

ORDINANCE NO. 5045

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE CITY CODE, SPECIFIC TO CHAPTER 17.72 (APPLICATIONS AND REVIEW PROCESS) TO INCLUDE NEIGHBORHOOD MEETING REQUIREMENTS FOR CERTAIN TYPES OF LAND USE APPLICATIONS

RECITALS:

The McMinnville Planning Commission, based on the level and type of public testimony received at public hearings in 2017, directed Planning Department staff to research neighborhood meetings as a means to better provide information on land use applications and development projects to the residents and community members in the areas surrounding potential projects; and

Planning Department staff completed research on neighborhood meetings and held discussions with the Planning Commission at work sessions on September 21, 2017 and October 19, 2017. The Planning Commission directed staff to draft amendments to the McMinnville Zoning Ordinance to incorporate neighborhood meeting requirements into the McMinnville land use application review process; and

A public hearing was held before the McMinnville Planning Commission on November 16, 2017, after due notice had been provided in the local newspaper on November 7, 2017. At the November 16, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing. After deliberation, the Planning Commission voted to recommend approval of G 9-17 to the McMinnville City Council; and

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 Zoning Ordinance based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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 9-17; and
2. That Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance is amended as provided in Exhibit B. Text that is added is shown in **bold underlined** font while text that is removed is shown in strikeout font.
3. That this Ordinance shall take effect 30 days after its passage by the City Council:

Passed by the Council this 12th day of December 2017, by the following votes:

Ayes: Garvin, Jeffries, Menke, Ruden, Stassens

Nays: _____



MAYOR

Approved as to form:

Attest:



CITY ATTORNEY



CITY RECORDER



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

503-434-7311
www.mcminnvilleoregon.gov

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.

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:

None.

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. Five items of testimony in favor of the concept of neighborhood meetings were received by the Planning Department. All of the following testimony is on file with the Planning Department:

- 1) Letter – Connie Foster, received on November 16, 2017
- 2) Email – Patty O'Leary, received on November 8, 2017
- 3) Email – Jim and Jean Semph, received on September 21, 2017
- 4) Email – Gene and Deanna White, received on September 18, 2017

5) Email – Kevin Gebhart, received on September 16, 2017

FINDINGS OF FACT

- A. 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.
- B. 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. Comments in opposition were provided by the Engineering Department.
- C. 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.

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.

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

Chapter 17.72

APPLICATIONS 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	<u>Neighborhood Meetings</u>
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 after 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.
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.

[...]