

## ORDINANCE NO. 5098

**AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN MAP, COMPREHENSIVE PLAN AND MCMINNVILLE MUNICIPAL CODE (CHAPTER 17), APPROVING THE MCMINNVILLE GROWTH MANAGEMENT AND URBANIZATION PLAN AND ITS APPENDICES, AND ADDING LAND SUPPLY TO MCMINNVILLE'S URBAN GROWTH BOUNDARY.**

### RECITALS:

On October 14, 2003, the McMinnville City Council adopted the "McMinnville Growth Management and Urbanization Plan" and appendices (MGMUP), and Findings (ORD No. 4796), and the "Economic Opportunities Analysis," (ORD No. 4795), as part of the McMinnville Comprehensive Plan, Volume I, amending the policies in McMinnville Comprehensive Plan, Volume II, amending the McMinnville Municipal Code (Chapter 17), and amending the Comprehensive Plan Map to add land supply to McMinnville's urban growth boundary (UGB) for the City's periodic review Task 1, pursuant to ORS 197.626, OAR 660-025-0040(1)(a). These documents were prepared in response to an analysis of the city's buildable lands and future land needs, which determined that there exists a shortfall of both residential and commercial land necessary to accommodate projected growth needs through the year 2023. Yamhill County adopted Ordinance 730 on 16 October 2003 supporting the plan amendments.

On October 20, 2003, the City provided notice of the ordinance adoptions and periodic review work task submittal to DLCD and interested parties. On April 20, 2004, the Director of the Department of Land Conservation and Development (DLCD) issued a response to written objections and exceptions filed by participants and the City pursuant to OAR 660-025-0160(3).

At the April 22 and September 10, 2004, Land Conservation and Development Commission (LCDC) hearings, the Commission heard oral argument from the City, DLCD staff and objectors and acknowledged certain elements of the MGMUP while remanding others.

On January 11, 2006, the City adopted a series of amendments to the MGMUP and related implementing measures to address concerns raised by DLCD and the Commission. The amendments were enacted by adoption of January Ordinances 4840 and 4841. Yamhill County adopted Ordinance 778 on 25 October 2006 supporting the plan amendments.

Following a series of subsequent challenges, objections and appeals by local opponents, the Oregon Land Conservation and Development Commission (LCDC) issued an Order approving the MGMUP on November 8, 2006, Approval Order 06-WKTASK 001709.

On August 1, 2007, 1000 Friends of Oregon, Friends of Yamhill County and Ilsa Persa petitioned the Oregon Court of Appeals about the LCDC Approval Order 06-WKTASK 001709.

After multiple attempts to resolve disputes between the parties and multiple time extensions that were granted by the Court, oral arguments were presented to the Court in September, 2010.

On July 13, 2011, the Court issued its decision to reverse and remand LCDC's approval of portions of the MGMUP. The remand decision cited one assignment of error that related to the selection of land for inclusion in the UGB. On February, 29, 2012, LCDC rescinded its approval of the MGMUP and

issued a remand order to the City consistent with the court's final opinion and order, Remand Order 12-WKTASK-001814.

On 18 January 2013, the City adopted Ordinance 4961, which temporally suspended further work on the MGMUP and UGB amendment. The ordinance also repealed Ordinance 4841 entirely and modified portions of the MGMUP amendments that were approved in ORD 4840. The ordinance left in place the "Phase 1" UGB amendments that added 259 acres of land in three exception areas and a school site. The ordinance also left in place the Population Forecast, 2001 Residential Land Need Analysis, and the 2003 Economic Opportunities Analysis that had been relied on to determine urban land needs. The ordinance did not alter the public involvement record that served as a basis for enacting the MGMUP.

In January, 2020, the City Council directed staff to restart work on the MGMUP and UGB amendment. The City confirmed with DLCD that it was still under the revised 1994 Periodic Review Work Program to update the Comprehensive Plan to address identified land needs. After conferring with DLCD, the City Council elected to prepare a revised Urbanization element that would respond to the Court and LCDC remand decisions. This action was premised on the understanding that the Court's remand order is limited and primarily effects the selection of land to include in the UGB. This work is referred to as the "Phase II UGB amendments that are detailed in a new Urbanization Element, which was prepared following guidance provided by the Court in its remand order, as Appendix C of the MGMUP. The City also updated land needs, plan policies, and developed procedures to urbanize these land additions through subsequent planning steps.

In October and November of 2020, the City hosted a series of public information sessions concerning proposed revisions to the Urbanization element of the MGMUP and a revised UGB proposal. The presentations also addressed related plan implementation measures. City staff also met with individuals and interest groups one-on-one to review the proposed amendments. Meetings and presentations included:

On October 27, 2020, the City provided notice to DLCD that it would take up amendments to the comprehensive plan as a matter of reconsideration under the LCDC remand order. Individual notice was sent to all property owners directly affected by the proposed UGB amendments and to nearby property owners on November 10, 2020. General notice was published in the McMinnville News Register on November 24 and November 27.

The City Council hosted its first public hearing for this Ordinance on December 1, 2020. The hearing included three successive evenings of public testimony on December 1, 2, and 3, concluding with the first reading of the ordinance on December 3, 2020. These events included a City presentation about the proposed amendments followed by public comment. In light of requirements for social distancing and public safety related to the COVID 19 pandemic, these sessions were conducted virtually. An on-camera public testimony station was set up at City Hall that allowed members of the public without access to on-line virtual communication to testify in person. The City also accepted written testimony prior to and throughout the public hearing process.

A second reading of this ordinance occurred on 8 December, 2020. After deliberation, the City Council, in its quasi-judicial role as the decision body for considering the remand order from LCDC, took steps to amend the City's land use plan and regulations and complete the periodic review process initiated in 1994.

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

Section 1: The City adopts Exhibit A to this ordinance, the “McMinnville Growth Management and Urbanization Plan (MGMUP), December 2020” and its appendices. This action amends the McMinnville Comprehensive Plan, Volume I, the urbanization element; adopts the McMinnville Growth Management and Urbanization Plan (MGMUP) and its appendices; amends the goals, policies and proposals of Chapter II (Natural Resources), Chapter IV (Economy), Chapter V (Housing), Chapter VII (Facilities and Services), and Chapter IX (Urbanization) of the McMinnville Comprehensive Plan per Appendix D of the MGMUP; and adopts amendments to the McMinnville Municipal Code adding a Neighborhood Activity Center Planned Development Overlay District, a new Chapter 17.10, “Area and Master Planning Process”, and a new Chapter 17.22, “High Density Residential Zone”. per Appendix E of the MGMUP. Two appendices, Appendix A and Appendix B are adopted with this plan that previously were adopted. These provided the factual basis for the population, housing and employment land needs to which the plan responds. Appendix C, D, E, and G provide supporting evidence for the application of the urban growth boundary land selection analysis and related implementation policies and procedures. Appendix F provides the Comprehensive Plan Map amendments for the urban growth boundary amendment. Please see Section 2 of this ordinance.

McMinnville Growth Management and Urbanization Plan

- Appendix A – Population and Employment Forecast
- Appendix B – Buildable Lands Analysis
- Appendix C – Urbanization Report or the Alternatives Analysis
- Appendix D – Comprehensive Plan Policy Amendments
- Appendix E – Zoning Ordinance Amendments
- Appendix F – Comprehensive Plan Map Amendment
- Appendix G – The Framework Plan and Area Planning Process

Section 2: The City adopts Exhibit B to this ordinance, an amended Comprehensive Plan Map adding land to the urban growth boundary (862.40 gross acres and 662.40 gross buildable acres) and designating/redesignating land within the City’s UGB with Comprehensive Plan designations for both the Phase I and Phase II UGB expansions (Urban Holding, Industrial, Commercial and Floodplain). (Exhibit B).

- Map 1: Comprehensive Plan Map Amendment – Expansion of the Urban Growth Boundary
- Map 2: Comprehensive Plan Designations for Land in the Urban Growth Boundary but not in the City Limits.

Section 3: The City adopts Exhibit C to this ordinance, which includes findings of fact that support the development and conclusions reached for preparing and adopting these amendments to the McMinnville Comprehensive Plan.

Section 4. That this ordinance shall take effect thirty (30) days after its passage by the City Council.

Passed by the Council this 8<sup>th</sup> day of December, 2020, by the following votes:

Ayes: Drabkin, Peralta, Stassens, Menke

Nays: Garvin, Geary



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MAYOR

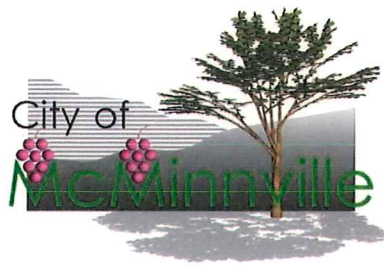
Attest:

Claudia Cisneros  
CITY RECORDER

Approved as to form:



\_\_\_\_\_  
CITY ATTORNEY



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**On File with the Planning Department:**

**McMinnville Growth Management and Urbanization Plan**

- **Appendix A – Population and Employment Forecast**
- **Appendix B – Buildable Lands Analysis**
- **Appendix C – Urbanization Report or the Alternatives Analysis**
- **Appendix D – Comprehensive Plan Policy Amendments**
- **Appendix E – Zoning Ordinance Amendments**
- **Appendix F – Comprehensive Plan Map Amendment**
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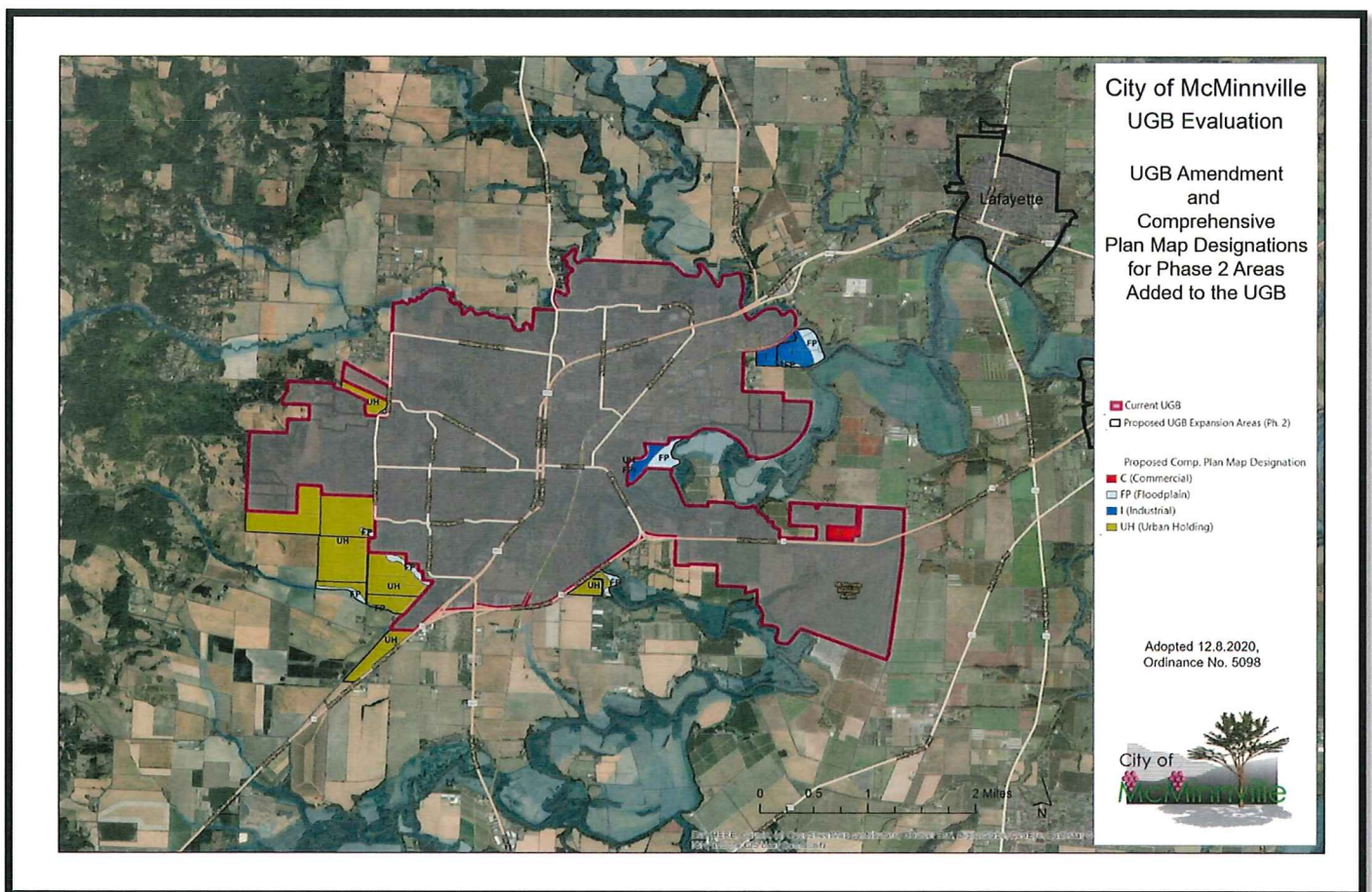


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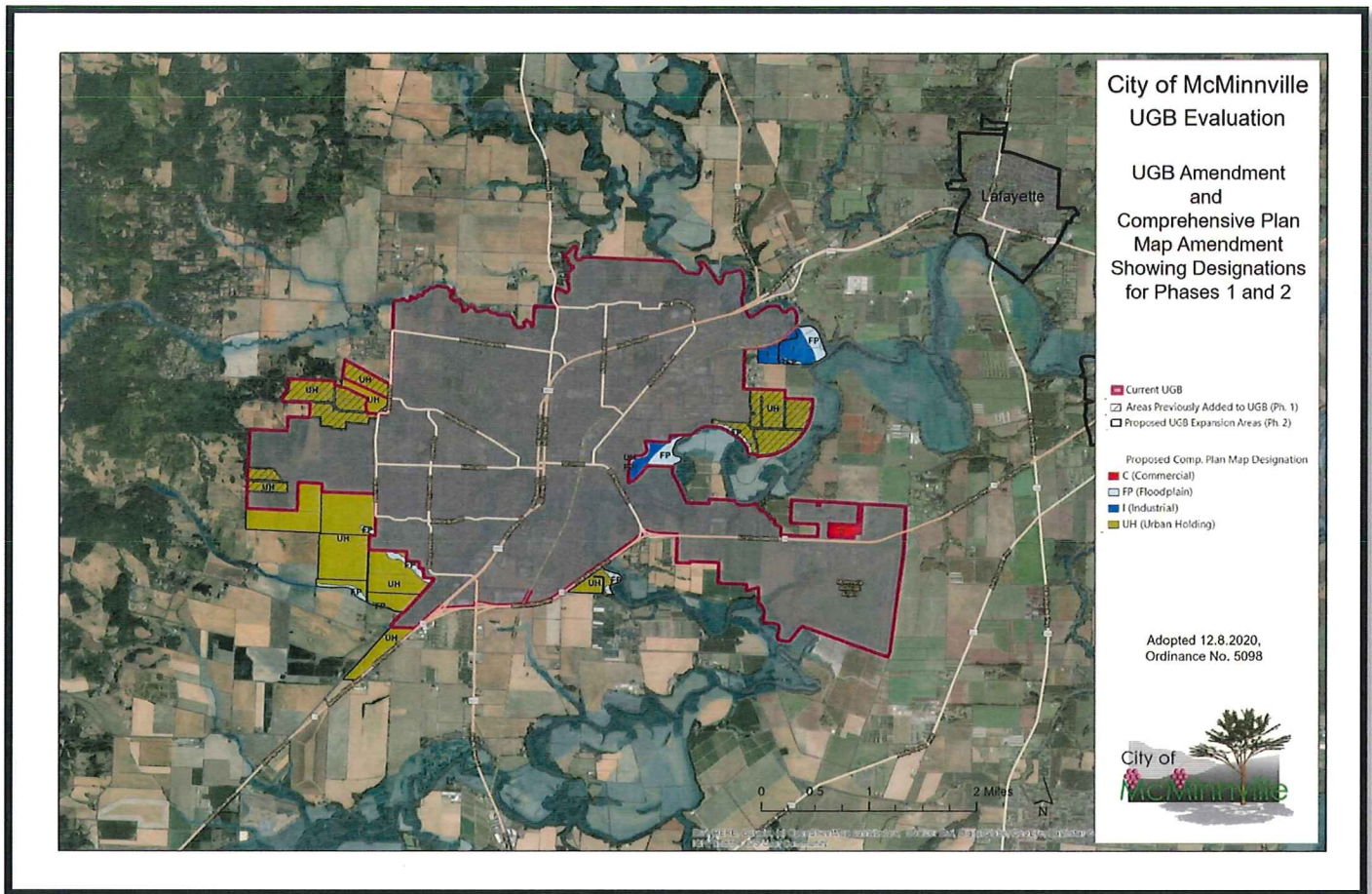
**COMPREHENSIVE PLAN MAP AMENDMENTS:  
PLEASE SEE APPENDIX F OF THE MGMUP FOR MORE DETAILS**

**Map 1: Expansion of the Urban Growth Boundary**





**Map 2: Comprehensive Plan Designations for Land in the Urban Growth Boundary but not in the City Limits**





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**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN MAP AND COMPREHENSIVE PLAN PERTAINING TO THE MCMINNVILLE GROWTH MANAGEMENT AND URBANIZATION PLAN (MGMUP), AND ITS APPENDICES.**

**DOCKET:** G 6-20

**REQUEST:** The City of McMinnville is proposing to amend the McMinnville Comprehensive Plan Map by adding 862.40 gross acres (662.40 gross buildable acres) to the McMinnville urban growth boundary (UGB); designating and redesignating land within McMinnville’s UGB to a Urban Holding, Industrial, Commercial and Floodplain comprehensive plan designations; adopting the McMinnville Growth Management and Urbanization Plan (MGMUP) and its appendices; amending the goals, policies and proposals of Chapter II (Natural Resources), Chapter IV (Economy), Chapter V (Housing), Chapter VII (Facilities and Services), and Chapter IX (Urbanization) of the McMinnville Comprehensive Plan per Appendix D of the MGMUP; and adopting amendments to the McMinnville Municipal Code adding a Neighborhood Activity Center Planned Development Overlay District, a new Chapter 17.10, “Area and Master Planning Process”, and a new Chapter 17.22, “High Density Residential Zone”. per Appendix E of the MGMUP.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Heather Richards, Planning Director

**HEARINGS BODY:** McMinnville City Council

**DATE & TIME:** December 1, 2 and 3, 2020. Zoom virtual public hearing and Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon

**PROCEDURE:** Response to Land Conservation and Development Commission Remand Order 12-WKTASK-001814.

**CRITERIA:** Amendments to the Comprehensive Plan must be consistent with the Oregon state statutes and administrative rules, and the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.



**NOTICE AND  
FILING OF  
OBJECTIONS:**

Per OAR 660-025-0140, as this is a periodic review work program task, after the local government (City Council) makes a final decision on a work task or comprehensive plan amendment listed in ORS 197.626(1) and OAR 660-025-0175, the local government must notify the Department of Land Conservation and Development (DLCD) and persons who participated at the local level orally or in writing during the local process or who requested notice in writing of the decision. Persons who participated orally or in writing in the local process leading to the final decision may object to the local government's submittal to DLCD in writing and filed no later than twenty-one (21) days from the date the local government sent the notice. Objectors must clearly identify the alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated and provide a reasonable solution to correct it.

**DECISION**

Based on the findings and conclusions, the City Council **APPROVES** Ordinance No. 5098 adopting the McMinnville Growth Management and Urbanization Plan, and amending the City's urban growth boundary..

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**DECISION: APPROVAL**  
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*Scott A. Hill*

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

Date: 12-8-2020

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

Date: 12-9-2020

**On File with the Planning Department:**

**McMinnville Growth Management and Urbanization Plan Findings Document**