



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE, TITLE 16, TITLE 17, AND THE MCMINNVILLE COMPREHENSIVE PLAN, VOLUME II, GOALS CHAPTER IX, DOCKET G 3-21, RELATING TO ANNEXATIONS.

DOCKET: G 3-21

REQUEST: The City of McMinnville is proposing to amend the McMinnville City Code by repealing Chapter 16, "Land Division Standards" and replacing with Title 16, "Annexations", amending Title 17 to clarify the adoption process for Area Plans and to update the code for compliance with ORS 222.127, and to amend Chapter IX, "Urbanization" of the McMinnville Comprehensive Plan to clarify the adoption process for Master Plans.

LOCATION: N/A. This proposal includes provisions which amend standards and provisions for future annexations into the McMinnville city limits.

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Heather Richards, Planning Director

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: September 16, 2021, 6:30pm. Meeting held virtually via Zoom meeting software: <https://mcminnvilleoregon.zoom.us/j/88033487320?pwd=SzY5d3A2SDRlVU9VTnVPeHRHZZB1UT09>

Zoom ID: 880 348 7320
Zoom Password: 947797

DECISION-MAKING

BODY: McMinnville City Council

DATE & TIME: TBD

PROCEDURE: The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

CRITERIA: Amendments to the McMinnville Comprehensive Plan and McMinnville Municipal Code must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan.

I. APPLICATION SUMMARY

This application is a proposal initiated by the City of McMinnville to amend the McMinnville City Code by repealing Chapter 16, "Land Division Standards" and replacing with Title 16, "Annexations", amending Title 17 to clarify the adoption process for Area Plans and to update the code for compliance with ORS 222.127, and to amend Chapter IX, "Urbanization" of the McMinnville Comprehensive Plan to clarify the adoption process for Master Plans.

II. ATTACHMENTS

- Exhibit B. Proposed Amendments. (Currently labelled Attachments A, B, and C for the Planning Commission).

III. FINDINGS OF FACT – GENERAL FINDINGS

1. Docket G 3-21 is a legislative package of City-initiated proposed McMinnville Comprehensive Plan and McMinnville Municipal Code amendments related to annexations. The proposal is intended to implement the adopted process of annexations in the McMinnville Growth Management and Urbanization Plan adopted by Ordinance No. 5098, and to bring the McMinnville Municipal Code in compliance with recent changes to ORS 222.

IV. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Notice of the application and the September 16, 2021 Planning Commission public hearing were provided to DLCD on August 5, 2021.
2. Notice of the application and the September 16, 2021 Planning Commission public hearing was published in the News Register on Wednesday, September 8, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
3. On September 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

V. CONCLUSIONARY FINDINGS:

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

Title 17, McMinnville Municipal Code:

The Purpose Statement of Title 17 of the McMinnville Municipal Code serves as a criterion for Title 17 Development Code amendments:

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

FINDING: SATISFIED. The proposed amendments achieve these purposes by providing a process of planning and review that evaluates properties proposed for annexation with compliance with the McMinnville Comprehensive Plan and McMinnville Municipal Code as a requirement of annexation.

On December 2, 2020, the McMinnville City Council adopted Ordinance No. 5098 adopting the McMinnville Growth Management and Urbanization Plan (MGMUP) and its appendices as well as Comprehensive Plan Map amendments. The MGMUP delineated a new process for annexation of lands into McMinnville's city limits requiring an area plan for all land designated UH on the comprehensive plan map, and the need for an annexation application, an annexation agreement, and a land-use process for compliance with the McMinnville Comprehensive Plan prior to annexation of land into the city limits.

This new process created several layers of land-use review and governance to ensure that any property annexed into the city limits would be achieving the purpose of the McMinnville Municipal Code and adopted ordinances.

One of the purposes of these proposed amendments is to codify the implementation of that process that was adopted by Ordinance No. 5098.

Comprehensive Plan

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

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

FINDING: SATISFIED. Proposed amendment Section 16.30.040(D) and Section 16.40.030(D) require that the property owner complete a land use process for the necessary comprehensive plan amendments and zone map amendments needed to develop in compliance with the McMinnville Comprehensive Plan prior to annexation. The proposal is consistent with the applicable Goal and Policies of Chapter V of the McMinnville Comprehensive Plan. The proposed amendments include provisions to ensure compliance with the policies of the comprehensive plan for all property annexing into the city limits.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Police and Fire Protection:

155.00 *The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

FINDING: SATISFIED. Proposed amendment 16.020.020(K)(3) requires that all annexation applications must provide documentation that, *the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation.* The proposal is consistent with Goal VII.1 and associated policies of the McMinnville Comprehensive Plan.

CHAPTER IX. URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

General Development Pattern:

183.00 *The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.*

FINDING: SATISFIED. The proposed amendments implement a process that will only allow annexations when the necessary urban services are available, and the property must complete a land-use process that results in a city rezone prior to annexation. The rezone will become effective upon annexation. The proposal is consistent with Goal IX 1 and 2 and associated policies of the McMinnville Comprehensive Plan.

Land Use Development Tools:

187.00 *The City of McMinnville shall adopt additional implementation ordinances and measures to carry out the goals and policies of the McMinnville Comprehensive Plan. These shall include, but not be limited to, the Zoning Ordinance and Map, Annexation Ordinance, and Mobile Home Development Ordinance.*

FINDING: SATISFIED. The proposed amendments to Title 16 of the McMinnville Municipal Code adopt a process for annexation updating the annexation ordinances bringing them into compliance with the recently adopted MGMUP and ORS 222. The proposal is consistent with Goal IX 1 and 2 and associated policies of the McMinnville Comprehensive Plan.

Great Neighborhood Principles:

187.40 *The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications*

FINDING: SATISFIED. Compliance with the Great Neighborhood Principles are a requirement of the Master Plan process which is a requirement of annexation for all properties greater than 10 acres that are designated UH on the comprehensive plan map. The proposal is consistent with Goal IX 1 and 2 and associated policies of the McMinnville Comprehensive Plan.

Master Planning:

187.90.00 *Prior to annexation of all lands greater than 10 acres in size, property owners shall submit a Master Plan to be reviewed by the City Council and acknowledged in an Annexation Agreement. (Ord. 5098, December 8, 2020)*

FINDING: SATISFIED. Proposed amendments to Title 16 of the McMinnville Municipal Code do require an approved Master Plan prior to annexation of land greater than 10 acres in size. However due to some confusion with the language of this policy relative to the land-use process of approving a Master Plan and the annexation agreement, the proposed amendments recommend amending this policy to: *Prior to annexation of all lands greater than 10 acres in size, property owners shall submit a Master Plan **for approval.** ~~to be reviewed by the City Council and acknowledged in an Annexation Agreement.~~* The proposal is consistent with Goal IX 1 and 2 and associated policies of the McMinnville Comprehensive Plan.

Proposal:

48.90 **Annexation Process.** *The City shall update its annexation ordinance (Ordinance No. 4357) to reflect new statutory requirements and a process consisting of an annexation agreement with the City Council that includes a conceptual master plan but is not a land-use process. (Ord. 5098, December 8, 2020)*

FINDING: SATISFIED. The proposed amendments to Title 16 of the McMinnville Municipal Code will update Ordinance No. 4357 to reflect new statutory requirements and a process consisting of an annexation agreement with the City Council that includes a conceptual master plan but is not a land-use process.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

FINDING: SATISFIED. Goals X 1 is satisfied by this proposal in that the proposed modifications were reviewed at a public hearing by the McMinnville Planning Commission on September 16, 2021