



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: November 16, 2017
TO: McMinnville Planning Commission
FROM: Chuck Darnell, Associate Planner
SUBJECT: G 9-17 - Neighborhood Meetings – Zoning Text Amendments

Report in Brief:

This is a public hearing to review and consider proposed zoning text amendments to Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the introduction of 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 is 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.

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 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.

Discussion:

Based on the direction provided at the previous Planning Commission meetings, staff has drafted zoning text amendments to incorporate neighborhood meetings into the McMinnville land use application review process. A copy of the draft zoning text amendments are included in the decision document that is attached to this staff report. Staff is proposing to add the language on neighborhood meetings to the Applications and Review Process chapter (Chapter 17.72) of the McMinnville Zoning Ordinance.

Attachments:

Attachment A - Decision, Findings of Fact and Conclusionary Findings for the Approval of Legislative Amendments to Chapter 17.72 (Applications and Review Process)

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

Staff is proposing to 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

Staff is proposing to 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, staff is proposing to 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

Staff's 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. Staff's 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

Staff is proposing 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

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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.

Staff is also proposing 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

Staff is proposing to require that the applicant provide a mailed notice of the neighborhood meeting to property owners surrounding the subject site. Staff is proposing to use the same notification distances as the zoning ordinance currently requires for notifications of public hearings. This notification distance could be increased if the Planning Commission believes that would generate better public engagement, but that could create confusion when a property owner receives a notice from an applicant and then not from the City for the formal public hearing. 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.

Staff is also proposing 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.).

The Planning Commission had expressed interest in including language that ensured that the sign was not only visible from the adjacent public right-of-way, but also that it was readable from the adjacent public right-of-way. To address that, staff is proposing to include a size requirement of 18 x 24" for the waterproof signs, and is also proposing to include a statement that the signs must be easily viewable and readable from the public right-of-way.

For both the mailed and posted notice, staff is proposing that those 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

Staff is proposing 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. Staff does not believe the City should prescribe exactly how the meeting is conducted, so 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.).

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5) Evidence of Compliance

To ensure that an applicant has satisfied the neighborhood meeting requirements, staff is proposing to 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.

Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Planning Commission make the following motion recommending approval of G 9-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMinnville, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 9-17 AND THE ZONING TEXT AMMENDMENTS AS RECOMMENDED BY STAFF.

CD:sjs

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

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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.72 (APPLICATIONS AND REVIEW PROCESS).

- DOCKET:** G 9-17
- REQUEST:** The City of McMinnville is proposing to amend Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the introduction of 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.
- LOCATION:** N/A
- ZONING:** N/A
- APPLICANT:** City of McMinnville
- STAFF:** Chuck Darnell, Associate Planner
- DATE DEEMED COMPLETE:** October 19, 2017
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** November 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** December 12, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. Their comments are provided in this decision document.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 9-17) to the McMinnville City Council.

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DECISION: APPROVAL
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City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Attachments:
Attachment 1 – Amendments to Chapter 17.72 (Applications and Review Process)
Attachment 2 – Email received from Patty O’Leary on November 8, 2017

APPLICATION SUMMARY:

The City of McMinnville is proposing to amend Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the introduction of 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.

ATTACHMENTS:

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2. Email received from Patty O'Leary on November 8, 2017

COMMENTS:

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. The following comments have been received:

Engineering Department:

I have reviewed proposed G 9-17, and would note that I am generally not in support adding requirements for neighborhood meetings for land use applications. I believe that requiring neighborhood meetings is adding unnecessary time and cost to development proposals.

Further, over the past 17 or so years, it has been my observation that many of the land use applications that have had the most neighborhood concern, did hold neighborhood meetings prior to, or during, the land use review process. Those neighborhood meetings didn't seem to make a measurable difference in the amount of neighborhood concern voiced to the Planning Commission and/or City Council. Also, it is my observation that most often the concerns expressed by neighbors aren't related to the criteria that the decision bodies (Planning Director, Planning Commission, and City Council) must consider when determining to approve or deny an application.

Lastly, if neighborhood meetings are required, I don't understand why vacation home rental applications would require such a meeting. As currently codified, the criteria for approval of a vacation home rental don't include any items that could be influenced by public input (i.e. there are either enough parking spaces or there aren't; there are adequate smoke detectors or there aren't).

It seems to me that the requirement for neighborhood meetings will likely increase (not decrease) the amount of conflict at public hearings by the Planning Commission and/or City Council.

Additional Testimony

No notice was provided to property owners for this application. As of the date this report was written, one item of testimony has been received by the Planning Department and is included as an attachment to the decision document.

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FINDINGS OF FACT

1. The City of McMinnville is proposing to amend Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance. The proposed zoning text amendments are related to the introduction of 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.
2. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development, McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. No comments in opposition have been provided.
3. Public notification of the public hearing held by the Planning Commission was published in the November 7, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

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CONCLUSIONARY FINDINGS:**Oregon Statewide Planning Goals**

The following Oregon Statewide Planning Goals are applicable to this request:

GOAL 1: TO DEVELOP A CITIZEN INVOLVEMENT PROGRAM THAT INSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS

Finding: Goal 1 is satisfied in that the incorporation of neighborhood meetings into the land use application review process will provide for additional opportunities for citizen involvement. The process will allow for residents and community members to be made aware of land use and development projects that may be occurring in the city, and that may impact their property or their neighborhood. The process will also allow for early public engagement in land use or development projects. The requirements for the format of the neighborhood meeting will allow for residents and community members to be involved in the land use process by having an opportunity to discuss a project with an applicant or developer, ask questions of the applicant or developer, and also identify issues with any proposed land use or development project that they feel should be addressed.

McMinnville’s Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that the incorporation of neighborhood meetings into the land use application review process will provide for additional opportunities for citizen involvement. The process will allow for residents and community members to be made aware of land use and development projects that may be occurring in the city, and that may impact their property or their neighborhood. The process will also allow for early public engagement in land use or development projects. The requirements for the format of the neighborhood meeting will allow for residents and community members to be involved in the land use process by having an opportunity to discuss a project with an applicant or developer, ask questions of the applicant or developer, and also identify issues with any proposed land use or development project that they feel should be addressed.

Goal X 1 and Policy 188.00 are also satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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McMinnville’s City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.03 – General Provisions:

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: Section 17.03.020 is satisfied by the legislative amendment in that the incorporation of neighborhood meetings into the land use application review process will provide for additional opportunities for citizen involvement in the land use and development process. The neighborhood meeting process will promote the general welfare of the city by providing residents and community members an opportunity to provide comments and potentially influence land use and development projects in such a way that they become more compatible with the surrounding neighborhood.

CD:sjs

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Chapter 17.72APPLICATIONS AND REVIEW PROCESS
(as amended by Ord. 4920, January 12, 2010)Sections:

- 17.72.010 Purpose
- 17.72.020 Application Submittal Requirements
- 17.72.030 Filing Fees
- 17.72.040 Application Review for Completeness
- 17.72.050 Application Decision Time Limit
- 17.72.060 Limitations on Renewal or Refiling of Application
- 17.72.070 Concurrent Applications

Application Review and Decision Process

- 17.72.080 Legislative or Quasi-Judicial Hearings
- 17.72.090 Application Review Summary Table

17.72.095 Neighborhood Meetings

- 17.72.100 Applications and Permits-Director's Review
- 17.72.110 Applications-Director's Review with Notification
- 17.72.120 Applications-Public Hearings
- 17.72.130 Public Hearing Process
- 17.72.140 Mailed Notification

[...]

17.72.095 Neighborhood Meetings.**A. A neighborhood meeting shall be required for:**

- 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:**
 - a. Comprehensive plan text amendment; or**
 - b. Zoning ordinance text amendment; or**
 - c. Appeal of a Planning Director's decision; or**
 - d. Application with Director's decision for which a public hearing is requested.**

2. Tentative Subdivisions (up to 10 lots)**3. Vacation Home Rentals****B. Schedule of Meeting.**

- 1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.**

- 2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.**

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11” sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes of the scheduled starting time for the neighborhood meeting, the applicant may leave.

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110 and Section 17.72.120.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
4. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request).
 - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
 - d. Include a conceptual site plan.
5. The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24” waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.

Attachments:

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2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
 3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
 4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.
- F. Meeting Agenda.**
1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
 2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
 - a. An opportunity for attendees to view the conceptual site plan;
 - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
 - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.
- G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:**
1. A copy of the meeting notice mailed to surrounding property owners;
 2. A copy of the mailing list used to send the meeting notices;
 3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
 4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
 5. Notes of the meeting, which shall include:
 - a. Meeting date;
 - b. Meeting time and location;
 - c. The names and addresses of those attending;
 - d. A summary of oral and written comments received; and
 - e. A summary of any revisions made to the proposal based on comments received at the meeting.

[...]

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Attachment 2 – Email received from Patty O'Leary on November 8, 2017

Chuck Darnell

From: P O'Leary <poleary847@aol.com>
Sent: Wednesday, November 8, 2017 3:53 PM
To: Chuck Darnell
Subject: Neighborhood Meetings

Hi, Chuck. I was thinking about the neighborhood meetings (I strongly support the concept) and thought it would be helpful to include a list of the neighborhood meetings on the planning site once the process gets up and running. An online listing would simply give people another way of finding out what is happening in their neighborhood if they don't receive the mailed notification.

Patty O'Leary
503-687-2083