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## STAFF REPORT

**DATE:** December 12, 2017  
**TO:** Mayor and City Councilors  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** **Ordinance No. 5045 - G 9-17:** Zoning Text Amendment to amend Chapter 17.72 of the McMinnville City Code (Applications and Review Process)

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### **Council Goal:**

Promote Sustainable Growth and Development

### **Report in Brief:**

This action is the consideration of Ordinance No. 5045, an ordinance amending Chapter 17.72 (Applications and Review Process) of the McMinnville City Code to incorporate neighborhood meeting requirements into the land use application review process. The amendments would include requirements for neighborhood meetings to be held for certain types of land use applications prior to the submittal of the land use application to the City. The amendments would also incorporate guidelines on the process for notifying and conducting the neighborhood meeting.

### **Background:**

Based on the level and type of public testimony received at recent public hearings, the Planning Commission directed staff to explore the topic of neighborhood meetings and how they could potentially be included in the land use application review process. The Planning Commission's interest in exploring neighborhood meetings was driven by a desire to better provide information on land use applications and development projects to the residents and community members in the areas surrounding potential projects.

Another intention of requiring neighborhood meetings is to provide an opportunity to increase citizen involvement and allow for early engagement in the McMinnville planning process. Also, many comments received at Planning Commission public hearings are not necessarily land-use related, and could be better addressed by developers or applicants at more informal neighborhood meeting environments. A potential outcome of the neighborhood meeting process could be that developers voluntarily revise plans to address issues discussed at neighborhood meetings, which could reduce delays and continuances during the formal land use application review process.

The Planning Commission discussed the topic of neighborhood meetings at their September 21, 2017 work session meeting, and directed staff to begin to develop draft zoning text amendments to incorporate neighborhood meetings into the McMinnville land use application review process. Staff

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### **Attachments:**

*Ordinance No. 5045 including*

*Exhibit A – G 9-17 Decision Document*

*Exhibit B – Amendments to Chapter 17.72 (Applications and Review Process)*

then drafted proposed zoning text amendments, and presented the proposed amendments as an informal discussion item at the Planning Commission's October 19, 2017 regular meeting. The Planning Commission directed staff to bring the proposed amendments back to the Planning Commission for consideration during a formal public hearing.

The Planning Commission held a public hearing on the proposed zoning text amendments at their November 16, 2017 meeting. Public testimony was received before and during the public hearing in support of the concept of neighborhood meetings. After deliberation, the Planning Commission voted unanimously to recommend approval of the zoning text amendments to the City Council.

### **Discussion:**

The language on neighborhood meetings is proposed to be added to the Applications and Review Process chapter (Chapter 17.72) of the McMinnville Zoning Ordinance. The main components of the proposed neighborhood meeting requirements and process are explained in more detail below:

#### 1) Types of Applications Requiring a Neighborhood Meeting

The proposed amendments would require neighborhood meetings for most applications that also require a public hearing to be held by the Planning Commission. This will include the following types of applications:

- Annexation
- Comprehensive Plan Map Amendment
- Conditional Use Permit
- Demolition of National Register of Historic Places Structure
- Planned Development
- Planned Development Amendment
- Tentative Subdivision (more than 10 lots)
- Urban Growth Boundary Amendment
- Variance
- Zone Change

The proposed amendments would not require neighborhood meetings for some applications that do require a public hearing. This will include the following types of applications:

- Comprehensive Plan Text Amendment
- Zoning Ordinance Text Amendment
- Appeal of a Planning Director's Decision
- Application with Planning Director's decision for which a public hearing is requested

In addition, the proposed amendments would require neighborhood meetings for some applications that do not require public hearings, and are currently decided on by the Planning Director. This includes the following types of applications:

- Tentative Subdivisions (up to 10 lots)
- Vacation Home Rentals

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The reasoning for not requiring a neighborhood meeting for the comprehensive plan or zoning ordinance text amendments is that those types of amendments generally would be amending City policies that impact the entire city, not just one individual area or neighborhood. The reasoning for not requiring a neighborhood meeting for the Planning Director's decision applications that are appealed or a public hearing is requested for is that those types of applications would already have been submitted and under official review by the City. Requiring a neighborhood meeting to be held would complicate the review process due to the state statute requirements for the City to take action on a land use application within 120 days of the application being deemed complete. The neighborhood meeting in that scenario would also be held after the application has been submitted, and would therefore not allow for early engagement in the land use process.

## 2) Meeting Date, Location, and Time

The proposed amendments would require that neighborhood meetings be held prior to the applicant submitting their land use application. This will ensure that the public is engaged early on in the development and land use process, and will allow for an applicant to take public comments into consideration prior to submitting their final proposal to the City for official review. Applicants will have the opportunity to revise their plans to address public comments, should they choose to do so. Requiring the neighborhood meeting to be held prior to the submittal of a land use application also will not complicate or delay the 120 day timeframe that the City has to take action on a land use application, as required by state statute.

The proposed amendments would require that the neighborhood meeting be held within 180 days of the date the land use application is submitted. The meeting will be required to be held in an ADA accessible facility within the city limits of McMinnville. The starting time of the meeting will be limited to between 6 PM and 8 PM on weekday evenings, or between 10 AM and 4 PM on Saturdays.

## 3) Notification of Meeting

The proposed amendments would require that the applicant provide a mailed notice of the neighborhood meeting to property owners surrounding the subject site. The same notification distances as the zoning ordinance currently requires for notifications of public hearings would be used. The proposed language includes requirements for the type of information that is provided in the mailed notice, which includes the date, time, and location of the meeting, the nature of the proposal, a map of the site, and a conceptual site plan. The applicant would also be required to send a notice of the neighborhood meeting to the Planning Department, so that staff is aware of the neighborhood meeting and can monitor the process or attend the meeting if necessary.

The proposed amendments would also require that the applicant post a waterproof sign on each frontage of the subject property. This posted sign will provide an additional means of communication to those that may be interested or to those that for one reason or another do not receive the mailed notice (i.e. renters instead of property owners, mistakes in mailing addresses on file, etc.).

For both the mailed and posted notice, those would be required to be sent or posted not fewer than 20 calendar days nor more than 30 calendar days prior to the meeting. This is consistent with the notification timeframe for the City when sending notices of public hearings.

## 4) Meeting Agenda

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The proposed amendments would require that the applicant provide a minimum level of information at the neighborhood meeting. This would include providing a conceptual site plan and a description of the major elements of their proposal, including proposed land uses, densities, building sizes, parking, landscaping, and protection of natural resources. The applicant will also be required to provide an opportunity for attendees of the meeting to speak at the meeting, ask questions of the applicant, and to identify any issues that they believe should be addressed. However, the overall format of the meeting will be at the discretion of the applicant. The language was drafted in such a way so as not to have the City prescribe exactly how the meeting is conducted. As long as the minimum level of information is provided, the applicant can create any type of meeting format (e.g. open house, formal presentation, question and answer process, etc.).

#### 5) Evidence of Compliance

To ensure that an applicant has satisfied the neighborhood meeting requirements, the proposed amendments include a list of materials that must be provided by an applicant along with the submittal of their land use application. These materials will be required to be submitted in order for the land use application to be deemed complete, and will ensure that the neighborhood meeting happens prior to land use application submittal.

#### **Fiscal Impact:**

None.

#### **Alternative Courses of Action:**

1. **ADOPT** Ordinance No. 5045, approving G 9-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5045.

#### **Recommendation/Suggested Motion:**

Staff recommends that the Council adopt Ordinance No. 5045 which would approve the zoning text amendment as recommended by the Planning Commission.

**“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5045”**

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