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## **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

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### **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.

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#### *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.**

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