

A G E N D A 3 - 15

1. [Approval of Minutes:](#) November 20, 2015

2. **Public Hearing (Legislative)**

- ◆ [Docket G 1-15](#)

Request: The City of McMinnville is proposing “housekeeping” amendments to the McMinnville zoning ordinance (ORD No. 3380) Chapters 17.06.015 (General Definitions), 17.12.010 (R-1 Permitted Uses), 17.12.020 (R-1 Conditional Uses), 17.15.010 (R-2 Permitted Uses), 17.15.020 (R-2 Conditional Uses), 17.18.010 (R-3 Permitted Uses), 17.18.020 (R-3 Conditional Uses), 17.53.075 (Submission of Final Subdivision Plat), Chapter 17.84.070 (Temporary Living Units), 17.60.150 (Parking Variances for Historic Structures), 17.72.090 (Application Review Summary Table), 17.72.110 (Applications – Director’s Review with Notification), and the Three Mile Lane Planned Development Ordinance (ORD. No. 4572) Section 1(F) (Temporary signage).

Applicant: City of McMinnville

3. **Old/New Business**

4. **Adjournment**

MINUTES

Members Present: Chair Butler; Vice Chair Stassens; Commissioners Chroust-Masin, Hall, Morgan, Thomas, Tiedge

Members Absent: Commissioner Hillestad

Staff Present: Mr. Montgomery, Ms. Haines, Ms. Kindel

1. Approval of Minutes: October 16, 2014

Chair Butler called the meeting to order at 6:30 p.m., and called for action on the Planning Commission minutes from the October 16, 2014, meeting. He listed the names of those Commissioners who had been present at that meeting, and Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

2. Public Hearing (Quasi Judicial)

◆ Docket ZC 2-14

Request: Approval of an amendment to the development plan for the Aspire subdivision to allow residential use in the southeast portion of the site that is currently planned for community open space. The proposed amendment, if approved, would relocate four existing lots from elsewhere in the Aspire subdivision to this location.

Location: 105 NE Atlantic Street, and more specifically described as Tax Lot 600, Section 21DD, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville Area Habitat for Humanity

Chair Butler opened the public hearing at 6:34 p.m., and requested disclosures, abstentions, or objections to jurisdiction. There were none noted by any members of the Planning Commission who were present, and he requested the staff report.

Mr. Montgomery provided a brief history of the approval process for the Habitat for Humanity Aspire subdivision project which began in February 2011, and underwent a couple of appeals before final approval in August 2012. He said that the approved master plan for the development provided for a 36-lot subdivision with a mix of both single-family attached and single-family detached housing, with some community open space in the southeast corner of the site. He said that the current application included a request to modify that approved plan and reduce the open green space area by approximately 4,400 square feet by relocating four lots to this location; a modification which also reduced the total number of housing units by one. He noted that a reduction in the amount of open space was considered a major change to the adopted plan; and, therefore, triggered the requirement for Planning Commission review and approval.

There was brief discussion about the application, and Chair Butler called for the applicant's testimony.

Carson Benner, Habitat board member, and Gretchen Phelps, Habitat Executive Director, said that they had read the staff report and agreed with the recommendation.

Chair Butler called for proponents' testimony.

Marcie Rosenzweig, said she was a member of the Atlantic/Tilbury group that had opposed and subsequently appealed the subdivision approval. She said that Habitat representatives, and particularly Eric Wolfe with Washington Roofing, had met with the community ahead of the application this time, and they had gotten their questions answered and concerns addressed. Ms. Rosenzweig explained that, since they had presented such strong opposition previously, she thought it was only fair to let them know that they were pleased to see the three-story commonwall units gone. In addition, she said they were glad to see that the community park would be bigger, even if it was only marginally so. She asked the Planning Commissioners to approve the application request.

There was no testimony in opposition, and Chair Butler called for the public agency report.

Mr. Montgomery said that all comments from public agencies had been included in the staff report.

The applicants waived the seven-day time period allowed to submit final written arguments in support of the application, and Chair Butler closed the public hearing at 6:49 p.m.

All Commissioners present expressed their approval of the applicants' request, and Commissioner Chroust-Masin MOVED, based on the application materials, the testimony received, the findings of fact, and the staff report and recommendations, to recommend the City Council APPROVE ZC 2-14, subject to the conditions as noted in the staff report; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

3. Election of Officers

- ◆ Chair
- ◆ Vice Chair
- ◆ Secretary

Chair Butler announced it was time to elect Planning Commission officers for the coming year, and stated that he was removing himself from consideration for any of the positions. He opened the floor to nominations for the position of Chair and nominated Vice Chair Stassens. Commissioner Thomas MOVED to close the floor to further nominations, and elect Vice Chair Stassens to the position of Chair; SECONDED by Commissioner Tiedge. Motion PASSED unanimously.

Commissioner Tiedge nominated Commissioner Morgan to the position of Vice Chair, and Commissioner Stassens MOVED to close the floor to further nominations, and elect Commissioner Morgan. Commissioner Thomas SECONDED the motion, which PASSED unanimously.

Chair Butler opened the floor to nominations for the position of secretary, and nominated Mr. Montgomery. He then closed the floor to further nominations, and Commissioner Morgan MOVED to elect Mr. Montgomery to the position; SECONDED by Commissioner Stassens. Motion PASSED unanimously.

4. Old/New Business

- Mr. Montgomery advised the Commissioners that a Ward 3 vacancy had been created by the November 4 election of Commissioner Drabkin to a position on the City Council. He said that an applicant for the vacancy would be interviewed at an upcoming City Council meeting, and, if appointed, would begin service on the Planning Commission in January 2015.
- Mr. Montgomery told the Commissioners that a transportation bond had been passed by the voters in November, and would be used to fund approximately \$24 million worth of street-related improvements and safety improvements in the city. Although specific details about the improvement projects had not been decided, he advised the members of the group to contact Mike Bisset, Community Development Director, if they had questions or wished to share any opinions about the project.
- Mr. Montgomery noted that there were no pending applications at this time and the deadline for submittals had passed, so there would not be a Planning Commission meeting in December 2014. In light of that fact, Chair Butler acknowledged that this was his last meeting serving as Chair, and said he had enjoyed his time serving in that capacity.
- Mr. Montgomery said that at the last meeting of the City Council, they had approved the recommendation of the Planning Commission to amend the application review process for vacation home rental and bed and breakfast establishments.

5. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Vice Chair Stassens. Motion PASSED unanimously, and Chair Butler ADJOURNED the meeting at 7:00 p.m.


Doug Montgomery
Secretary



DATE: February 3, 2015
TO: Planning Commission
FROM: Ron Pomeroy, Principal Planner *RP*
SUBJECT: "Housekeeping" Amendments to the McMinnville Zoning Ordinance

Through the course of administering the McMinnville zoning ordinance (ORD No. 3380) staff occasionally identifies small "housekeeping" items that could be amended to improve clarity and accuracy of the ordinance. Such are the nature of the amendments proposed for your review and consideration presented below in this memorandum.

In brief, the sections which are proposed for revision and are before you are located within:

- Chapters 17.06, 17.12, 17.15, and 17.18 related to Residential Facility
- Chapters 17.12 and 17.54 regarding the renewal process for bed and breakfast and vacation home rental establishments, and temporary living units
- Chapter 17.53 regarding the extension process for tentative subdivision plans
- Chapter 17.60 to correct a typographical error
- Chapter 17.72 to add additional references to the application and review process.
- Ord. No. 4572 to allow temporary signs within the Three Mile Lane area

Revisions and additions are as follows with specific proposed amendments provided in Attachment A:

1. Chapter 17.06 Definitions, and Chapters 17.12 R-1, 17.15 R-2, 17.18 R-3: The Oregon Revised Statute identifies various types of Residential Facilities, all of which allow residency for six or more unrelated individuals who are care-dependant in some manner. This is differentiated from a Residential Home which is limited to five or fewer unrelated persons regardless of care-dependency status. The statute requires that a Residential Facility be a permitted use in multiple-family zones, and that a Residential Home be a permitted use in zones that allow single-family use. Additionally, statute provides that a Residential Facility may be permitted, through conditional use or other means, in all residential zones. Staff proposes to amend the zoning ordinance Sections 17.06, 17.12, 17.15, and 17.18 of the zoning ordinance to become compliant with this directive of statute.

2. Chapters 17.12 Single-Family Residential Zone and 17.54 – General Regulations: Currently, the zoning ordinance requires owners of an approved bed and breakfast (B&B), vacation home rental (VHR) or temporary living unit (TLU) to request an extension of their permit prior to its expiration if they are interested in continuing the use. This places the burden of tracking the expiration date and initiating a renewal request on the applicant; every 12 months for B&B and VHR uses and every six months for a TLU.

In practice, Planning Department staff mails an invoice to each of those permit holders approximately one month prior to the permit's expiration date notifying them of the opportunity to renew the permit prior to its expiration. As such, staff proposes to modify the zoning ordinance to reflect the current practice. This would make the ordinance consistent with our internal procedures as well as being consistent with processes currently in place for Home Occupation and Conditional Use Permit renewals. Modifications are proposed specific to Sections 17.12.010(N)(8) and (O)(7) and 17.54.070(D).

3. Chapter 17.53 – Land Division Standards: Currently, upon Planning Commission approval of a tentative subdivision plan, a final subdivision plat is required to be prepared and submitted to the City Engineer within 12 (twelve) months following that approval. Failure to submit the final subdivision plat within this timeframe requires the tentative plan to be resubmitted to the Planning Commission for a second review and, upon receiving the approval, an additional 12 (twelve) month approval period would be initiated. Chapter 17.53.075 is proposed to be amended to provide a time extension process for a tentative subdivision plan that mirrors that of the partition process in Section 17.53.060(D). Specifically, this would allow the Planning Director to approve a one-year extension of the tentative subdivision plan upon written request by the applicant; additional such extensions would continue to come before the Commission for review.
4. Chapter 17.60 – Off-Street Parking and Loading: Staff proposes to correct a typographical error. Specifically, Section 17.60.150(B)(2) concerning parking for historic structures references Section 17.60.060(C) (parking for commercial land uses) rather than the intended Section 17.60.150(C) (factors for consideration regarding a parking variance request for an historic structure).
5. Chapter 17.72 – Applications and Review Process: Both the Landscape Review Committee (LRC) and the Historic Landmarks Committee (HLC) review applications specific to their areas of expertise. Staff proposes that these two review procedures be added to the review listings appropriate to their level of review as listed in Section 17.72.090 and 110 consistent with similar listings of the City's other land use application processes.
6. Ord. No. 4572 – Three Mile Lane Planned Development Overlay: Chapter 17.62 (Signs) of the zoning ordinance allows for temporary signs to be displayed during certain times or circumstances related to elections, property transfer, and construction projects on land designated commercial or industrial. These opportunities however are not permitted within the Three Mile Lane planned development area that is governed by Ord. No. 4572 that details allowable sign options for that area. Staff proposes that this planned development ordinance be amended to allow the same temporary signage opportunity within the Three Mile Lane area that is available to other McMinnville properties. The modification is proposed specific to Ord. No. 4572, Section 1.

Memorandum to Planning Commission

RE: Housekeeping Amendments to the McMinnville Zoning Ordinance

March 19, 2015

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RECOMMENDATION

The proposed draft housekeeping amendments provide needed clarity to portions of the zoning ordinance. Staff recommends that the Planning Commission hold a public hearing for the purpose of taking testimony on these draft amendments. Following the close of the hearing(s) and based on the testimony received, the Commission should: 1) Recommend that the City Council adopt the attached ordinance, as presented by staff; 2) recommend the Council adopt it in a modified form; or 3) take no further action.

Exhibit A

The standards below are proposed to be modified as follows [new text is underlined; text to be deleted is indicated with a strikeout font]:

1. Definition of Family and allowance of Residential Facility –

Section 17.06.015 Family(B) - ~~“An individual or two or more related or unrelated physically or mentally handicapped, or drug or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care who are living as a single housekeeping unit using one kitchen. Such a residential unit is considered a residential home or residential facility as defined in the Oregon State Statute ORS 197.660(2) and ORS 197.665, as amended.”~~

Allowance of Residential Facility -

Section 17.12.010 Permitted Uses - ~~“G. Residential Facility as defined in Chapter 17.06 (Definitions).”~~

Section 17.12.020 Conditional Uses - “R. Residential Facility as defined in Chapter 17.06 (Definitions).”

Section 17.15.010 Permitted Uses - ~~“G. Residential Facility as defined in Chapter 17.06 (Definitions).”~~

Section 17.15.020 Conditional Uses - “P. Residential Facility as defined in Chapter 17.06 (Definitions).”

Section 17.18.010 Permitted Uses - ~~“G. Residential Facility as defined in Chapter 17.06 (Definitions).”~~

Section 17.18.020 Conditional Uses - “R. Residential Facility as defined in Chapter 17.06 (Definitions).”

2. Bed and breakfast -

Section 17.12.010(N)(8) - ~~“Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below.”~~

Vacation home rental -

Section 17.12.010(O)(7) - ~~“Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.010(O)(8) below.”~~

Temporary living unit -

Section 17.54.070(D) - ~~“[.] Such permit shall be renewable upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.54.070(D)(9) below.”~~

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3. Submission of final subdivision plat -

Section 17.53.075 - "[.] Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the ~~If the subdivider wishes to proceed with the subdivision after the expiration of the 12 (twelve) month period following approval of the tentative plan by the Planning Commission, he must resubmit his tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions."~~

4. Parking variances for historic structures -

Section 17.60.150(B)(2) - "The Planning Director or Planning Commission shall base their decision on the factors listed in Section 17.60.150(C)~~17.60.060(C)~~ below and shall either approve, approve with conditions, or deny the application."

5. Application review and decision process

17.72.090 (shading added to denote proposed additions)

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
Applications and Permits- Director's Review Without Notification	Home Occupation Permit	17.67
	<u>Landscape Review</u>	<u>17.57</u>
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220- Section 12
	Temporary Living Unit Permit	17.54.070
Applications- Director's Review with Notification	Administrative Variance	17.74.080-090
	Classification of an Unlisted Use	17.54.010
	Downtown Design Review	17.59.030-040
	<u>Historic Landmarks Review</u>	<u>17.59, Ord. No. 4401</u>
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130

RE: Housekeeping Amendments to the McMinnville Zoning Ordinance

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
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060
	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
Public Hearing-City Council	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
MUAMC***	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146

Chapter 17.72.110 Applications with Director's Review with Notification

"The following application shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.
[.] Landscape Review [.]"

6. Three Mile Lane Planned Development Ordinance –

Ord. No. 4572, Section 1

"[.] F. Temporary signage shall be allowed as per Ord. No. 3380, Section 17.62.060(B)(3)."