



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

**PUBLIC HEARING NOTICE
CITY COUNCIL REVIEW OF**

**URBAN GROWTH BOUNDARY (UGB) AMENDMENT
and
RELATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS**

NOTICE IS HEREBY GIVEN that the McMinnville City Council will be holding a public hearing to review and consider an Urban Growth Boundary (UGB) amendment. The City Council will also be reviewing and considering Comprehensive Plan map and Comprehensive Plan text amendments associated with the UGB amendment.

THIS IS TO NOTIFY YOU THAT THE CITY OF MCMINNVILLE HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

THE CITY IS PROPOSING A UGB AMENDMENT THAT WOULD BRING YOUR PROPERTY INTO THE UGB, AND/OR REDESIGNATE YOUR PROPERTY THAT IS ALREADY IN THE UGB. NEITHER OF THESE ACTIONS CHANGES THE CURRENT COUNTY ZONING ON YOUR PROPERTY OR PREVENTS YOU FROM USING YOUR PROPERTY THE WAY THAT YOU CURRENTLY USE IT. HOWEVER THIS ACTION DOES PROVIDE YOU WITH THE OPPORTUNITY TO EVENTUALLY ANNEX YOUR PROPERTY INTO THE CITY OF MCMINNVILLE TO REDEVELOP IF YOU SO CHOOSE.

The purpose of this notice is to provide an opportunity for impacted and surrounding property owners to submit comments regarding these amendments or to attend the public meeting of the City Council where these amendments will be reviewed and a public hearing will be held. Please contact Heather Richards with any questions at 503-434-7311, 503-474-5107, or heather.richards@mcminnvilleoregon.gov.

- DOCKET NUMBER:** G 6-20 (Urban Growth Boundary Amendment)
- REQUEST:** The adoption of the MGMUP 2020 UGB Update, which would expand the McMinnville UGB and bring additional land into the UGB to meet identified residential, commercial, industrial, and other public and semi-public land needs. The MGMUP 2020 UGB Update also includes Comprehensive Plan Map Amendments that assign urban Comprehensive Plan map designations to all lands proposed to be included in the UGB, and Comprehensive Plan Text Amendments to amend and/or create policies to guide the implementation of the MGMUP 2020 UGB Update.
- APPLICANT:** City of McMinnville
- SITE LOCATION(S):** Numerous (see maps below)
- MAP & TAX LOT(S):** Numerous (see maps below)
- ZONE(S):** Numerous (see maps below)
- MMC REQUIREMENTS:** N/A

NOTICE DATE: November 10, 2020

PUBLIC HEARING DATE: December 1, 2020, December 2, 2020, and December 3, 2020 at 7:00 PM on each date

HEARING LOCATION: Zoom Online Meeting: Please use the link below to join the Zoom meeting, or call 669-900-9128 to join the meeting by phone.

<https://mcminnvilleoregon.zoom.us/j/97607800730?pwd=UHJoeXNQRzNDVmUvUCt4NjU1WTZxZz09>

Meeting ID: 976 0780 0730, Passcode: 640826

OR

Attend in person:

McMinnville Civic Hall Building*
200 NE 2nd Street, McMinnville, OR, 97128

*Please note that due to COVID-19, there will be a limitation on the number of people that will be allowed into the meeting room at one time.

Background: The proposed UGB and Comprehensive Plan amendments are encompassed within the McMinnville Growth Management and Urbanization Plan (MGMUP). The MGMUP was first started in 1994 as a periodic review task with the Oregon Department of Land Conservation and Development (DLCD) to update the City of McMinnville's Comprehensive Plan and to plan for future growth in a proactive and strategic way. The MGMUP was originally adopted by the City of McMinnville in 2003, but was appealed, eventually all the way to the Oregon Court of Appeals.

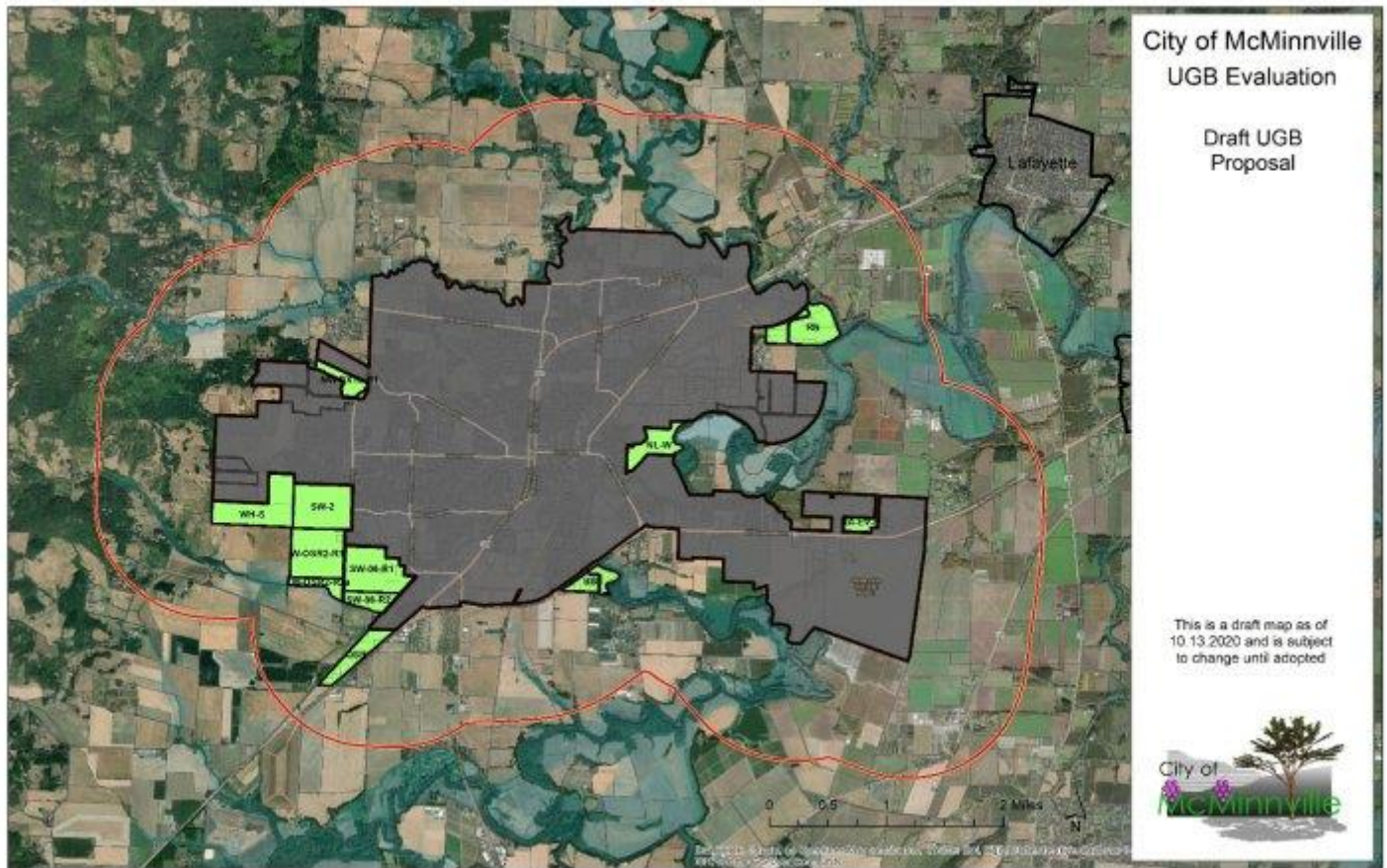
In 2011, the Court of Appeals determined that the City needed to revisit certain aspects of the MGMUP to ensure that it was compliant with Oregon state land-use laws and regulations, and the court remanded the MGMUP to the Land Conservation and Development Commission, who then remanded it back to the City for additional analysis in 2012. At that point in time, the City elected to pause on its efforts to move forward with the MGMUP. In 2020, the McMinnville City Council directed staff to complete the work and additional analysis necessary to respond to the Court of Appeals remand and complete the project.

The proposed UGB amendment that the City Council is now considering is the City's response to the Court of Appeals remand and the assignment of error that the Court directed the City to revisit and re-evaluate. The proposed UGB amendment is being referred to as the MGMUP 2020 UGB Update.

Proposed UGB and Comprehensive Plan Amendments: The City's initial UGB amendment effort in 2003 resulted in some land being added to the UGB in 2004. This land is being referred to as Phase I of the MGMUP UGB amendment. However, the land included in Phase I was substantially less than what was required to meet the City's identified need for housing, employment and livability needs. The remainder of the land need and UGB amendment was part of the appeal process described above. The current proposed UGB amendment (MGMUP 2020 UGB Update), if approved, would add additional lands into the UGB, which are being referred to as Phase II of the MGMUP UGB amendment.

The MGMUP 2020 UGB Update that the City Council is now considering contains different types of amendments for the Phase I and Phase II areas. The first comprehensive plan map amendment is to add land to the City's UGB as illustrated in the map below. This is land described as the Phase II UGB amendment.

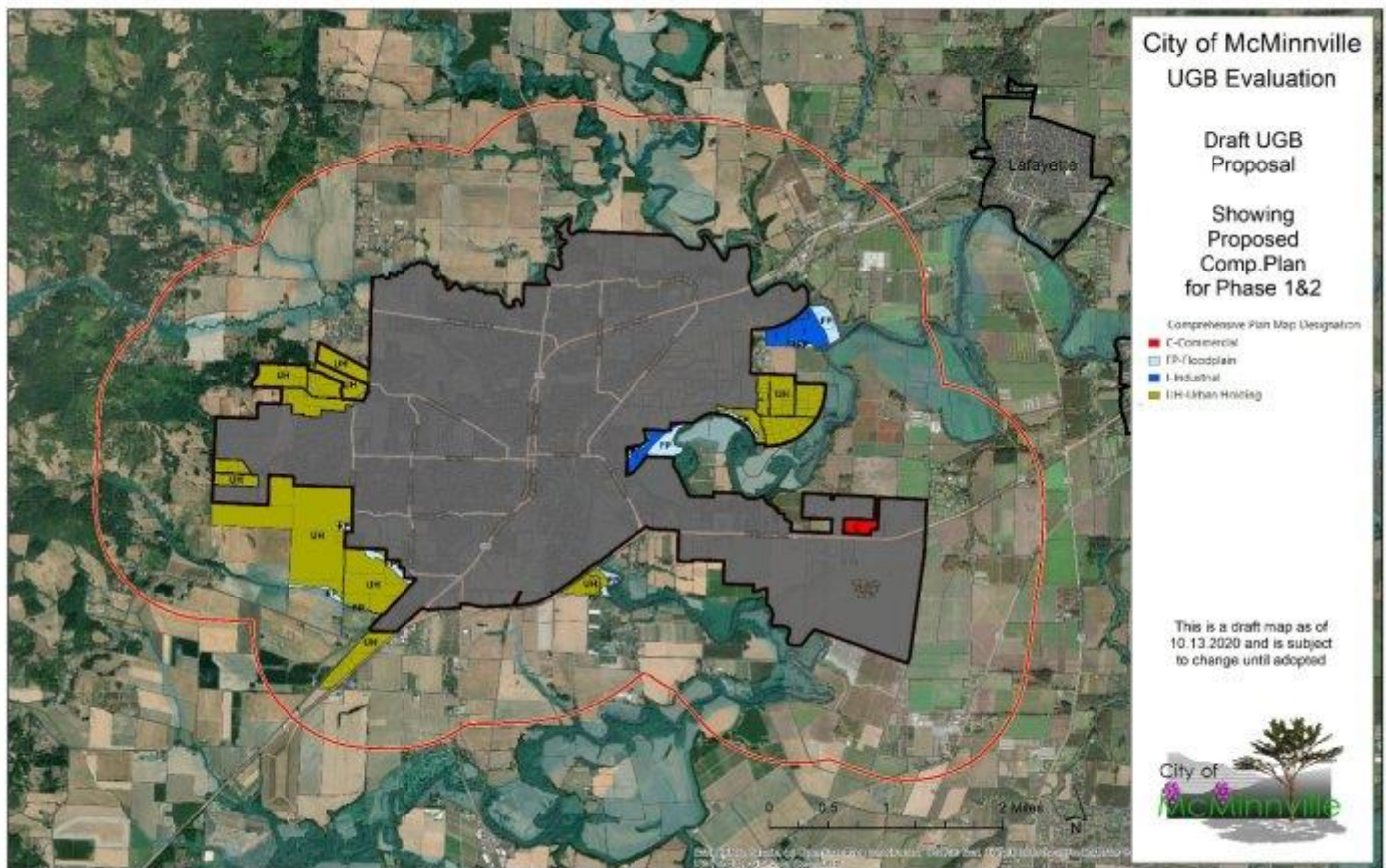
MAP OF PROPOSED LAND TO ADD TO CITY'S URBAN GROWTH BOUNDARY:



Please see larger map attached to this notice for more details.

The second comprehensive plan map amendment is to assign comprehensive plan designations to the land within the City's UGB for both the Phase I and Phase II UGB amendments per the map below. The Urban Holding (UH) comprehensive plan designation is a designation denoting that more area planning needs to occur on this property before it can be annexed into the city for development. Area planning would be comprised of identifying the types of housing, density of housing, parks, trails, greenways and other public amenities that should be developed in this area to achieve the city's need for future populations. The comprehensive plan designations do not change the underlying county zoning on the property until the land is annexed into the city and rezoned with a city zone for urban development.

MAP ILLUSTRATING PROPOSED COMPREHENSIVE PLAN DESIGNATIONS



Please see larger map attached to this notice for more details.

Public Hearing Proceedings: To ensure that adequate opportunity is provided for public involvement, the City Council will hold the public hearing on three (3) successive evenings. The public hearing will be held at 6:00 PM on December 1, 2020, 6:00 PM on December 2, 2020, and 6:00 PM on December 3, 2020. Anyone interested in participating in the public hearing may attend any or all of the public hearing dates. However, in order to participate and establish legal standing in the legal record of the proceedings, any interested person/party DOES NOT need to attend all three (3) public hearing dates. Participation in just one of the public hearing dates (and/or submission of written comments) will result in formal participation and the establishment of legal standing in the proceedings. The City Council will conduct the public hearing, take testimony, and then make a decision on the proposed amendments.

Public Information Sessions: Prior to the public hearing, the City will be offering public information sessions online to learn more about the UGB and Comprehensive Plan Map amendments. These information sessions will be offered at the following dates and times. Please note that the public information sessions will not provide legal standing for the public hearing and appeal process, they are merely meant to be an opportunity to learn more about the project in an informal setting.

| | |
|------------------------|----------------|
| Wednesday, November 11 | 6:30 – 8:00 PM |
| Friday, November 13 | 2:00 – 3:30 PM |
| Tuesday, November 17 | 6:30 – 8:00 PM |
| Monday, November 23 | 8:00 – 9:00 PM |

For more information on the public information sessions, please go to www.growingmcminnvillemindfully.com

Public Hearing Meeting Materials: A written staff report will be available online at least seven days before the scheduled public hearing. The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at <https://www.mcminnvilleoregon.gov/planning/page/mgmup-2003-ugb-remand-project>. The materials can also be made available at the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon for pick-up. Due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

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

Appeal: The proposed amendments respond to the Court of Appeals remand and an associated Oregon Land Conservation and Development Commission (LCDC) remand order, amend the City's urban growth boundary by more than 50 acres, and also complete remaining elements of an outstanding periodic review work task. Therefore, the City is required to submit the City Council's decision on these amendments to the Director of the Oregon Department of Land Conservation and Development (DLCD) in the manner provided for periodic review under ORS 197.628 to 197.650. Parties that wish to object to the City Council's decision must submit their objections in writing to the DLCD within 21 days from the date the notice of decision is mailed. For objection(s) within the jurisdiction of the Oregon Land Conservation and Development Commission (LCDC) to be valid, the objector must clearly identify the alleged deficiency(ies), suggest specific revisions that would resolve the objection(s), and demonstrate that the objecting party participated at the local level orally or in writing during the local process. Objections that do not meet these requirements of OAR 660-025-0140 (2) shall not be considered by the DLCD or LCDC. For objection(s) outside the jurisdiction of the LCDC, objectors must appeal to the Land Use Board of Appeals (LUBA) as provided by ORS 197.825 through 197.830. Objectors must give a copy of the objection to the local government.

Failure to raise an issue in person or by letter prior to the close of the city's public hearing with sufficient specificity precludes the ability to object to DLCD or LCDC on that issue.

Meeting Logistics:

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

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/97607800730?pwd=UHJoeXNQRzNDVmUvUCt4NjU1WTZxZz09>

Meeting Password: 640826, Meeting ID: 976 0780 0730

The public may also join the Zoom meeting by phone: 669-900-9128.

If you do not have access to a telephone or computer to participate in the meeting, the public hearing will be accessible at the Kent Taylor Civic Hall at 200 NE 2nd Street, McMinnville, OR 97128. The public is welcome to attend, however if you are not feeling well, please stay home and take care of yourself. In accordance with Governor Kate Brown's Executive Order the City is limiting the amount of people at Civic Hall and if the capacity is met you may be asked to leave or wait in the lobby. With new face covering mandate all who wish to attend public meetings must wear a face mask or some kind of face covering is required.

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

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 435-5702 or Claudia.Cisneros@mcminnvilleoregon.gov.

REVIEW CRITERIA:

The UGB amendment and Comprehensive Plan amendments are proposed in response to LCDC Remand Order 12-WKTASK-0001814 and Court of Appeals of the State of Oregon Decision A134379 (*1000 Friends of Oregon v. LCDC*, 244 Or. App. 239, 259 P.3d 1021 (2011)). The remand and Court of Appeal decision provide direction on the application of ORS 197.298, Oregon Statewide Planning Goal 14, ORS 197.732(1)(c)(B), Oregon Statewide Planning Goal 2, Part II (c), and OAR 660-004-0020, as they existed at the time the City initiated this process, to the City's proposed UGB amendment.

ORDINANCE INFORMATION:

As a result of an order of the Land Conservation and Development Commission, the City of McMinnville has proposed Ordinance Number 5098 that will adopt the McMinnville Growth Management and Urbanization Plan, the proposed UGB amendment described herein, and the comprehensive plan map amendments described herein. The City has determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Your current permissible uses allowed with the county zoning will remain as current permissible uses until such time that you want to annex your property into the City of McMinnville, at which time you can rezone your property into a McMinnville zone and redevelop it to serve the city's growing population.

The City Council is expected to consider Ordinance Number 5098 on December 3, 2020 at the conclusion of the public hearing, and potentially again on December 8, 2020. If the Ordinance is adopted, it will become effective thirty days after its adoption.

Ordinance Number 5098 and its respective attachments is available for inspection online at <https://www.mcminnvilleoregon.gov/planning/page/mgmup-2003-ugb-remand-project>.

For additional information concerning Ordinance No. 5098 you can call the Planning Department at 503-434-7311.

PROPOSED UGB AND COMPREHENSIVE PLAN MAP AMENDMENT:

