

ORDINANCE NO. 5106

AN ORDINANCE REPEALING ORDINANCE NO. 4636 AND TITLE 16 OF THE MCMINNVILLE MUNICIPAL CODE ENTITLED “SUBDIVISIONS”, ADOPTING A NEW TITLE 16 ENTITLED “ANNEXATIONS”, AMENDING TITLE 17 (ZONING), 17.06, 17.09, 17.10, 17.72 AND AMENDING CHAPTER IX, “URBANIZATION” OF THE MCMINNVILLE COMPREHENSIVE PLAN.

RECITALS:

WHEREAS, the City of McMinnville’s most recent Ordinance (Ordinance No. 4636 as amended by Ordinance No. 4670) regarding annexations was adopted on November 12, 1996 and amended on June 23, 1998; and

WHEREAS, Oregon Revised Statutes governing annexations has changed since 1998, rendering Ordinance No. 4636 (amended by Ordinance No. 4670) not compliant with state law; and

WHEREAS, on December 8, 2020, the McMinnville City Council adopted Ordinance No. 5098 adopting the *McMinnville Growth Management and Urbanization Plan*; and

WHEREAS, on July 21, 2021, city staff hosted a work session with the McMinnville City Council to review draft amendments to the McMinnville City Code to bring the City’s governing codes in compliance with state laws and the *McMinnville Growth Management and Urbanization Plan* relative to annexations; and

WHEREAS, on September 16, 2021, the Planning Commission held a duly noticed public hearing to consider the proposed amendments and the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, Docket G 3-21 is a legislative package of City-initiated Comprehensive Plan and McMinnville Municipal Code amendments related to housing. The amendments are intended to align the City’s annexation procedures with state laws and *the McMinnville Growth Management and Urbanization Plan*; and

WHEREAS, the City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Municipal Code based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Decision, Findings of Fact and Conclusionary Findings, as documented in Exhibit A for G 3-21; and
2. That Title 16 and Title 17 of the McMinnville Municipal Code is amended as

provided in Exhibit B.

3. That Chapter IX of the McMinnville Comprehensive Plan is amended as provided in Exhibit B.

4. That Ordinance No. 4636 as amended by Ordinance No. 4670 is repealed.

5. That this Ordinance shall take effect 30 days after its passage by the City Council:

Passed by the Council this 26th day of October 2021, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



**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=SzY5d3A2SDRI VU9VTnVPeHRHZzB1UT09>
Zoom ID: 880 348 7320
Zoom Password: 947797
- DECISION-MAKING BODY:** McMinnville City Council
- DATE & TIME:** October 26, 2021. Meeting held virtually via Zoom meeting software,
<https://mcminnvilleoregon.zoom.us/j/87657808368?pwd=Vk1XYXU0RWc5NUE5 SXAvektsM2NGQT09>
Zoom ID: 876 5780 8368

I. APPLICATION SUMMARY

This application is a proposal initiated by the City of McMinnville to amend the McMinnville City Code by repealing Title 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.

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. City staff conducted a work session with the McMinnville City Council to discuss the proposed draft code amendments on July 21, 2021, at which time the McMinnville City Council directed staff to move forward with the amendments.
2. Notice of the application and the September 16, 2021 Planning Commission public hearing were provided to DLCD on August 5, 2021.
3. 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.
4. On September 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended approval of the proposed amendments.
5. Notice of Docket 3-21 and the October 26, 2021 City Council meeting was posted on the City website in accordance with Oregon public meetings law.

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

State Law

Changes to the Comprehensive Plan and its implementation ordinances must be acknowledged to continue remain in compliance with applicable state law, including the Statewide Planning Goals, Statutes, and Administrative Rules.

ORS 222 is the primary statute that pertains to annexations, entitled, *City Boundary Changes; Mergers; Consolidations; Withdrawals*

FINDING: SATISFIED. The proposed amendments to the McMinnville Municipal Code and Comprehensive Plan align with ORS 222.

Oregon's Statewide Planning Goals and Administrative Rules:

Oregon Statewide Planning Goal 14, Urbanization (OAR 660-015-0000(14)), and OAR 660-014-0060 and OAR 660-014-0070 are the statewide planning goal and administrative rules most aligned with annexations.

Oregon Statewide Planning Goal 14: Urbanization (OAR 660-015-0000(14)) - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services.

Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account

- (1) the growth policy of the area;
- (2) the needs of the forecast population;
- (3) the carrying capacity of the planning area; and
- (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following:

- (1) tax incentives and disincentives;
- (2) multiple use and joint development practices;
- (3) fee and less-than-fee acquisition techniques; and
- (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

OAR 660-014-0060,

Annexations of Lands Subject to an Acknowledged Comprehensive Plan

A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation

660-014-0070,

Annexations of Lands not subject to an Acknowledged Comprehensive Plan

(1) All appropriate goals must be applied during annexation by the city. If the annexation is subject to the jurisdiction of a local government boundary commission, the boundary commission may utilize the findings of the city. The boundary commission, however, remains responsible for ensuring that the annexation is in conformance with the statewide goals.

(2) For the annexation of lands not subject to an acknowledged plan, the requirements of Goal 14 (Urbanization) shall be considered satisfied only if the city or local government boundary commission, after notice to the county and an opportunity for it to comment, finds that adequate public facilities and services can be reasonably made available; and:

(a) The lands are physically developed for urban uses or are within an area physically developed for urban uses; or

(b) The lands are clearly and demonstrably needed for an urban use prior to acknowledgment of the appropriate plan and circumstances exist which make it clear that the lands in question will be within an urban growth boundary when the boundary is adopted in accordance with the goals.

(3) Lands for which the findings in section (2) of this rule cannot be made shall not be annexed until acknowledgment of an urban growth boundary by the commission as part of the appropriate comprehensive plan.

FINDING: SATISFIED. The proposed amendments are consistent with, and do not conflict with, applicable annexation provisions Oregon State Land Use Goal #14 (OAR 660-015-0000(14), OAR 660-014-0060, OAR 660-014-0070).

197.610(7) Post-Acknowledgment Procedures and OAR 660, Division 18. Post-Acknowledgment Amendments

660-018-0035. Department [DLCD] Participation

(1) When the department [DLCD] determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals, the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless:

(a) The local government holds only one hearing on the proposal, in which case the notification must occur prior to the close of the hearing;

(b) The proposed change has been modified to the extent that resubmission is required under OAR 660-018-0045; or

(c) The local government did not submit the proposed change within 35 days in advance of the final hearing in accordance with OAR 660-018-0020(1), regardless of the circumstances that resulted in that delay.

(2) Notwithstanding section (1) of this rule, the department may provide advisory recommendations to the local government concerning a proposed change to the acknowledged comprehensive plan or land use regulation at any time prior to the adoption of the change.

FINDING: SATISFIED. The City has provided the required notice of the proposed post-acknowledgment amendment to DLCD as required by OAR 660 Division 18. DLCD has not provided comment or advisory recommendations to the City concerning the proposed amendments.

**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –
DOCKET 3-21, ANNEXATIONS**

Title 16 will be replaced in its entirety with the following language.

Note: Title 16 is currently a duplication of Chapter 17.53, "Land Division Standards".

**TITLE 16
ANNEXATION**

Chapters:

16.10 General Provisions

16.20 Annexation Initiation

16.30 Properties Subject to MMC 17.10.060

16.40 Properties Not Subject to MMC 17.10.060

CHAPTER 16.10
General Provisions

Sections.	
16.10.010	Purpose
16.10.020	Definitions
16.10.030	Applicability
16.10.040	Annexation Approval
16.10.050	Zoning of Annexed Areas
16.10.060	Effective Date and Notice of Approved Annexation
16.10.070	Annexation of Non-Conforming Uses

16.10.010 Purpose

This Chapter is intended to establish procedures and criteria for annexation under the provisions of the Oregon Revised Statutes including, but not limited to, Chapter 222. The City recognizes that annexation of land is both an act of governance and land-use. This Chapter lays out the process necessary to annex property into the city of McMinnville. This Chapter aims to achieve orderly and efficient annexation of land to the City that will result in providing a complete range of public services and public facilities for the annexed territory and to ensure consistency with the McMinnville Comprehensive Plan. The City recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services, including, but not limited to, such as sanitary sewer, water, stormwater, roads, and parks.

Cross reference: See ORS 222.855 for annexation to abate a public danger. Also, see ORS 222.111 for annexation eligibility and ORS 222.010 – 222.750 for annexation procedures.

16.010.020 Definitions

Annexation – The process by which a municipality, upon meeting certain requirements, expands its corporate limits.

Annexation Agreement – The written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties for the annexation to be approved, including but not limited to provisions for public facilities and public services to mitigate public facility and public service impacts to the City associated with the annexation and future development of the property, a process for ensuring that the annexation is consistent with the McMinnville Comprehensive Plan, and any other provisions that the City deems necessary for the annexation to meet the city’s ordinances and the community’s identified needs.

16.10.030 Applicability

The following conditions must be met prior to or concurrent with City processing of any annexation request:

- A. The subject site must be located within the McMinnville urban growth boundary.
- B. The subject site must be contiguous to the existing City limits.

16.10.040 Annexation Approval

A. City Council approval of annexation applications shall be by ordinance. Procedures for approval shall comply with the provisions of Oregon Revised Statutes, particularly ORS 222.

B. If an annexation is initiated by property owners representing less than 100 percent of all owners of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.

16.10.050 Zoning of Annexed Areas

The McMinnville Comprehensive Plan Map provides for comprehensive plan designations on all land within the City's urban growth boundary. Land that is currently designated as a Urban Holding comprehensive plan designation needs to undergo an Area Planning process per Section 17.10.010 – 17.10.050 of the McMinnville Municipal Code and at the time of annexation a new comprehensive plan designation will be applied to the subject property that will identify the future City zoning classifications of that property.

16.10.060 Effective Date and Notice of Approved Annexation

A. The effective date of an approved annexation must be set in accordance with ORS 222.040 or 222.180.

B. Notice of Approved Annexation:

1. Not later than 10 working days after the passage of an ordinance approving an annexation, the City Manager or designee will:

- a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City.
- b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Yamhill County Clerk, Yamhill County Assessor, affected districts, and owners and electors in the annexed territory. The notice must include:
 - i. A copy of the ordinance approving the annexation;
 - ii. A legal description and map of the annexed territory;
 - iii. The findings, if applicable; and
 - iv. Each site address to be annexed as recorded on Yamhill County assessment and taxation rolls.
- c. The notice to the Secretary of State will also include a copy of the statement of consent as required in Section 17.68.030, Annexation Initiation.

2. If the effective date of an annexation is more than one year after the City Council passes the ordinance approving it, the City Manager or designee will mail a notice of the annexation to the Yamhill County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

16.10.070 Annexation of Non-Conforming Uses

- A. Generally. When a nonconforming use is annexed into the city, the applicant shall provide, in the annexation application, a schedule for the removal of the nonconforming use. At time of approval of the annexation, the city council may add conditions to ensure the removal of the nonconforming use during a reasonable time period. The time period may not exceed 10 years.
- B. Exception. A legal nonconforming residential structure is allowed to remain indefinitely. Notwithstanding the foregoing, any proposed changes to an existing residential structure will be subject to Chapter 17.63.

CHAPTER 16.20
Annexation Initiation

Sections.

16.20.010 Annexation Initiation

16.20.020 Annexation Application

16.20.010 Annexation Initiation

An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided below.

16.20.020 Annexation Application

An annexation application shall include the following:

- A. A list of owners, including partial holders of owner interest, within the affected territory, indicating for each owner:
 1. The affected tax lots, including the township, section and range numbers;
 2. The street or site addresses within the affected territory as shown in the Yamhill County Records;
 3. A list of all eligible electors registered at an address within the affected territory; and
 4. Signed petitions as may be required in Subsection B below.
- B. Written consents on City-approved petition forms that are:
 1. Completed and signed, in accordance with ORS 222.125, by:
 - a. All of the owners within the affected territory; and
 - b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or
 2. Completed and signed, in accordance with ORS 222.170, by:
 - a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory (ORS 222.170(1)); or
 - b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land (ORS 222.170(2)).
 3. Publicly owned rights-of-way may be added to annexations initiated by these two methods with consent(s) from the property owner(s).
- C. In lieu of a petition form described in Subsection B above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.
- D. Verification of Property Owners form signed by the Yamhill County Assessor/Tax Collector Department.
- E. A Certificate of Electors form signed by the Yamhill County Clerk and Elections Department.

- F. An ORS 195.305 waiver form signed by each owner within the affected territory.
- G. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.
- H. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.
- I. A map stamped by a licensed surveyor that is to scale and highlights the affected territory and its relationship to the city limits.
- J. A list of the districts currently providing services to the affected territory.
- K. An adequate level of urban services must be available, or made available, within three (3) years of annexation. An adequate level of urban services is defined as:
 - 1. Municipal sanitary sewer and water service meeting the requirements enumerated in the McMinnville Comprehensive Plan for provision of these services. The sanitary sewer service overall will be considered adequate if the municipal operations are in accordance with federal and state regulations, permits, and orders.
 - 2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the City will note requirements such as dedication of rights-of-way and easements, waivers of remonstrance against assessment for road improvement costs, and/or participation in other transportation improvement costs, for application at the appropriate level of the planning process. The City will also consider public costs of the improvements.
 - 3. Documentation of 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 adequacy of these services shall be considered in relation to annexation proposals.
- L. A written narrative addressing the proposal's consistency with the approval criteria specified in Chapter 16.30, if applicable.
- M. A fee as established by Council resolution.
- N. If applicable, a concept master plan as required in MMC Chapter 17.10.060 *et seq.*

CHAPTER 16.30
Properties Subject to MMC 17.10.060

Sections.

- 16.30.010** **Applicability**
- 16.30.020** **Area Planning and Master Planning**
- 16.30.030** **Annexation Agreement**
- 16.30.040** **Review Process**

16.30.010 **Applicability.**

This Chapter applies to all properties that are subject to MMC 17.10.060.

16.30.020 **Area Planning and Master Planning.**

Properties in areas that the City has determined are subject to area planning as provided in Chapter 17.10 and in other adopted plans, such as the McMinnville Growth Management and Urbanization Plan, must have an approved area plan and master plan, as provided in Chapter 17.10, and have an annexation agreement to be annexed into the City.

16.30.030 **Annexation Agreement.**

Properties subject to this Chapter 16.30 must enter into an annexation agreement with the City. The City Council may adopt by resolution an annexation agreement with the owner(s) of property that is proposed for annexation to the City. The annexation agreement shall address, at a minimum, provisions for connection to and extension of public facilities and services to the annexed property. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by the Oregon Revised Statutes. Where public facilities and services are available and can be extended, the applicant shall be required to do so. The annexation agreement shall also describe a process and timeframe for compliance with the McMinnville Comprehensive Plan. The annexation agreement can also have additional requirements for annexation into the city at the discretion of the City Council that responds to the overall future growth and development needs of the community.

16.30.040 Review Process.

- A. Annexation Application Submittal. The applicant must submit an annexation application consistent with the requirements of Section 16.20.020.
- B. The property owner will sign an annexation agreement to be considered for approval by the City Council either concurrently with or after the annexation application.
- C. The City Council will approve an annexation agreement that establishes the expectations of the city for the annexation to be successful.
- D. The property owner will initiate and complete the land-use process as described in the annexation agreement to rezone the property into a city urban zone which will become effective upon annexation. This process shall be a quasi-judicial land-use process that will need to be concluded prior to annexation.
- E. The City Council will undertake a legislative review process to determine whether to approve the annexation. The burden is on the applicant to prove compliance with the requirements of this Title and to provide applicable findings.
- F. The City Council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (b) of this section, but where annexation is needed to address a health hazard, to annex an island, to address sanitary sewer, stormwater, or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available

CHAPTER 16.40
Properties Not Subject to MMC 17.10.060

Sections.

- 16.40.010** **Applicability**
- 16.40.020** **Annexation Agreement**
- 16.40.030** **Review Process**
- 16.40.040** **Quasi-Judicial Annexation Criteria**

16.40.010 **Applicability.**

This Chapter applies to all properties that are not subject to MMC 17.10.060.

16.40.020 **Annexation Agreement.**

Properties subject to this Chapter 16.30 must enter into an annexation agreement with the City. The City Council may adopt by resolution an annexation agreement with the owner(s) of property that is proposed for annexation to the City. The annexation agreement shall address, at a minimum, provisions for connection to and extension of public facilities and services to the annexed property. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by the Oregon Revised Statutes. Where public facilities and services are available and can be extended, the applicant shall be required to do so. The annexation agreement shall also describe a process and timeframe for compliance with the McMinnville Comprehensive Plan. The annexation agreement can also have additional requirements for annexation into the city at the discretion of the City Council that responds to the overall future growth and development needs of the community.

16.40.030 **Review Process.**

- A. Annexation Application Submittal. The applicant must submit an annexation application consistent with the requirements of Section 16.20.020.
- B. The property owner will sign an annexation agreement to be considered for approval by the City Council either concurrently with or after the annexation application.
- C. The City Council will approve an annexation agreement that establishes the expectations of the city for the annexation to be successful.
- D. The property owner will initiate and complete the land-use process as described in the annexation agreement to rezone the property into a city urban zone which will become effective upon annexation. This process shall be a quasi-judicial land-use process that will need to be concluded prior to annexation.
- E. The City Council will undertake a legislative review process to determine whether to approve the annexation. The burden is on the applicant to prove compliance with the requirements of this Title and to provide applicable findings.
- F. The City Council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (b) of this section, but where annexation is needed to address a health hazard, to annex an island, to address sanitary sewer, stormwater, or water connection issues for

existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available

PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE – Title 17

New proposed language is represented by **bold font**, deleted language is represented by ~~strikethrough font~~.

Chapter 17.06 DEFINITIONS

~~**Annexation**—An extension of the boundary of the City which involves a land use process that evaluates if a property meets the criteria for incorporation into the City limits and a vote by the electorate of McMinnville.~~

Chapter 17.09 ZONE CLASSIFICATIONS BOUNDARIES AND MAPS

17.09.050 Annexed areas. **If a property is annexed into the City and does not concurrently apply for and obtain urban comprehensive plan designations and urban zone designations, it shall be placed in the urban holding zone and will not be allowed any building permits until the zone is changed to a developable city zone through the procedures set forth in Chapter 17.72 (Applications and Review Process) of this title.** ~~An unzoned area annexed to the City shall be placed in the R-1 zone. A County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone through the procedures set forth in Chapter 17.72 (Applications and Review Process) of this title.~~ Simultaneous application for annexation and a zone change is allowed provided that the zone change ordinance does not take effect until and unless the property is properly annexed to the City and incorporated within the city limits. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.10

AREA AND MASTER PLANNING PROCESS (as adopted per Ordinance 5098, December 8, 2020)

17.10.010 Purpose. To provide a process that will allow for and ensure the transition from rural to urban land uses in a manner that is consistent with the McMinnville Comprehensive Plan, UGB expansion plans, and the City's overall land supply needs identified in applicable UGB expansion plans and documents.

17.10.020 Applicability. The Area Plan and Master Plan processes apply to all lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.

17.10.030 Procedures.

- A. Area Plan Requirement. Prior to annexation or comprehensive plan map amendment, zone change, or development of any land in Urban Holding (UH) Comprehensive Plan Map designations, the City must review and adopt an Area Plan, if applicable.
- B. Master Plan Requirement.

1. Concept Master Plan. A Concept Master Plan is required as a component of an annexation application to annex property into the city limits. ~~The development and approval of a Concept Master Plan is required prior to annexation of any land in a Urban Holding (UH) Comprehensive Plan Map designation.s as part of an annexation agreement.~~ **A Concept Master Plan is not binding and is an advisory document to help inform the annexation agreement. (See Title 16 of the McMinnville Municipal Code for the city's annexation process.)**
 2. Master Plan. The development and approval of a Master Plan is required prior to a zone change, or development of any land in Urban Holding (UH) Comprehensive Plan Map designations and the UH Zone.
- C. Properties Exempt from Area Planning Requirements. The following properties are exempt from the Area Planning Requirements:**
- 1. Properties Not Designated UH on the Comprehensive Plan Map.**
 - 2. Properties that are partially in the city limits and partially in the urban growth boundary, whereby the amount of property in the urban growth boundary is less than 2 acres. If the remnant property in the urban growth boundary that is less than 2 acres designated as UH on the Comprehensive Plan Map, the properties are subject to the McMinnville Municipal Code provisions for a Comprehensive Plan Map Amendment and Zoning Map Amendment in order to be annexed into the city limits.**

17.10.040 Area Plan Process.

- A. The City Council shall initiate an Area Planning process for lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.
- B. Property owners may initiate the Area Planning process, if the City Council has not yet initiated or completed an Area Plan for land designated on the Comprehensive Plan Map as Urban Holding (UH) in a UGB expansion area.
 1. Area Planning may be initiated by property owners for lands 100 acres or greater in size.
- ~~G.~~ The City Council shall adopt an Area Plan as a guiding land use document. **An Area Plan shall be adopted as a supplement to the McMinnville Comprehensive Plan through a legislative land use proceeding if it was initiated by the City Council or either a quasi-judicial or legislative land use proceeding, depending on its size and the number of properties it covers, if it was initiated by an application.** ~~The adoption of the Area Plan is not a land use decision, and does not result in any changes to comprehensive plan designations or zoning districts.~~

17.10.050 Area Plan Scope and Components.

- A. Area Plans shall ~~more specifically~~ identify land uses, their locations, and their relationship to public facilities, natural resources, and existing urban uses. The land uses identified in an Area Plan must be consistent with the applicable Framework Plan and the identified land use needs for the Urban Holding (UH) area.
- B. Principles and Standards for Area Plans.
 1. Area Plans must embody the development principles of the applicable Framework Plan, UGB expansion plan, McMinnville Comprehensive Plan, and any other City land use policies and standards.
 - a. 2003-2023 McMinnville Growth Management and Urbanization Plan (MGMUP). The MGMUP provides guidance for the planning and development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Therefore, Area Plans for UH areas within the MGMUP areas will be developed to be consistent with:

- 1) The guidelines and characteristics of the Traditional Neighborhood model, as described in the McMinnville Growth Management and Urbanization Plan.
- 2) The potential identification of locations that would be suitable for Neighborhood Activity Centers (NACs) to meet neighborhood commercial land needs as identified in the MGMUP Framework Plan, and also support surrounding residential development, as described in the McMinnville Growth Management and Urbanization Plan.
- 3) The City's adopted Great Neighborhood Principles, as described in Comprehensive Plan Policies 187.10 through 187.50.

17.10.060 Master Plans. Master Plans are required for annexation into the City of McMinnville, urbanization into City of McMinnville zones and development, for all properties 10 acres or more.

- A. Applicability. This section applies to all properties 10 acres or more proposed for annexation and/or rezoning from the UH zone to a city development zone.
 1. Master Plans shall be required for all lands 10 acres or greater in size.
 2. Lands less than 10 acres in size may be annexed into the city, and subsequently developed.
- B. Purpose. The purpose of a Master Plan is to provide:
 1. Orderly and efficient development of the City consistent with the City's Framework Plans and adopted Area Plans.
 2. Compatibility and/or transition with adjacent developments and the character of the area.
 3. A complementary mix of uses and activities to achieve the Principles of the McMinnville Growth Management and Urbanization Plan.
 4. An interconnected transportation network – streets, bicycle routes, and pedestrian trails – with the master plan area and to existing and planned City streets, routes and trails.
 5. A range of housing choices for areas planned to have residential components.
 6. A range of open spaces and recreation facilities, as needed to facilitate the Framework Plan, adopted Area Plan and Parks and Recreation Facility Plan.
 7. Public and semi-public facilities and services.
 8. Preservation of historic buildings, scenic views, and natural resources to the greatest extent possible.
 9. Transitions or buffers between urban development and rural areas.
 10. Implementation of McMinnville's Comprehensive Plan, including adopted Area Plans and the Great Neighborhood Planning Principles.

17.10.065 Master Plan Process.

- A. Concept Master Plan. For the conceptual plan review process, there is no need for the post acknowledgement plan amendments (PAPAs) to the Oregon Department of Land Conservation and Development, or local Measure 56 notice **as it is an advisory document to help inform the annexation agreement and is a required element of an annexation application. (See Title 16 of the McMinnville Municipal Code).** ~~although Early involvement of nearby property owners and state agencies that may have an interest in the effect of urbanization on state interests is advised, because the decision does not yet amend the McMinnville Comprehensive Plan, as it is being reviewed and approved as part of an annexation agreement with the McMinnville City Council and is not considered a land use decision, However,~~ the Concept Master Plan should consider all of the same elements and factors as the Master Plan described below.

- B. Master Plan. For the final master plan approval, legislative review and approval is required as part of a quasi-judicial land-use decision as it will be an amendment to the McMinnville Comprehensive Land Use Plan and Zoning Map. Following the City Council's adoption of an Area Plan, but prior to the annexation, comprehensive plan map amendment, zone change, or development of any land within the subject Area Plan, property owners shall submit a Master Plan for review and approval by the City Council.
1. Applications and requests for the approval of a Master Plan shall be reviewed under the review process described in MMC Section 17.72.120 (Applications – Public Hearing).

17.10.070 Master Plan Submittal Requirements. Applications for the review and approval of a Concept Master Plan and Master Plan shall include the following elements:

- A. Plan Objectives. A narrative shall set forth the goals and objectives of the Master Plan and how it achieves McMinnville's MGMUP and adopted Great Neighborhood Principles.
- B. Plan Area and Context. A map of the plan area and surrounding vicinity shall set the context for the Master Plan.
- C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses for the Master Plan, including plans for park and open space and community facilities. The plan shall identify proposed comprehensive plan and zoning designations.
- D. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas. When significant resources are present, the Master Plan shall include a management plan to protect resource sites.
- E. Natural Hazard Areas. Inventory and identify areas subject to natural hazards.
- F. Mixed Use Areas. Identify areas planned for mixed uses, which may also include Neighborhood Activity Centers if identified in the applicable Area Plan.
- G. Commercial Areas. Identify areas planned for commercial use, which may also include Neighborhood Activity Centers if identified in the applicable Area Plan.
- H. Residential Areas. Identify areas planned for housing development. The housing plan must identify a mix of housing types and densities so that the overall density in the area meets the housing density objectives for the area that are identified in the applicable Framework Plan and Area Plan. The applicable Framework Plan and Area Plan are based on a UGB expansion plan that includes findings that specify the housing types and densities that need to be achieved in order to meet future housing needs. Great Neighborhood Principle #11 also requires that "A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations."
- I. Parks and Open Space. Identify land suitable for park and recreation use in accordance with the needs in the applicable Framework Plan and Area Plan, and the standards in the McMinnville Parks, Recreation, and Open Space Master Plan.
- J. Transportation Analysis and Plan. Prepare a traffic impact analysis and local street plan that is consistent with street spacing and connectivity guidelines in the McMinnville Transportation System Plan (TSP). The street plan shall show the proposed classification for all streets, proposed bicycle routes, and proposed pedestrian facilities. The street plan shall show how streets, bike routes, and pedestrian facilities will connect with adjacent urban areas that are already existing

and also how those facilities will be extended to adjacent UGB expansion areas that have not yet gone through the Master Planning process.

- K. Public Facilities Analysis and Plan. The plan must include a conceptual layout of public facilities (including at a minimum sanitary sewer, power, water, and storm drainage) needed to support the land use diagram. The Public Facilities Analysis should address overall capacities and must be consistent with the City's adopted facility master plans. Where necessary, the analysis shall identify improvements that may require amending the adopted facility master plans.
- L. Site Design and Development Standards. If unique or innovative development standards are proposed for any area within the Master Plan area that differ from the City's normal development standards, these may be identified in the Master Plan and requested through a Planned Development process.

17.10.080 Master Plan Review Criteria.

- A. In the review of an application for a Master Plan, the Planning Commission and City Council shall consider the following:
 - 1. Whether the proposed Master Plan is consistent with the Framework Plan, Area Plan, and Comprehensive Plan in terms of land use, density, transportation systems and networks, and open space.
 - 2. Whether the proposed Master Plan is generally suitable for the area in which it is proposed, considering existing and planned neighborhoods, shopping and employment areas, and natural resources and hazards.
 - 3. Whether the proposed Master Plan is integrated with existing developed or planned areas.
 - 4. Whether the Master Plan is consistent with the City's adopted Great Neighborhood Principles, which include:
 - a. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
 - 1) Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.
 - b. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
 - 1) Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.
 - c. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
 - 1) Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
 - 2) Central parks and plazas shall be used to create public gathering spaces where appropriate.
 - 3) Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
 - d. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
 - 1) Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

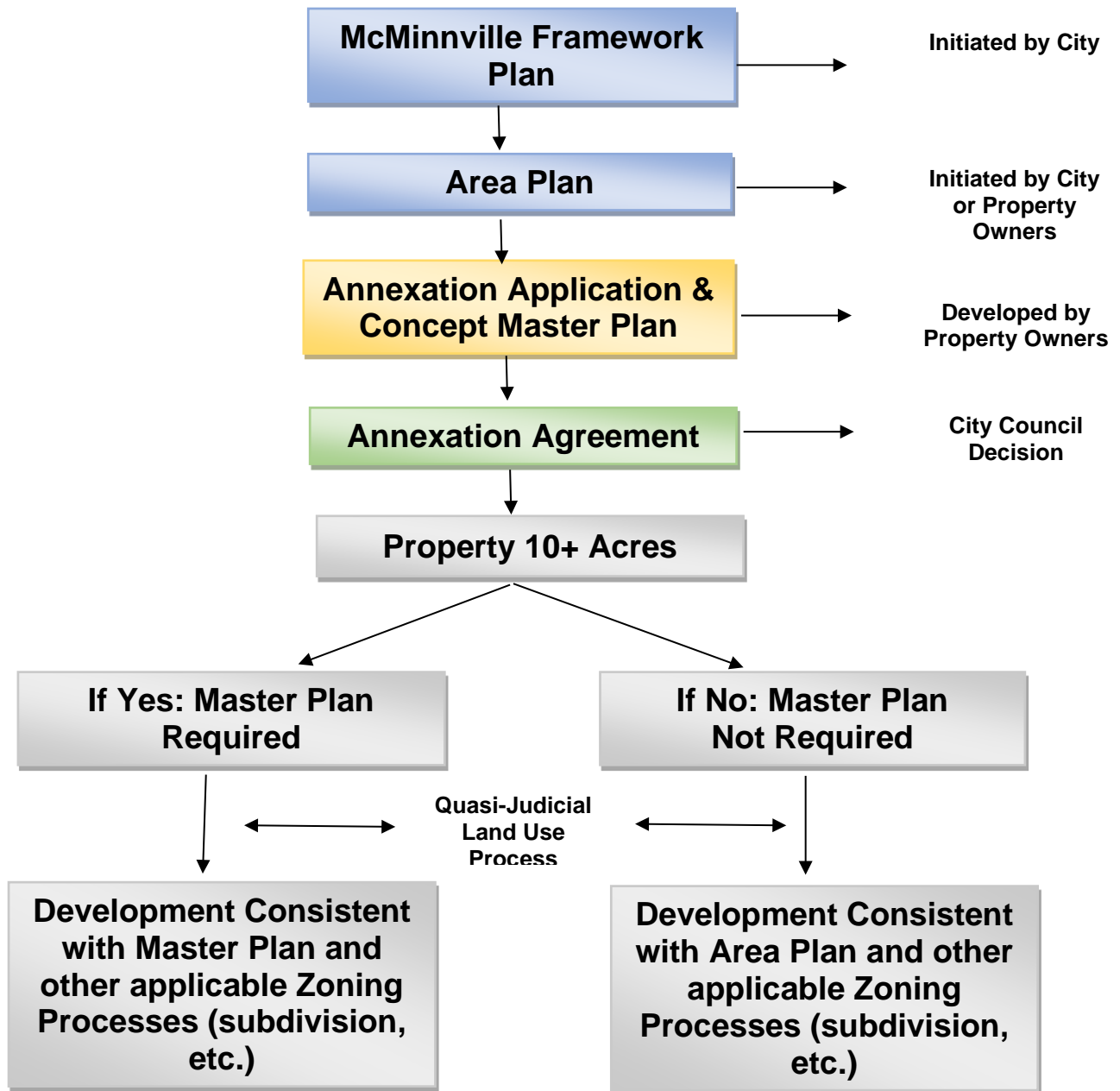
- 2) Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
- e. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
 - 1) Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
 - 2) Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
- f. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
 - 1) Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
 - 2) Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.
- g. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
 - 1) To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
 - 2) Design practices should strive for best practices and not minimum practices.
- h. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
 - 1) The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.
 - 2) Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.
 - 3) Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).
- i. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
 - 1) Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.
 - 2) Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

- 3) Neighborhoods are designed such that owning a vehicle can be optional.
- j. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.
 - 1) Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.
- k. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
 - 1) A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.
- l. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.
 - 1) Neighborhoods shall have several different housing types.
 - 2) Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.
- m. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:
 - 1) Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
 - 2) Opportunities for public art provided in private and public spaces.
 - 3) Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

17.10.090 Development of Areas Less than 10 Acres. Lands less than 10 acres in size may be annexed into the city and rezoned into urban zones without the approval and adoption of a Master Plan. This may occur when the lands are designated for only residential use in the applicable Area Plan, **or are exempt from Area Planning per Section 17.10.030(C).**

- A. Following the annexation of lands that are less than 10 acres in size, the lands shall be subject to the Comprehensive Plan Map Amendment and Zone Change review processes described in MMC Section 17.72.120 and MMC Section 17.74.020. Urban comprehensive plan map designations and urban zoning districts shall be requested for the lands, and the designations and zoning districts must be consistent with the land uses identified in the adopted Area Plan that is applicable to the land in question.
- B. The development of lands less than 10 acres in size must:
 - 1. Be consistent with the uses identified in the Area Plan, **if** applicable, to the land in question;
 - 2. Meet the City's adopted Great Neighborhood Principles;
 - 3. Include a local street plan that complies with the applicable Area Plan, the McMinnville TSP, and other local street spacing and connectivity requirements; and
 - 4. Be consistent with all other required policies and standards of the McMinnville Comprehensive Plan and Zoning Ordinance.

Summary Graphic of UGB Expansion Planning Process:



Chapter 17.72 APPLICATIONS AND REVIEW PROCESS

17.72.080 Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.

- A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens’ Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.
- B. An application that is site specific (such as a zone change ~~or annexation request~~) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens’ Advisory Committee or by application of the property owner.

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. 5047, §2, 2018, Ord. 5034 §2, 2017; Ord. 4984 §1, 2014).

Review Process	Land Use Application	Zoning Ordinance Reference
Applications Public Hearing- Planning Commission	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
	Area Plan	17.10
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060
	Legislative Amendment	17.72.120
	Master Plan	17.10
	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	

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

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

17.72.160 Effective Date of Decision. Unless an appeal is filed, a decision made by the Planning Director or the Planning Commission shall become final fifteen (15) calendar days from the date that the notice of the decision is mailed. Unless an appeal is filed, a decision made by the City Council shall become final 21 (twenty-one) days from the date that the notice of decision is mailed. ~~Annexation requests are subject to voter approval following the City Council's decision.~~

PROPOSED AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN, VOLUME II,
GOALS AND POLICIES –

New proposed language is represented by **bold font**, deleted language is represented by ~~strikethrough font~~.

**CHAPTER IX
URBANIZATION**

- 187.80.20 *Area Plans shall be adopted by the City Council as guiding land use documents. **The Area Plan will be adopted as a supplement to the McMinnville Comprehensive Plan.** ~~adoption of the Area Plan is not a land use decision, and does not result in any changes to Comprehensive Plan designations or zoning districts.~~ (Ord. 5098, December 8, 2020)*
- 187.80.30 *The City of McMinnville shall establish a process for property owners to initiate the Area Planning process, if the City has not yet initiated or completed an Area Plan for land designated on the Comprehensive Plan Map as Urban Holding (UH) in a UGB expansion area. (Ord. 5098, December 8, 2020)*

MASTER PLANNING

- 187.90.00 *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.~~ (Ord. 5098, December 8, 2020)*
- 187.90.10 *Master Plans shall be consistent with the land uses identified in the adopted Area Plan that is applicable to the land in question. (Ord. 5098, December 8, 2020)*
- 187.90.20 *Master Plans shall identify current Comprehensive Plan designations and future urban zoning districts per the policies of the McMinnville Comprehensive Plan and the McMinnville Municipal Code. Uses identified in the Master Plan shall be consistent with the urban Comprehensive Plan designations and zones. (Ord. 5098, December 8, 2020)*
- 187.90.30 *Lands less than 10 acres in size may be annexed without the completion of the Master Planning process. Development of these lands shall be consistent with the land uses identified in the adopted Area Plan that is applicable to the land in question. Development of these lands shall be consistent with the land use development tools and requirements of the McMinnville Comprehensive Plan and the McMinnville Zoning Ordinance. (Ord. 5098, December 8, 2020)*
- 187.90.40 *Master Plans will be required as a land-use decision to rezone property from a rural zone to an urban zone. (Ord. 5098, December 8, 2020)*