses in one defined use of “lodging”. Also, staff is proposing to remove the existing defined use of “boardinghouse, lodginghouse, or roominghouse”.

The table below describes the existing uses and the zones that the existing uses are allowed, and then describes the proposed definitions and uses and the zones that those uses would be allowed. Note that the descriptions of each type of use in the table below are simplified descriptions of the actual existing or proposed definitions of those uses.

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<b>EXISTING USES</b>		
<b>Type</b>	<b>Description</b>	<b>Zones Allowed</b>
Vacation Home Rental	Whole dwelling unit rental for period of less than 21 days	All Residential (R-1, R-2, R-3, R-4), Office-Residential (O-R), C-2 (Travel Commercial), and C-3 (General Commercial)
Bed and Breakfast	Rental of bedrooms within an owner-occupied house for period of less than 7 days	All Residential (R-1, R-2, R-3, R-4) and Office-Residential (O-R)
Bed and Breakfast	A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities	Multiple Family Residential (R-4) and Office-Residential (O-R) as Conditional Uses; Travel Commercial (C-2) as Permitted Use
Boardinghouse, Lodging House, or Rooming House	Rental of whole house or individual rooms for an unregulated number of days	Multiple Family Residential (R-4), Office-Residential (O-R), Travel Commercial (C-2) and General Commercial (C-3)
Hotel & Motel	Building used for accommodation of guests or travelers on a temporary basis	Travel Commercial (C-2) and General Commercial (C-3)
<b>PROPOSED USES</b>		
<b>Type</b>	<b>Description</b>	<b>Zones Allowed</b>
Short Term Rental	Whole dwelling unit rental for period of no more than 21 days	All Residential (R-1, R-2, R-3, R-4), Office-Residential (O-R), Travel Commercial (C-2) and General Commercial (C-3)
Short Term Rental, Resident Occupied	Rental of bedrooms within a resident-occupied house for period of no more than 7 days	All Residential (R-1, R-2, R-3, R-4) and Office-Residential (O-R)
Bed and Breakfast	A structure designed and occupied as a residence in which sleeping rooms and a meal are provided on a daily or weekly basis for use by travelers for a charge or fee paid for the rental or use of the facilities	Multiple Family Residential (R-4) and Office-Residential (O-R) as Conditional Uses; Travel Commercial (C-2) as Permitted Use
Lodging	Building or group of buildings designed and used for accommodation of guests on a temporary basis	Travel Commercial (C-2) and General Commercial (C-3)

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### Short Term Rental:

Staff believes that the use of the term “short term rental” is a more common and straightforward definition of the type of use that is currently defined as a vacation home rental in the McMinnville Zoning Ordinance. The use of “short term rental” would continue to be allowed in all of the same zoning districts in which “vacation home rentals” are currently allowed, including residential and commercial zones.

### Bed and Breakfast:

The existing use of “bed and breakfast” is currently defined only once in the Definitions chapter (Chapter 17.06), but is treated differently depending on the underlying zoning district. Typical bed and breakfast establishments, in which rooms and meals are provided for a daily or weekly basis, are currently allowed as a permitted use in the C-2 (Travel Commercial) and C-3 (General Commercial) zone and allowed as conditional uses in the O-R (Office-Residential) and R-4 (Multiple-Family Residential) zones. However, the rental of rooms within an owner occupied dwelling unit on a short term basis (no more than 7 days) has previously been classified by the City of McMinnville as a bed and breakfast as well. This type of use is currently allowed in all of the residential zones (R-1, R-2, R-3, and R-4), and has been used to classify one of the rental products (i.e. a room within a home) that is commonly available on third party rental platforms. These types of uses have been subject to a review and licensing process, similar to the review and licensing process that is required of vacation home rentals.

Staff is proposing to introduce another new definition of “short term rental, resident occupied” to replace the type of “bed and breakfast” that has been classified as the short term rental of rooms within an owner occupied dwelling in all of the residential zones. Again, staff believes that this definition is more common and straightforward than treating these types of uses as bed and breakfast establishments. Staff is proposing to keep the existing use and definition of “bed and breakfast” to allow the more traditional and typical bed and breakfast establishment in the R-4 and O-R zones as a conditional use, and in the C-2 and C-3 zones as a permitted use. There are multiple examples of this type of bed and breakfast establishment, being the more traditional form as a lodging option that provides a sleeping room and meals, in the City of McMinnville, including A Tuscan Estate (809 NE Evans Street) and The Victorian on 10<sup>th</sup> (206 NE 10<sup>th</sup> Street).

### Lodging:

Staff is proposing to remove the existing definition of “boardinghouse, lodginghouse, and roominghouse” from the Zoning Ordinance. This use is somewhat out dated, and does not accurately reflect the type of rental or temporary accommodations that are typically available in the current housing market or hospitality sector. With the establishment of the short term rental and resident occupied short term rental uses, as well as the allowance of short term rentals in commercial zones, staff does not feel that the definition of boardinghouse, lodginghouse, or roominghouse will be applicable in any situation.

To address more traditional lodging uses, staff is also proposing to update the existing definitions of “hotel” and “motel”, which are currently defined slightly differently in terms of the types of guests that they cater to. Since the type of guest staying at a lodging establishment is difficult to truly enforce and does not change the land use impact of these types of uses, staff is proposing to combine these types of uses into one definition of “lodging”. The proposed lodging definition would more simply describe typical hotel or motel uses as “a building, or group of buildings, which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation”.

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**Spacing Standard:**

The Planning Commission determined at the December 21, 2017 work session that the number of short term rentals in some areas of the city could be beginning to impact the character of residential neighborhoods, and that the conversion of single family homes into short term rentals is starting to take too many residential units out of the single family housing stock. Other cities in Oregon have had similar concerns about the impacts of short term rentals, which has led to the adoption of locational requirements and caps for short term rentals. As discussed in more detail at the December 21, 2017 work session, the cities of Bend and Ashland both adopted locational requirements for short term rentals, those being spacing requirements and required distances to major roadways, respectively. In the coastal community of Manzanita, a cap on the total number of short term rentals was adopted to limit the conversion of the existing housing stock into short term rentals. Staff had previously explained to the Planning Commission that a cap on the total number of VHRs may not be the best solution in McMinnville, based on the current number of VHRs in McMinnville. The ratio of the housing stock that was converting to short term rentals in Manzanita was much higher than the current situation in McMinnville. Manzanita had experienced a conversion of 17.5% of their housing stock into rentals, whereas McMinnville currently has less than 1% of the single family housing stock being used as VHRs.

To address the primary concerns with short term rentals in residential areas, limit the number of properties transitioning to short term rentals, and better protect residential neighborhoods from larger-scale conversions into short term rentals, staff believes that a spacing standard would be a better tool based on the current situation in the city. This recommendation was provided to the Planning Commission at their January 18, 2018 regular meeting, and there was general consensus that a spacing standard would address the identified concerns with short term rentals. Staff had provided options for spacing standards based on the existing built environment and the number of established short term rentals in residential areas, and the Planning Commission had some general discussion on the distance that should be required between short term rentals.

**Recommendation:**

There was general consensus that there should be no more than one short term rental per block, and that a spacing standard could then be established based on the typical block length in McMinnville. Staff completed research into the existing built environment, and found that the smallest typical block length in McMinnville is 200 feet in length. Therefore, staff is recommending that the spacing standard be established at 200 feet. This distance would ensure that there would be no more than one short term rental on the smallest blocks in the city, and would also limit the concentration of short term rentals in other areas of the city with larger blocks or areas with larger lots and a more curvilinear street network. Also, the distance of 200 feet would not be so large as to effectively prevent the establishment of any additional short term rentals. Short term rentals do serve a function in McMinnville as a lodging option for tourists, short term rentals for people who are looking to relocate to McMinnville, short term executive rentals, etc., and these types of services are important to the success of our local economy and many of our local businesses.

If this spacing standard was established, a typical 200 foot buffer from existing licensed short term rentals in the areas of town with smaller block lengths would touch and therefore eliminate the potential for the surrounding 30-35 properties to be used as short term rentals. In that small sub-area, that would amount to 2.9 – 3.3% of the housing units in that sub-area being used as short term rentals. This is obviously a very rough example and would vary greatly throughout the city, but it shows that the spacing standard would keep the overall percentage of properties being used as short term rentals at a low amount.

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**Attachments:**

*Attachment A: Maps of 200 Foot Spacing Standard Application - Northeast and Northwest of Downtown*

*Attachment B - Decision, Findings of Fact and Conclusionary Findings for the Approval of Legislative Amendments to Multiple Chapters of the McMinnville Zoning Ordinance to Update Definitions and the Regulation of Short Term Rentals and Lodging Establishments in Residential and Commercial Zones*

In terms of implementation, the separation distance between short term rentals would be measured outwards from the property lines of the subject site, which would be a measurement that can be consistently and fairly applied throughout the city. Staff is also proposing that the separation standard only apply to short term rentals in residential zones (R-1, R-2, R-3, and R-4) and the Office-Residential zone (O-R), but not to resident occupied short term rentals. By definition, resident occupied short term rentals are still dwelling units that are fully occupied by a resident, and therefore do not create a situation where a dwelling sits vacant when not being rented. Staff believes that these uses would have less of an impact on the character of the surrounding residential neighborhood, so is proposing to not have them be subject to the spacing standard.

Attached to the staff report are maps that depict the areas within 200 feet of existing licensed vacation home rentals in the area northwest of downtown and the area northeast of downtown. The properties within 200 feet of existing licensed vacation home rentals, which would now be defined as short term rentals, would become ineligible for the establishment of a new short term rental use.

### **Other Operational Requirements:**

#### Type of Dwelling Units:

The current standards for vacation home rentals and bed and breakfast establishments include a standard that is not clear in its intention. The language is provided in Section 17.12.010 (N)(1) and Section 17.12.010 (O)(1) as follows:

“That the structure be designed for and occupied as a single family residence. The structure shall retain the characteristics of a single family residence”.

While the above language does not specifically limit the operation of vacation home rentals and bed and breakfast establishments to single family dwelling units, the historical interpretation of the Planning Department has been to only allow them in single family dwelling units based on the fact that the language uses the phrase “retain the characteristics of a single family residence”. Staff presented this discrepancy to the Planning Commission at the January 18, 2018 meeting and requested clarification. Based on that discussion, staff is proposing that the use of short term rentals, as they will be defined if the proposed amendments are approved, be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs). Specifically, staff is proposing the following amendments to the standard:

~~That the structure be designed for and occupied as a single family residence.~~ **Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a single family residence.

The proposed amendments would apply to both short term rentals and resident occupied short term rentals. Staff believes that the language is clear in the types of dwelling units that these uses are allowed in, while still including the language that the structure retain the characteristics of a residence to ensure that the use is compatible with the surrounding residential area. This language does expand the opportunity for the establishment of short term rentals from the previous Planning Department interpretation, but the spacing standards described above will overall reduce the opportunities for the establishment of new short term rentals.

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The Planning Commission had discussed the potential of allowing short term rentals in multiple-family dwelling units. After further investigation, staff is recommending that short term rentals not be allowed in multiple-family dwelling units. These types of dwelling units are typically the more affordable housing product available for people that may not be able to obtain financing for more permanent housing. Taking these rental units off the market to allow them to be used for short term rentals could have more of an impact on housing affordability in the city than the use of single family homes as short term rentals. Also, the Planning Commission had discussed potentially not having the spacing standard apply to short term rentals located on multi-family sites. If that was the case, an entire multi-family building could be converted to short term rentals. That scenario would basically create a hotel (commercial use) in a residential area.

#### Licensing Requirements in Residential Zones:

Staff is proposing to retain the processes for reviewing and licensing short term rentals and resident occupied short term rentals in the residential zones (R-1, R-2, R-3, and R-4) and the Office-Residential zone (O-R). The permitted uses in these zones will be subject to all of the standards in Section 17.12.010(N)(1) and Section 17.12.010(O)(1), which require a land use application to be reviewed by the Planning Director with notification and also include language on operational standards that must be followed. Staff is proposing to not subject short term rentals in the commercial zones (C-2 and C-3) to the standards in Section 17.12.010(N)(1) and Section 17.12.010(O)(1), which is consistent with the previous practice of not requiring review and licensing for these commercial type uses in the commercial zones.

#### Renewal Requirements:

The existing language requires that licenses for short term rentals and resident occupied short term rentals be renewed each year. Staff is proposing to update this language to confirm that the licenses are renewed annually, beginning one year after the initial approval of the rental. Staff is also proposing to add language that states that failure to renew the short term rental permit will result in the permit becoming void. This will result in the subject property having to re-apply for their short term rental license, which would subject the property to the spacing standard. For the existing short term rentals that don't meet the spacing standard but are allowed to continue as nonconforming uses, failure to renew would effectively eliminate the nonconforming use. As licenses are not renewed, it would also provide an opportunity for other properties in the surrounding area to become eligible for a short term rental license. The City will provide notice of the annual requirement to renew the short term rental license, but it will ultimately be the responsibility of the property owner to ensure that their license is renewed annually.

#### Parking:

If the proposed amendments are approved and the definitions for short term rentals and lodging establishments are updated, staff is also proposing to update Chapter 17.60 (Off-Street Parking and Loading) to reflect the updated definitions. Staff is not proposing to change the parking standards that had applied to vacation home rentals or lodging uses, but only change the uses themselves to reflect the updated definitions.

#### Applications and Review Process:

Similar to the proposed changes to Chapter 17.60 (Off-Street Parking and Loading), staff is proposing to also update Chapter 17.72 (Applications and Review Process) to reflect the updated definitions of short term rental and resident occupied short term rental. The proposed amendments to Chapter 17.72 would

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#### *Attachments:*

*Attachment A: Maps of 200 Foot Spacing Standard Application - Northeast and Northwest of Downtown*

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not change the application or review process for these types of uses. Short term rental and resident occupied short term rental applications are proposed to still be subject to a Planning Director’s review with property owner notification. Also, staff is proposing to still require neighborhood meeting for short term rentals, as they are currently required for vacation home rentals.

**Fiscal Impact:**

None.

**Commission Options:**

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

**Recommendation/Suggested Motion:**

The Planning Department recommends that the Planning Commission make the following motion recommending approval of G 1-18 to the City Council:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMinnville, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 1-18 AND THE ZONING TEXT AMMENDMENTS AS RECOMMENDED BY STAFF.**

CD:sjs

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*Attachments:*

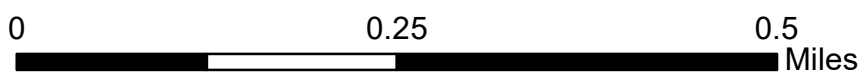
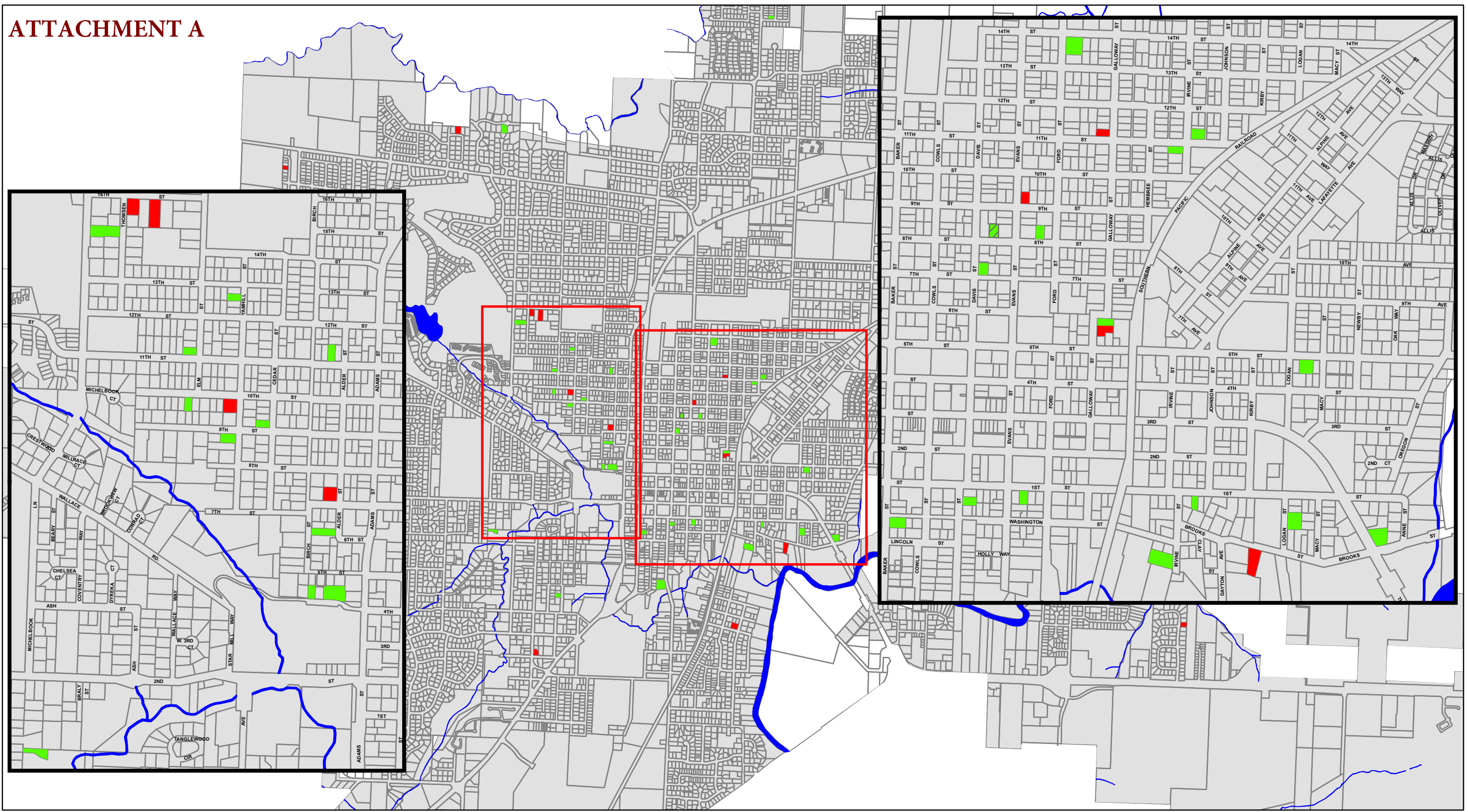
*Attachment A: Maps of 200 Foot Spacing Standard Application - Northeast and Northwest of Downtown*




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# Approved Vacation Home Rentals and Bed and Breakfasts in Residential Zones - As of February 8, 2018

## ATTACHMENT A



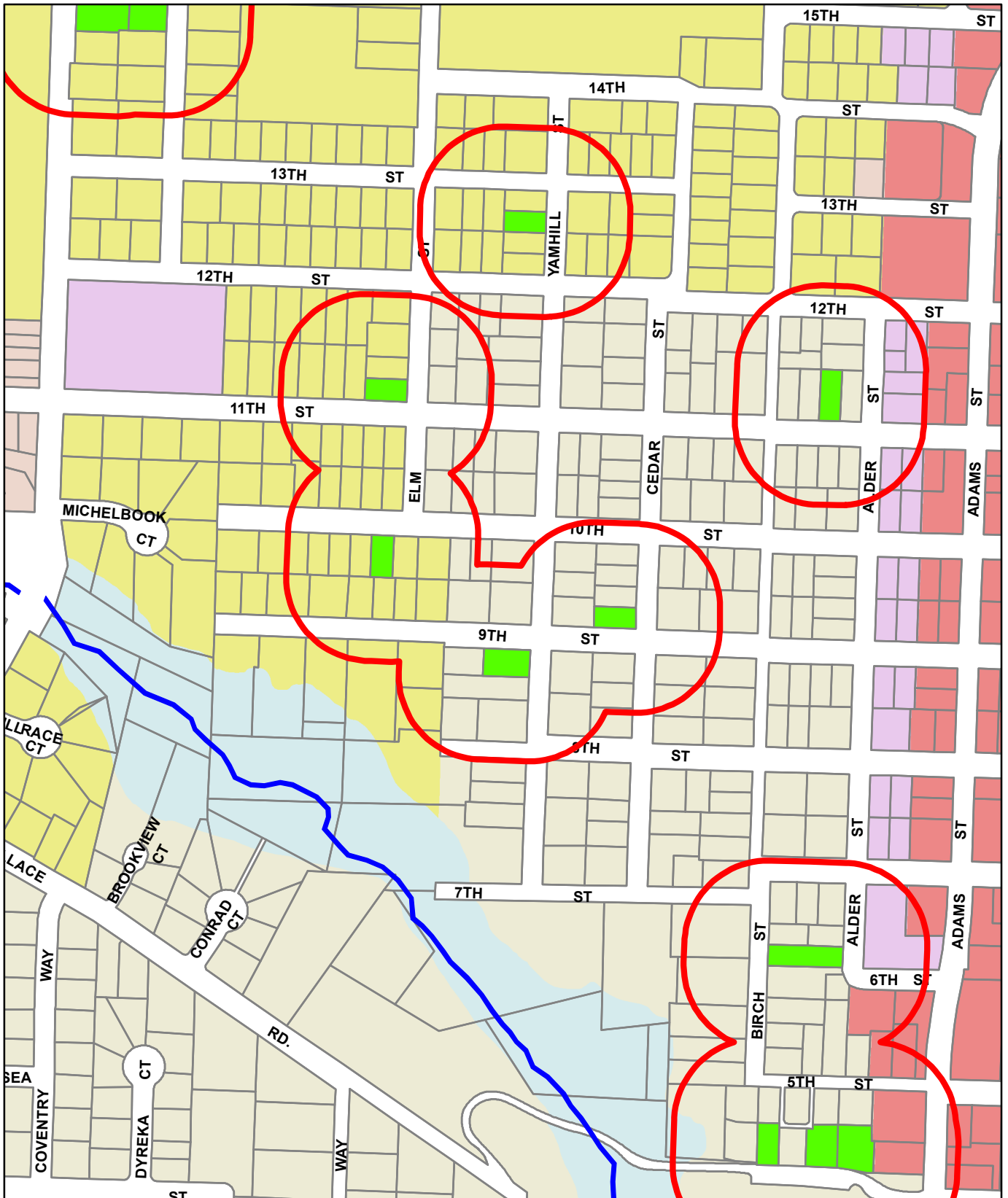
-  Bed & Breakfasts (13 Properties)
-  Vacation Home Rentals (35 Properties)
-  2 Vacation Home Rentals

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





# Northwest of Downtown - 200 Foot Spacing Standard

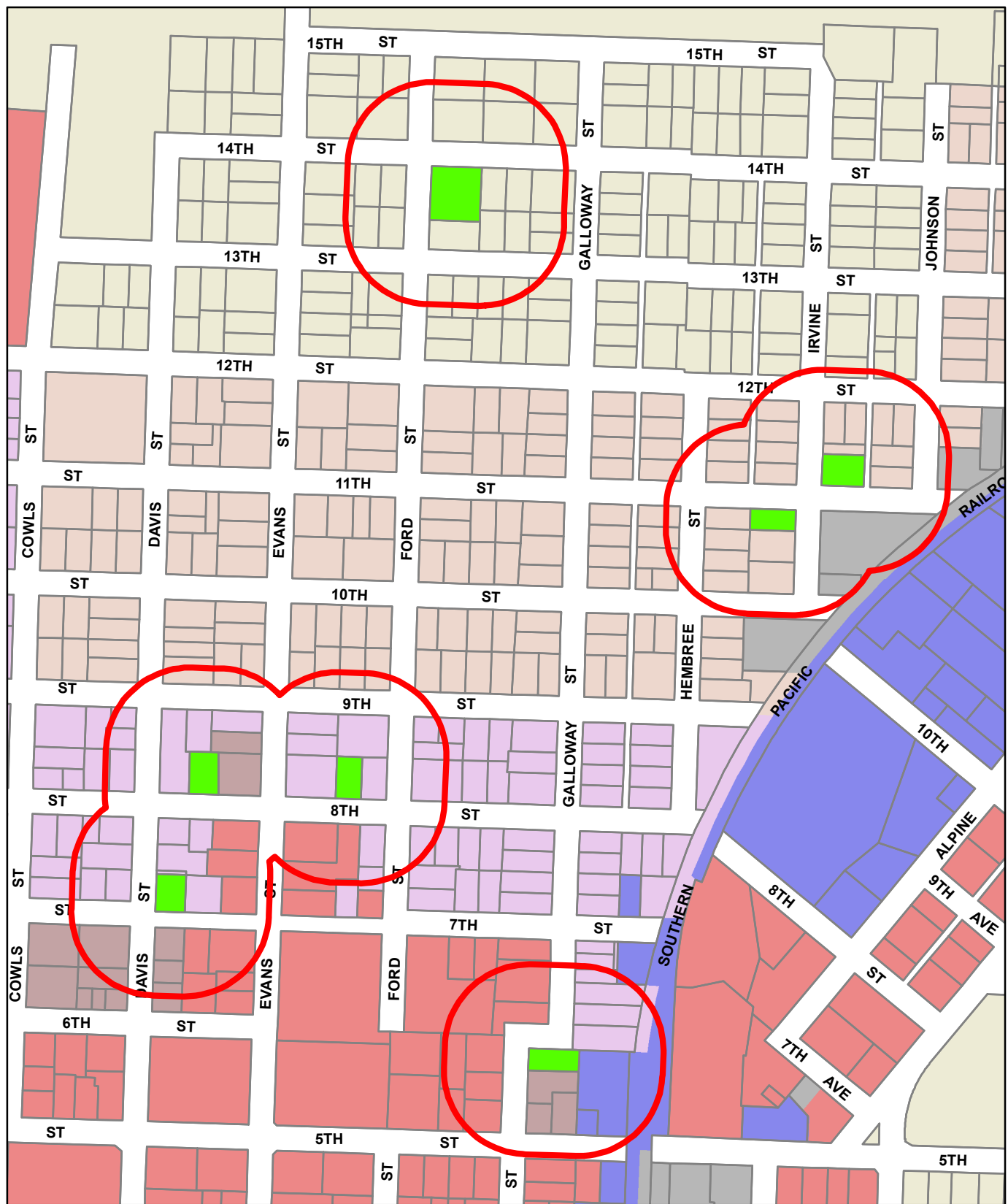


City of McMinnville  
 Planning Department  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311

Zoning		Short Term Rentals
	R-1	
	R-2	
	R-3	
	R-4	
	O-R	
	C-1	
	M-L	
	M-1	
	M-2	
	A-H	
	F-P	

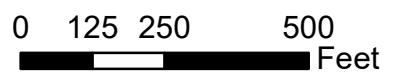


# Northeast of Downtown - 200 Foot Spacing Standard

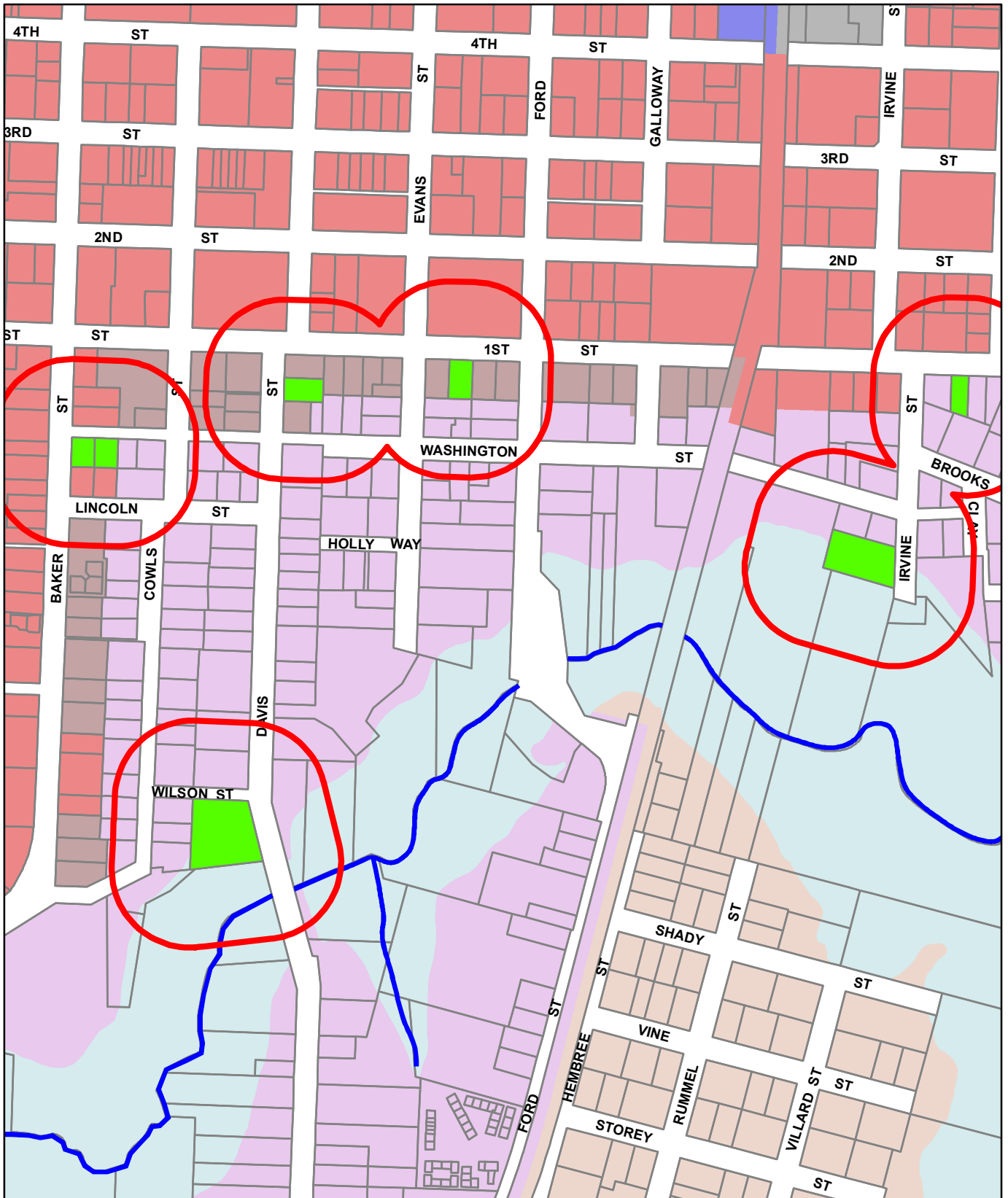


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 Planning Department  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311

Zoning		Short Term Rentals
	R-1	
	R-2	
	R-3	
	R-4	
	O-R	
	C-1	
	C-2	
	C-3	
	M-L	
	M-1	
	M-2	
	A-H	
	F-P	

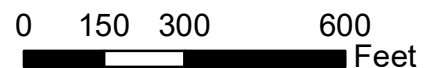


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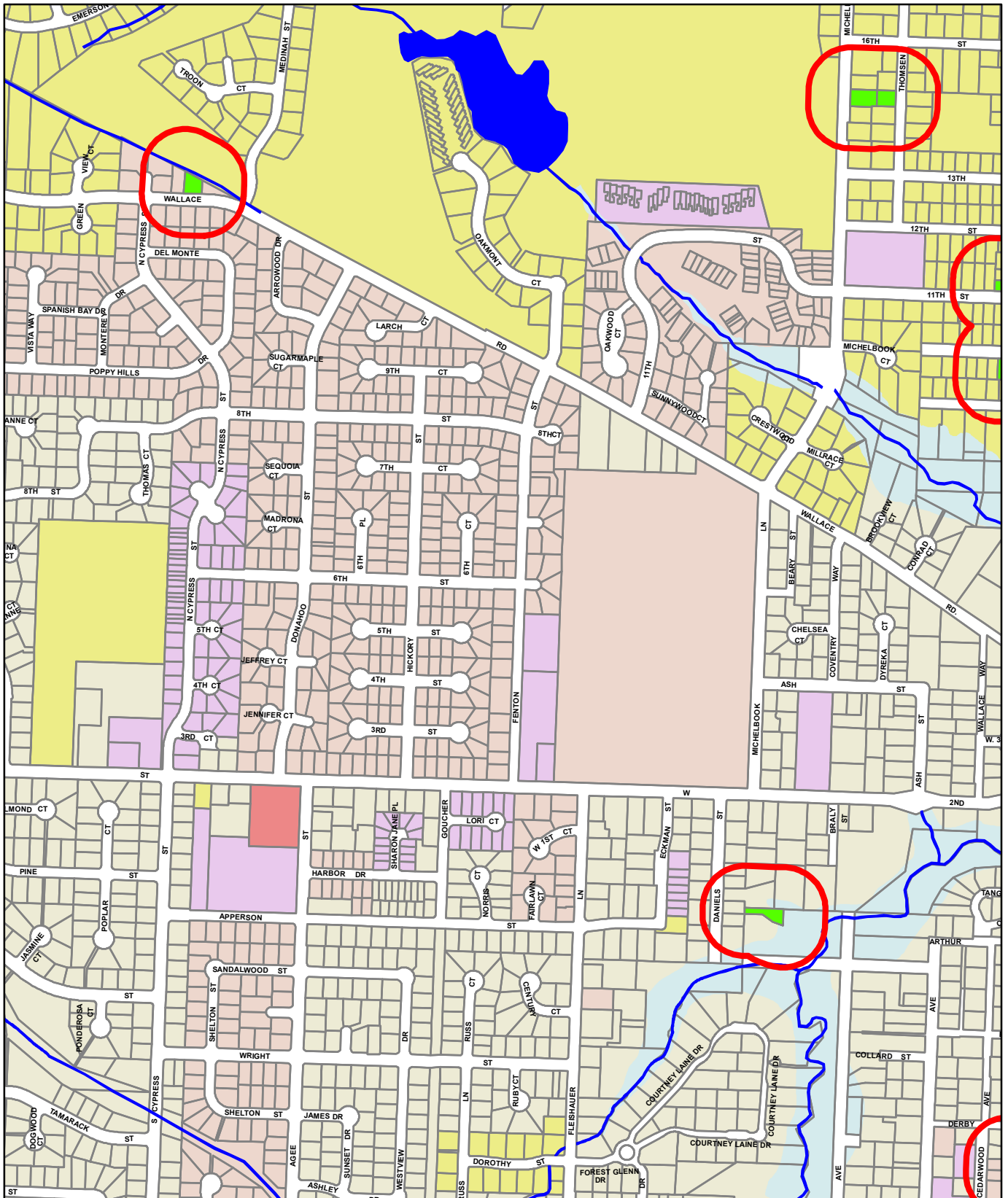


City of McMinnville  
 Planning Department  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311

Zoning		Short Term Rentals
	R-1	
	R-2	
	R-3	
	R-4	
	O-R	
	C-1	
	C-2	
	C-3	
	M-L	
	M-1	
	M-2	
	A-H	
	F-P	

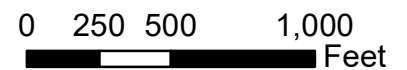


# West of Downtown - 200 Foot Spacing Standard



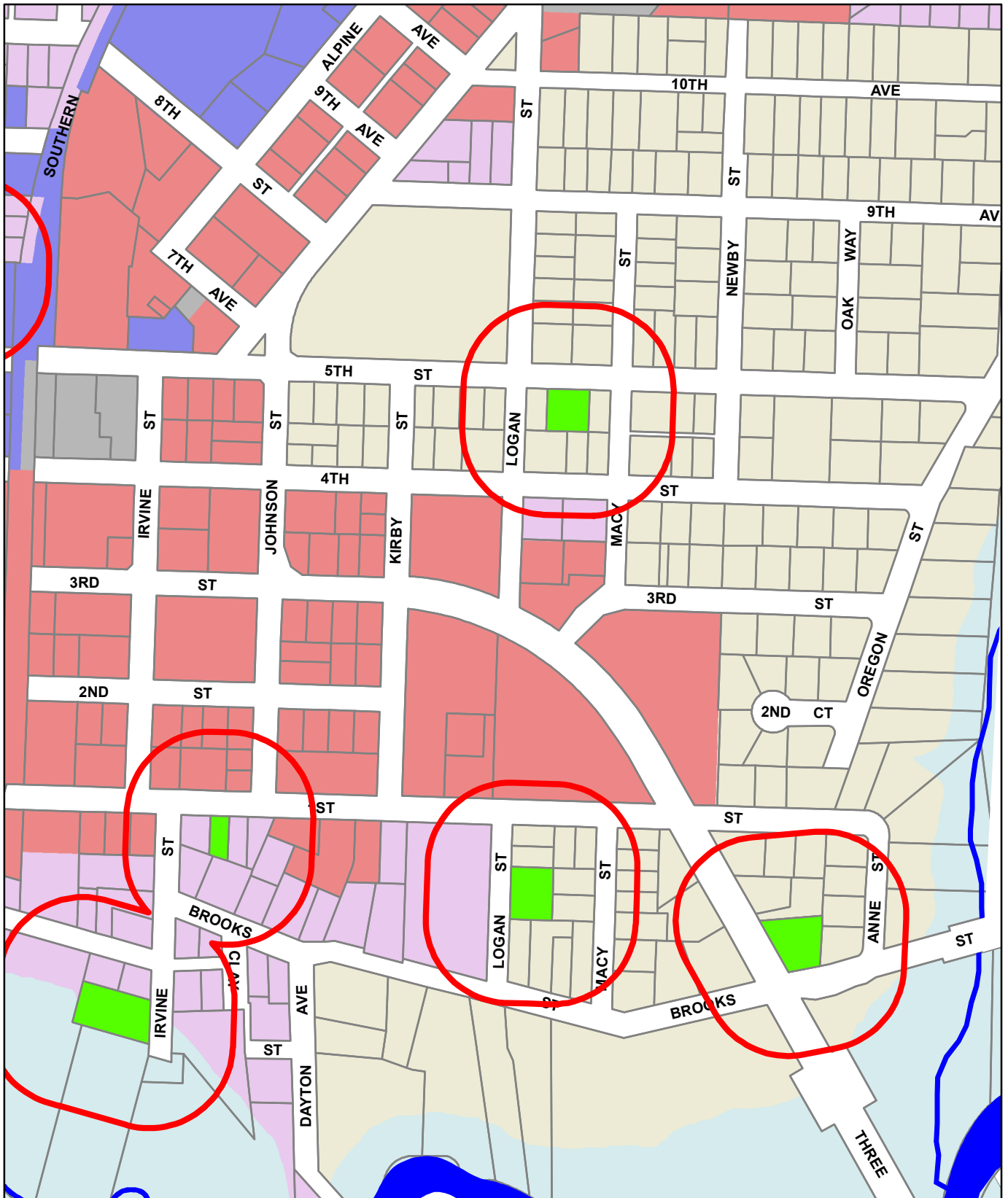
City of McMinnville  
 Planning Department  
 231 NE Fifth Street  
 McMinnville, OR 97128  
 (503) 434-7311

Zoning		Short Term Rentals
R-1	C-2	Green square
R-2	C-3	Red square
R-3	M-L	Red outline square
R-4	M-1	
O-R	M-2	
C-1	A-H	
	F-P	





# East of Downtown - 200 Foot Spacing Standard



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

Zoning		Short Term Rentals
	R-1	
	R-2	
	R-3	
	R-4	
	O-R	
	C-1	
	C-2	
	C-3	
	M-L	
	M-1	
	M-2	
	A-H	
	F-P	





**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128**

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO MULTIPLE CHAPTERS OF THE MCMINNVILLE ZONING ORDINANCE TO UPDATE DEFINITIONS AND THE REGULATION OF SHORT TERM RENTALS AND LODGING ESTABLISHMENTS IN RESIDENTIAL AND COMMERCIAL ZONES.**

**DOCKET:** G 1-18

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the reclassification of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of the current classification as boarding houses or lodging houses.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Chuck Darnell, Associate Planner

**DATE DEEMED COMPLETE:** January 18, 2018

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** February 15, 2018. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**HEARINGS BODY:** McMinnville City Council

**DATE & TIME:** March 13, 2018. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. Their comments are provided in this decision document.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 1-18) to the McMinnville City Council.

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

City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

**APPLICATION SUMMARY:**

The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the re-defining of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of boarding houses or lodging houses.

**ATTACHMENTS:**

1. Amendments to Chapter 17.06 (Definitions)
2. Amendments to Chapter 17.12 (R-1 Single-Family Residential Zone)
3. Amendments to Chapter 17.15 (R-2 Single-Family Residential Zone)
4. Amendments to Chapter 17.18 (R-3 Two-Family Residential Zone)
5. Amendments to Chapter 17.21 (R-4 Multiple-Family Residential Zone)
6. Amendments to Chapter 17.24 (O-R Office/Residential Zone)
7. Amendments to Chapter 17.30 (C-2 Travel Commercial Zone)
8. Amendments to Chapter 17.60 (Off-Street Parking and Loading)
9. Amendments to Chapter 17.72 (Applications and Review Process)

**COMMENTS:**

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. The following comments have been received:

None Received To Date

**Additional Testimony**

No notice was provided to property owners for this application. As of the date this report was written, no public testimony has been received by the Planning Department.

**FINDINGS OF FACT**

1. The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single-Family Residential Zone), Chapter 17.15 (R-2 Single-Family Residential Zone), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.24 (O-R Office/Residential Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.60 (Off-Street Parking and Loading), and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the re-defining of vacation home rentals as short term rentals. The amendments will introduce spacing standards for short term rentals located in residential zones and will update the standards that apply to short term rentals in residential zones for better clarification on the required design and operation of these types of uses. The amendments will also address

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*Attachments:*

*Attachments 1 – 9: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72*



the classification of short term rentals in the commercial zones to better define these types of uses as short term rentals instead of boarding houses or lodging houses.

2. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. No comments in opposition have been provided.
3. Public notification of the public hearing held by the Planning Commission was published in the February 6, 2018 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

### **CONCLUSIONARY FINDINGS:**

#### **McMinnville’s Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

#### **McMinnville’s City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.03 – General Provisions:

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.

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Attachments:

Attachments 1 – 9: Amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.21, 17.24, 17.30, 17.60, and 17.72

Finding: Section 17.03.020 is satisfied by the legislative amendments in that the proposed amendments incorporate spacing standards and operational requirements for short term rentals that will better protect the character of residential areas of the city and will reduce the intrusion of incompatible uses in residential areas. The spacing standard of 200 feet between short term rentals in residential zones will allow for a concentration of these types of uses that allows for the establishment of additional short term rental uses, but does not overly burden the existing residents of established residential areas. The spacing standard will not apply in the commercial zones. This will provide ample opportunity for short term rental uses to locate in areas that are planned and zoned for commercial uses, thereby providing these uses to locate in an area that will be mutually beneficial with other surrounding commercial uses. The proposed amendments to the definitions of short term rentals and other lodging establishments will promote the general welfare of the city by better addressing the types of land uses that are operating in the current housing market and rental economy.

CD:sjs

Chapter 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

- 17.06.010 Generally.
- 17.06.015 General Definitions. [...]

17.06.015 General Definitions [...]

~~**Boardinghouse, Lodginghouse or Roominghouse** – A building where lodging with or without meals is provided for compensation for not more than five persons in addition to members of the family occupying such building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

[...]

~~**Hotel** – A building which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **See “Lodging”**~~

[...]

**Lodging – A building, or group of buildings, which is designed, intended, or used for the accommodation of guests on a temporary basis for compensation. Lodging includes hotels and motels.**

~~**Motel** – A building or group of buildings on the same lot containing guests units, which building or group is intended or used primarily for the accommodation of transient automobile travelers. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **See “Lodging”**~~

[...]

**Short Term Rental – The use of an entire dwelling unit by any person or group of person entitled to occupy for rent for a period of no more than 21 (twenty-one) consecutive days. Short term rentals include vacation home rentals approved under the regulations in effect through April 12, 2018.**

**Short Term Rental, Resident Occupied – The use of no more than two guest sleeping rooms by any person or group of persons entitled to occupy for rent for a period of no more than seven (7) consecutive days. The dwelling unit is occupied by a full-time resident at the time that the guest sleeping rooms within the dwelling unit are available for overnight rental. Resident occupied short term rentals include bed and breakfast establishments approved under the regulations in effect through April 12, 2018.**

[...]

**Vacation Home Rental** ~~The use of a dwelling unit by any person or group of person entitled to occupy for rent for a period of less than 21 (twenty one) consecutive days. (Ord. 4902 §1(a), 2008).~~

[...]

## Chapter 17.12

### R-1 SINGLE-FAMILY RESIDENTIAL ZONE

#### Sections:

- 17.12.010 Permitted uses.
- 17.12.020 Conditional uses.
- 17.12.030 Lot size.
- 17.12.040 Yard requirements.
- 17.12.050 Building height.
- 17.12.060 Density requirements.

17.12.010 Permitted uses. In an R-1 zone, the following uses and their accessory uses are permitted: [...]

N. ~~Bed and breakfast establishments~~ **Resident occupied short term rental**, subject to the provisions of Section 17.72.110 and the following standards:

1. ~~That the structure be designed for and occupied as a single-family residence.~~ **Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a ~~single-family residence.~~
2. That the establishment be ~~owner-~~occupied **full-time by a resident.**
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the ~~bed and breakfast establishment~~ **short term rental.**
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the ~~bed and breakfast establishment~~ **short term rental** be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;
8. ~~Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below.~~ **must be renewed annually, beginning one year after the initial notification of approval was provided by the Planning Department for the short term rental. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.**

9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the ~~bed and breakfast establishment~~ **short term rental** is found to be in violation of the criteria, the Planning Commission may terminate the use.
- O. ~~Vacation home rental~~ **Short term rental**, subject to the provisions of Section 17.72.110 and the following standards:
1. **Short term rentals shall not be located within 200 feet of another short term rental.**
  2. ~~That the structure be designed for and occupied as a single-family residence.~~ **Short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, two-family dwellings (duplexes), and accessory dwelling units (ADUs).** The structure shall retain the characteristics of a single-family residence.
  3. That a minimum of one off-street parking space be provided for each guest room.
  4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
  5. That the duration of each quest's stay at the residence be limited to less **no more** than 21 (twenty-one) consecutive days.
  6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997.
  7. That the property owner shall live within the city limits or shall provide contact information of a person living within the city limits who shall be available to respond immediately to any emergency or complaint related to the ~~vacation home~~ **short term rental**.
  8. ~~Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below.~~ **must be renewed annually, beginning one year after the initial notification of approval was provided by the Planning Department for the short term rental. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.**
  9. Complaints on conditions 1 through ~~7~~**8** above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the ~~vacation home~~ **short term rental** is found to be in violation of the criteria, the Planning Commission may terminate the use. (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499 §1, 1991; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.15

R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

17.15.010 Permitted uses. [...]

17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted: [...]

- N. ~~Bed and breakfast establishments~~**Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N);
- O. ~~Vacation home rentals~~**Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2006; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.18

R-3 TWO-FAMILY RESIDENTIAL ZONE

Sections:

17.18.010 Permitted uses. [...]

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted: [...]

- P. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N).
- Q. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), §5, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4481 §1, 1991; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4221 §1, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]



Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

17.21.010 Permitted uses. [...]

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted: [...]

~~F. Boardinghouse, lodginghouse, or roominghouse; [...]~~

R. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N); [...]

T. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O). (Ord. 5040 §2, 2017; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912 §3, 2009; Ord. 4796 §1(e), 2003; Ord. 4564 §4(part), 1995; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §2(e), 1984; Ord. 4221 §2, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.24

O-R OFFICE/RESIDENTIAL ZONE

Sections:

- 17.24.010 Purpose.
- 17.24.020 Permitted buildings and uses. [...]

17.24.020 Permitted buildings and uses. In an office/residential district, the following types of buildings and uses and their accessory uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- A. Subject to the requirements of the R-4 zone, the following residential uses and their accessory uses are permitted:
  - 1. Single-family dwelling.
  - 2. Common wall, single-family dwelling.
  - 3. Two-family dwelling (duplex).
  - 4. Multiple-family dwelling.
  - 5. Condominium.
  - 6. ~~Boarding, lodging, or rooming house;~~ [...]
- R. ~~Bed and breakfast establishments~~ **Resident occupied short term rentals**, subject to the provisions of Section 17.12.010(N), ~~except that subsection 17.12.010(N)(2) shall not apply.~~ [...]
- U. ~~Vacation home rentals~~ **Short term rentals**, subject to the provisions of Section 17.12.010(O) (Ord. 4984 §1, 2014; Ord. 4732, 2000; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §1(g), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.30

C-2 TRAVEL COMMERCIAL ZONE

Sections:

17.30.010 Permitted uses. [...]

17.30.010 Permitted uses. In a C-2 zone, the following uses and their accessory uses are permitted: [...]

B. ~~Boardinghouse, lodginghouse or roominghouse;~~ [...]

D. ~~Hotel and motel~~ **Lodging (hotels and motels);** [...]

K. ~~Vacation home rental, subject to the provisions of Section 17.12.020(R) excluding (3).~~ (Ord. 4902 §1(g), 2008; (Ord. 4732, 2000; Ord. 4534 §1, 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(i), 1984; Ord. 4279 §1(A), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). **Short term rental;**

[...]

Chapter 17.60

OFF—STREET PARKING AND LOADING

Sections:

- 17.60.010 Applicability of chapter.
- 17.60.020 Property owner's responsibility.
- 17.60.030 Plans required.
- 17.60.040 Spaces—Used to park automobiles only.
- 17.60.050 Spaces—Location.
- 17.60.060 Spaces—Number required. [...]

17.60.060 Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

- |   |  |
|---|--|
| 1. Bed and breakfast establishments                         | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.  |
| <del>2. Boarding house, lodginghouse, or roominghouse</del> | <del>One space per two guest accommodations.</del>   |
| 3. Fraternity, sorority, cooperative, or dormitory          | One space per two sleeping accommodations.   |
| 4. Multiple-family dwelling                                 | One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons. |
| 5. Single-family and two-family dwelling.                   | Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.   |

6. ~~Vacation home rental~~ **Short term rental and resident occupied short term rental**

One space for each guest room

B. Institutional land use category:

1. Churches, clubs or lodges

One space per every four fixed seats or every eight feet of bench length in the main auditorium or sanctuary. One space per every 75 square feet in the main auditorium when no permanent seats or benches are maintained.

2. College—commercial or business

One space per every three classroom seats.

3. College—residential type

One space per every three full-time equivalent students.

4. Convalescent hospital, nursing home, sanitarium, or rest home

One space per two beds for patients or residents.

5. Day care, preschool, nursery, or kindergarten

One space for each teacher or supervisor.

6. Elementary or junior high school

One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.

7. Hospital

Three spaces per two beds.

8. Library, reading room, museum, or art gallery

One space per 300 square feet of floor area.

9. Other places of public assembly including stadiums

One space per four seats or eight feet of bench length.

10. Senior high school

One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater.

C. Commercial land use category

- |  |   |
|--|---|
| 1. Automobile service station  | Two spaces per each lubrication stall, rack, or pit and one per each two gasoline pumps.  |
| 2. Auto wash   | One and one-half spaces per employee.   |
| 3. Banks, financial institutions   | One space per 200 square feet of floor area.  |
| 4. Barber shop and beauty parlor   | One space per each employee plus two spaces per each barber or beauty chair.  |
| 5. Bed and breakfast establishment (as amended Ord 4292, July 24, 1984)  | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.                                       |
| 6. Bowling alley   | Six spaces per alley.   |
| 7. Dance hall, skating rink, pool or billiard parlor, and similar commercial recreational uses without fixed seating               | One space per 100 square feet of floor space.   |
| 8. Drive-in restaurants or similar drive-in uses for the sale of beverages, food, or refreshments for consumption on the premises. | One space per four seats or one space per 200 square feet of floor area, whichever is greater.  |
| 9. Establishments for sale and consumption on the premises of beverages, food, or refreshments                                     | One space per 100 square feet of floor area or one per four seats, whichever is greater.  |
| 10. Laundromats and coin operated dry cleaners   | One space per every two washing machines.   |
| 11. Medical or dental office, including clinic   | One space per 200 square feet of floor area.  |
| 12. Mortuary   | One space per four seats or eight feet of bench length in chapel.   |
| 13. <b><u>Lodging</u></b> (Motel or hotel)   | One space per each guest room. Parking for motel or hotel restaurants or ball rooms must be figured separately as per the requirements of this section. |
| 14. Nursery  | One space per 300 square feet of floor area of the building.  |

- |   |  |
|---|--|
| 15. Pharmacy  | One space per 150 square feet of floor area.   |
| 16. Private golf club, swimming pool, club, tennis club, or other similar uses                              | One space for each two member families, or if anticipated membership has not been achieved, one space for every two member families anticipated at maximum membership or one space for every four persons when facility is used to capacity. |
| 17. Professional office (non-medical or dental)   | One space per 300 square feet of floor area.   |
| 18. Retail store, except as otherwise specified in this section   | One space per 250 square feet of floor area.   |
| 19. Retail stores handling bulky merchandise or household furniture   | One space per 500 square feet of floor area.   |
| 20. Service or repair shop  | One space per 400 square feet.   |
| 21. Theater   | One space per each three seats.  |
| 22. <del>Vacation home rental</del> <b><u>Short term rental and resident occupied short term rental</u></b> | One space for each guest room  |

D. Industrial land use category:

- |   |  |
|---|--|
| 1. Manufacturing establishment          | One space per 1,000 square feet of floor area or two spaces per three employees working on the largest shift during peak season, whichever is greater. |
| 2. Wholesale establishment, warehousing | One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater.         |

(Ord 4902 §1(h), 2008; Ord. 4479A §5, 1991; Ord. 4477 §5, 1990; Ord. 4419 §2, 1988) Ord. 4292 §2(j), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS  
(as amended by Ord. 4920, January 12, 2010)

[...]

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
<b>Applications and Permits- Director's Review Without Notification</b>	Home Occupation Permit	17.67
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220-Section 12
	Temporary Living Unit Permit	17.54.070
	Downtown Design Review (minor alterations)	17.59.030-040
<b>Applications- Director's Review with Notification</b>	Administrative Variance	17.74.080-090
	<del>Bed and Breakfast</del> <b>Resident Occupied Short Term Rental</b>	17.12.010(N)
	Classification of an Unlisted Use	17.54.010
	Downtown Design Review	17.59.030-040
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130
	<del>Vacation Home Rental</del> <b>Short Term Rental</b>	17.12.010(O)
Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)	17.59.030-040	
<b>Applications Public Hearing- Planning Commission</b>	Annexations* **	Ord. No. 4357
	Appeal of Director's Decision	17.72.170
	Application (Director's Decision) for which a Public Hearing is Requested	17.72.120
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060



	Planned Development Amendment*	17.74.070
	Legislative Amendment *	17.72.120
	Subdivision (more than 10 lots)	17.53.070
	Variance	17.74.100-130
	Zone Change*	17.74.020
<b>Public Hearing- City Council</b>	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
<b>MUAMC***</b>	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
<b>Public Hearing - Historic Landmarks Committee</b>	Demolition of National Register of Historic Places Structure	17.65.050 (D)

\* Following Public Hearing, Planning Commission makes recommendation to City Council

\*\* Following City Council recommendation, Annexation requests are subject to voter approval

\*\*\* McMinnville Urban Area Management Commission

#### 17.72.095 Neighborhood Meetings.

- A. A neighborhood meeting shall be required for:
1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
    - a. Comprehensive plan text amendment; or
    - b. Zoning ordinance text amendment; or
    - c. Appeal of a Planning Director's decision; or
    - d. Application with Director's decision for which a public hearing is requested.
  2. Tentative Subdivisions (up to 10 lots)
  3. ~~Vacation Home Rentals~~ **Short Term Rental**

[...]

17.72.110 Applications – Director's Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
- ~~Bed and Breakfast (Less than three (3) guest sleeping rooms)~~
- Classification of an Unlisted Use
- Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)
- Large Format Commercial Development (variation to standard)
- **Resident Occupied Short Term Rental**
- **Short Term Rental**
- Tentative Partition
- Tentative Subdivision (up to 10 lots)
- Three Mile Lane Design Review
- Transitional Parking Permit
- ~~Vacation Home Rental~~

[...]