

AGENDA 10 – 16

1. **Call to Order**
2. **Citizen Comments**
3. **Approval of Minutes:** September 15, 2016
4. **Public Hearing (Legislative): G 1-16**

Request: The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to add provisions related to the time period for providing notice of sign noncompliance, deadlines for property owners to appeal such notice and request an exception, additional grounds for granting an exception to the enforcement of the sign ordinance, and amendments to remove content-based sign regulations.

Applicant: City of McMinnville

5. **Public Hearing (Legislative): G 2-16**

Request: The City of McMinnville is proposing to amend Section 17.64.040(A)(6) (Marijuana Related Activities – Performance Standards) of the McMinnville Zoning Ordinance to add a reference to the Oregon Administrative Rule definition of “school,” and to delete the reference to “state licensed preschool.”

Applicant: City of McMinnville

6. **Old/New Business**

Annual review of the Yamhill County Gospel Rescue Mission of Conditional Use permit (CU 2-15).

Zone Map Discussion

7. **Commissioner Comments**
8. **Staff Comments**
9. **Adjournment**

MINUTES

Members Present: Chair Wendy Stassens, Commissioners Martin Chroust-Masin, Zack Geary, Roger Hall, Charles Hillestad, Jack Morgan, and Erica Thomas

Members Absent: Commissioners Nanette Pirisky and John Tidge

Staff Present: Mike Bisset – Community Development Director, David Koch, - City Attorney, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician.

1. Approval of Minutes: August 18, 2016

Chair Stassens called the meeting to order at 6:31 p.m., and called for action on the Planning Commission minutes from the August 18, 2016 meeting. Commissioner Geary MOVED to APPROVE the minutes as amended to include findings relative to AP 2-16 (Risdon); SECONDED by Commissioner Thomas. Motion PASSED with one abstention.

2. Public Hearing (Quasi Judicial)

◆ S 2-16 (Continued from August 18, 2016 Planning Commission Meeting)

Request: Approval of a tentative residential subdivision plan that, if approved, would provide for the platting of 49 single-family lots on a 7.29 acre parcel of land.

Location: North of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

Applicant: Alan Ruden, Inc.

Chair Stassens opened the continued public hearing at 6:35 p.m., stating that the Commission would not be hearing additional testimony. She called for abstentions, objection to jurisdiction, and disclosures.

Commissioner Hall stated he would be abstaining from the decision as he was not present at the previous public hearing.

Chair Stassens called for staff to provide an update of the request.

Principal Planner Pomeroy explained that under the provisions of the continuance three (3) additional letters of testimony had been received by the Planning Department in addition to one response letter from the applicant. He stated that the applicant has been working with neighborhood residents to address their concerns and those agreed upon options are noted

in the applicant's response. On review, the City's Engineering and Planning Departments find no conflict between that offered by the applicant and city requirements. Staff recommends approval of the subdivision request with conditions as noted in the staff report subject to modifying Condition of Approval No. 1 to allow vehicular access to NE Hembree Street from Lot 100.

Chair Stassens asked if the Commission had any question for staff. There were none.

Chair Stassens closed the public hearing at 6:39 p.m.

Chair Stassens asked if the Commission would like to discuss the application.

The commissioners agreed that the application met the City's criteria.

Commissioner Hillestad asked for clarification from City Attorney David Koch as to whether or not the discussion between the residents and the developer should affect the decision of the Commission.

Mr. Koch said that only the information provided in the staff report and the Zoning Ordinance should be weighed in making a decision. He noted that the meetings between the developer and the residents are not applicable to the conditions of approval or the regulations of the code.

Commissioner Chroust-Masin MOVED, based on the findings of fact, the conclusionary findings for approval, and the testimony submitted to APPROVE S 2-16 (Bungalows at Chegwyn Village, Phase III), subject to the conditions, as amended, in the staff report.

SECONDED by Commissioner Morgan. The motion passed unanimously with one abstention.

3. Work Session

Planning Director Heather Richards briefly explained the purpose of tonight's work session, noting the items to be discussed.

- ◆ Reviewing the Marijuana Related Activities ordinance specific to the definition of a school facility, measurement of the 1000 foot buffer, and possible additional separation requirements.

Mr. Pomeroy provided a power point presentation, highlighting the areas of discussion related to the marijuana ordinance specific to questions and issues that have risen during public review. He explained there were three main topics up for discussion: 1) how to measure 1,000 feet; 2) definition of a school; and 3) additional separation requirements between facilities.

Mr. Pomeroy started the discussion by reviewing the core questions of how to measure 1,000 feet: What is the beginning point, what to measure to, do you measure in a straight line, and how to calculate and display the measurement.

General discussion ensued regarding the question.

Ms. Richards stated that staff was looking for procedural information on how to measure from Point A to Point B, and that this practice of measuring would apply to all land use actions, not just marijuana related activities.

Mr. Koch explained the issue of measurement that occurred during a public hearing, related to establishment of a 1,000 buffer from the high school tennis courts and where to begin the measurement. He stated that staff wants to be clear and consistent with the procedure.

Following discussion, Chair Stassens asked the Commissioner's if all agreed that future measurements should be from property line to property line, and measured in a straight line. All were in agreeance.

Mr. Pomeroy explained the next topic was defining the term "school." He stated that there is no locally adopted definition and that the state relies on a five (5) part test when determining if a facility is a school. Mr. Pomeroy also stated that if a new definition was adopted it would become adopted in the definitions chapter of the McMinnville Zoning Ordinance.

Mr. Koch read sections of the state statute defining a school, the definition between elementary and secondary, and obligatory requirements.

Discussion occurred among the Commissioners and staff regarding the specifics of the State's five part test, and issues of school facility ownership, private schools, and home schooling.

The Commissioner's agreed to rely on the state's definition of "school" and to specifically reference the applicable ORS section in the Zoning Ordinance.

Mr. Pomeroy posed the last question, should there be additional separation requirements between uses. He explained that the current ordinance established a 1,000 foot separation between like uses; medical to medical and recreational to recreational. The question being, should there be a separation between medical and recreational marijuana related uses? Mr. Pomeroy stated that a majority of the operating establishments provide both.

After a short discussion they Commissioners agreed to leave the requirements as they currently are.

◆ Work Session Discussion - Potential Sign Ordinance Amendments.

Ms. Richards explained the sign regulation items that needed discussion prior to working through the amendments of the sign ordinance. The items pertain to the nonconforming signs and amortization period and content neutral signage.

Regarding nonconforming sign and amortization issues, Ms. Richards stated that prior to enforcement of the amortization requirement, owners of nonconforming signs were to be provided an additional notice at least one year prior to any city enforcement action and that

all nonconforming signs were to be amortized by November 2016. Due to constrained staff resources the re-inventory and one-year notification efforts were not able to be implemented.

Commissioner Morgan asked if staff was recommending extending the amortization period.

Ms. Richards explained the recommendation would be to extend the amortization period one additional year which would allow staff to inventory existing signs and notify property owners of noncompliant signs. She also stated that this time would give the city an opportunity to work with business owners to bring the signs into compliance.

The Commissioners discussed the recommendation with staff.

Commissioner Morgan asked staff if there was an estimate of signs that were noncompliant.

Mr. Pomeroy stated that at the time of the adoption of the sign ordinance there were approximately 235 noncompliant signs. He said that per the ordinance, notice was mailed to property owners who had noncompliant signs. Mr. Pomeroy also explained that some of those signs have since become compliant, so a new inventory would need to be conducted. He also discussed the complexity of measuring sign height and area in certain circumstances.

Ms. Richards's recommendation to the Commission was to extend the ammonization period for another year, provide a six (6) month notification requirement, and adopt language for an exception request. The Commission agreed with that recommendation.

Ms. Richards then explained the next item, content neutral signage and regulations. She explained the meaning of "content neutral" giving examples, including signs in permitted in residential zones, school, and church signs.

Additional discussion regarding signs took place between the Commissioner's and staff.

Ms. Richards said that the changes and clarifications to the sign code would be presented before the Planning Commission at their October meeting for recommendation to the City Council.

◆ Work Discussion – Goal 1: Citizen Involvement.

Ms. Richards introduced Goal 1: Citizen Involvement and explained the rationale for the creation of citizen committees. One committee she focused on was the Citizen's Advisory Committee (CAC), which she explained was a seven (7) member committee with only three (3) members currently serving on the committee. She also noted the last time the committee formally met was in the year 2000.

Ms. Richards stated that, in McMinnville, the Planning Commission is legally designated as the Citizens Advisory Committee (CAC) and that retaining a separate standing CAC is not effective or necessary. She recommended considering retiring the CAC and moving toward a structure of Council appointed Ad-Hoc committees that would be project specific. This would allow for more effective citizen involvement related to specific areas of interest.

The Commissioners briefly discussed the role of the CAC and agreed with Ms. Richards to disband the CAC.

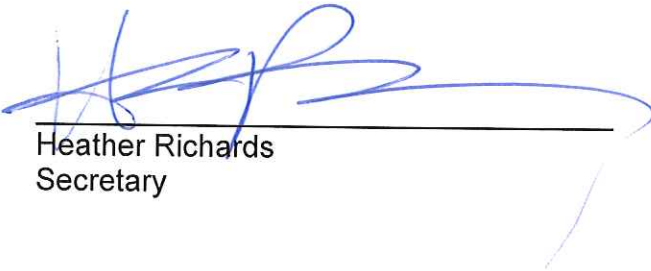
Ms. Richards stated that the Commission would review the amendments to the Comprehensive Plan, the Zoning Ordinance, and new policies to populate committees at the October Planning Commission meeting. She said that, at the October meeting, the Commission would be asked to recommend action to the City Council.

5. Old / New Business

There was no old or new business discussed.

6. Adjournment

Commissioner Hall **MOVED** to adjourn the meeting; **SECONDED** by Commissioner Thomas. Motion **PASSED** unanimously and Chair Stassens adjourned the meeting at 8:38 p.m.



Heather Richards
Secretary



STAFF REPORT

DATE: October 20, 2016
TO: Planning Commission Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Public Hearing: G 1-16 - Sign Ordinance Amendments

Report in Brief:

This is a public hearing to consider legislative amendments proposed by the City of McMinnville Planning Department to Chapter 17.62 (Signs) to adjust the amortization program for non-conforming signs and to comply with recent federal case law related to content neutrality in sign regulations.

Background:

In November 2008, the City of McMinnville adopted a sign ordinance (Ordinance 4900). This ordinance included an amortization process which would bring nonconforming signs into compliance with the updated sign regulations. The original deadline for nonconforming signs to be brought into compliance was eight (8) years from the adoption of the ordinance, and that deadline is approaching at the end of 2016. The ordinance also required that notice of sign noncompliance be "mailed to affected property owners following the adoption of this ordinance and again no later than one year prior to the end of the amortization period" (Section 17.62.110(C)). Due to limited staffing and resources, the Planning Department has not sent out notification of the upcoming deadline to impacted property and business owners.

Planning Department staff brought this topic forward as a work session discussion item at the September 15, 2016 Planning Commission meeting.

In addition, a recent United States Supreme Court case, *Reed v. Town of Gilbert*, has defined how sign regulations cannot violate the First Amendment and the right to free speech. Based on the ruling from that case, a sign ordinance that regulates based on the message or content of the sign is content based and would fail the strict scrutiny test if challenged in court. Local governments have been advised to review their sign codes to determine whether the existing regulations are content neutral, or in other words, that the regulations do not treat signs differently based on the content or message of the sign itself.

Discussion:

Amortization Process and Appeals: The Planning Department, working with the City Attorney, has developed an updated amortization process (Section 17.62.110(C)) that will extend the deadline for property owners to come into compliance to December 31, 2017. Staff is also proposing that the City of McMinnville be required to provide a notification of sign non-compliance six (6) months prior to the end of the amortization process, and again before taking any enforcement action (Section 17.62.110(D)). The rationale for providing the six (6) month notification is that the signs in non-compliance are in most cases larger than allowed and a comparable signage program is usually a significant budget expense for businesses and property owners. The initial six (6) month notification will allow those that are impacted to plan for the modifications needed in their budgets.

The deadline extension is being proposed to provide additional time for Planning Department staff to accurately identify properties with nonconforming signs. If the proposed deadline is adopted, staff would complete a city-wide inspection to compile a comprehensive inventory of all suspected existing nonconforming signs. Staff is estimating that this inventory could amount to as many as 200 nonconforming signs. The creation of this updated inventory would ensure that proper notification is sent to all owners of suspected nonconforming signs, which would provide those owners with adequate time to work with the City on whether or not the sign is actually non-conforming and plan for necessary modifications. A goal of the Planning Department will be to work with property owners on voluntary compliance, and the additional time and required notifications will greatly assist staff in that effort.

Staff is also proposing that additional opportunities be provided to owners of property on which nonconforming signs are located to appeal a notice of sign noncompliance issued by the City of McMinnville (Section 17.62.110(D) and Section 17.62.110(E)). One of these additional options would allow for a property owner to provide evidence to the Planning Department that a sign is actually in compliance. Initial staff inspections and the identification of nonconforming signs may not be accurate, as staff will not have access onto a site to properly inspect existing signs (e.g. measure setbacks or measure sign area). Staff is proposing that the Planning Director have the ability to review evidence of sign compliance, and also that the Planning Director have the authority to dismiss a notice of sign noncompliance.

Other additional options, including variances and exceptions, would provide opportunities for owners to cite evidence that the strict enforcement of the ordinance would result in a hardship. Minor setback variance requests, which can be approved administratively, would be reviewed by the Planning Director. All other requests would go before the Planning Commission for consideration and approval. Staff is proposing that a property owner have 60 days to appeal a notice.

The amendments being proposed are as follows:

17.62.110 Nonconforming Signs.

- A. The following provision will require that a nonconforming sign be brought into compliance with this chapter: physical modification of a nonconforming sign or any action on a nonconforming sign that requires a building permit. This does not include replacement of a sign face without modification of the frame or general sign maintenance and repair.
- B. All temporary or portable signs not in compliance with the provisions of this code shall be removed or made compliant immediately following adoption of this ordinance.
- C. Amortization. Any freestanding, roof, or animated sign which was lawfully established before **January 1, 2009**, ~~the adoption date of this ordinance,~~ but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance **by no later than December 31, 2017,** ~~within eight (8) years from the date of its adoption,~~ or at the time of occurrence of any of the actions outlined in provision 'A' above.
- D. **Notice of Sign Noncompliance.** Notice of sign noncompliance will be mailed to affected property owners **prior to taking enforcement action pursuant to Section 17.62.130 of this chapter. For those signs impacted by 17.62.110 (C) of this chapter, notice of noncompliance will be mailed to affected property owners following the adoption of this ordinance and again no later than six months one year prior to the end of the amortization period, and again prior to taking enforcement action pursuant to Section 17.62.130 of this chapter.**
- E. **Appealing a Notice of Noncompliance.** Any owner of property on which a nonconforming sign is located may appeal a Notice of Sign Noncompliance issued pursuant to Section 17.62.110(D) within 60 days of the mailing date of such Notice by:

1. Submitting evidence of sign compliance to the Planning Department. The Planning Director shall determine whether the evidence submitted proves sign compliance, and the Director has the authority to dismiss a Notice of Sign Noncompliance. All decisions made by the Director may be appealed to the Planning Commission; or
 2. Submitting an application for an Exception pursuant to Section 17.62.120 to the Planning Department; or
 3. Submitting an application for an administrative variance pursuant to Sections 17.72.020 to the Planning Department; or
 4. Submitting an application for a variance pursuant to Section 17.72.020 to the Planning Department.
- F. The failure to appeal a Notice of Noncompliance pursuant to the provisions of this Section, shall preclude the owner from raising any issue addressed by Section 17.62.120 (B) or (C) as a defense to the enforcement of this ordinance.

Exceptions: Staff is proposing that additional criteria be considered when reviewing an exception request to prevent the possibility of a property owner arguing that a regulatory taking of property has occurred. The proposed amendment (Section 17.62.120(C)) results in the exception review process being more consistent with the variance review process.

The amendments being proposed are as follows:

17.62.120 Exceptions.

- A. Applications for an Exception shall be heard by the**The Planning Commission, **which** may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship, **as set forth in subsections (B) and (C) of this Section**, except that no exception shall be granted **pursuant to subsection (B) of this Section** to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- ~~A.~~**B.** An exception may be granted if the property owner establishes that:
1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
 3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:**
1. Deny the owner of all economically viable use of the property on which the sign is located; or
 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located.
- ~~B.~~**D.** Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- ~~C.~~**E.** The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered.

Reed v. Gilbert: In regards to the content neutrality of the current sign regulations, the Planning Department completed a thorough review of the sign ordinance and determined that a majority of the existing sign regulations are not content-based. The one regulation that could be considered to be content-based is Section 17.62.070(F), which regulates Menu Board Signs. This reference to “menu board signs” is a content-based regulation, as the regulation applies only to signs with a certain message (i.e. restaurant menus). Staff is proposing to amend this section to allow for one (1) additional freestanding sign on properties with businesses that employ drive-up service. This proposed amendment ties the sign regulation to a particular use, rather than the regulation only applying to signs with a certain message.

The amendments being proposed are as follows:

- F. ~~Menu Board~~**Drive-up Service** Signs. ~~Freestanding menu board signs are~~**Additional freestanding signs are** permitted on properties ~~for~~**with** businesses that employ drive-up service. One such ~~menu board sign~~, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary ~~menu board sign~~, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding ~~menu board~~**sign** that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street’s property line. Wall mount ~~menu board~~ signs shall be exempt from this requirement. (Ord. 4935 §1, 2011; Ord. 4912 §3 2009)

Fiscal Impact:

A significant amount of staff time will be required to complete inspections and carry out the amortization process. Notification costs will also be associated with the amortization process.

Amendments to the sign ordinance based on content neutrality could prevent future litigation costs if the menu board sign regulation was challenged.

Recommendation/Suggested Motion:

Staff recommends that the Planning Commission, after receiving testimony and deliberating on the request, forward a recommendation to approve the proposed legislative amendment, attached herein, to the City Council.

Suggested Motion: “That based on the testimony and materials submitted, the Planning Commission recommends that the City Council approve the proposed amendment as recommended by staff.”

Exhibit 1

PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough font~~.

Section 17.62.070(F) (Permanent Sign Regulations)

- F. ~~Menu Board~~**Drive-up Service** Signs. ~~Freestanding menu board signs are~~**Additional freestanding signs are** permitted on properties ~~for~~**with** businesses that employ drive-up service. One such ~~menu board sign~~, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary ~~menu board sign~~, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding ~~menu board~~**sign** that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street's property line. Wall mount ~~menu board~~ signs shall be exempt from this requirement. (Ord. 4935 §1, 2011; Ord. 4912 §3 2009)

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- B. All temporary or portable signs not in compliance with the provisions of this code shall be removed or made compliant immediately following adoption of this ordinance.
- C. Amortization. Any freestanding, roof, or animated sign which was lawfully established before **January 1, 2009**,~~the adoption date of this ordinance~~, but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance **by no later than December 31, 2017**,~~within eight (8) years from the date of its adoption~~, or at the time of occurrence of any of the actions outlined in provision 'A' above.
- D. **Notice of Sign Noncompliance.** Notice of sign noncompliance will be mailed to affected property owners **prior to taking enforcement action pursuant to Section 17.62.130 of this chapter. For those signs impacted by 17.62.110 (C) of this chapter, notice of noncompliance will be mailed to affected property owners**~~following the adoption of this ordinance and again no later than six months~~one year prior to the end of the amortization period, **and again prior to taking enforcement action pursuant to Section 17.62.130 of this chapter.**
- E. **Appealing a Notice of Noncompliance. Any owner of property on which a nonconforming sign is located may appeal a Notice of Sign Noncompliance issued pursuant to Section 17.62.110(D) within 60 days of the mailing date of such Notice by:**
- 1. Submitting evidence of sign compliance to the Planning Department. The Planning Director shall determine whether the evidence submitted proves sign compliance, and the Director has the authority to dismiss a Notice of Sign Noncompliance. All decisions made by the Director may be appealed to the Planning Commission; or**

2. Submitting an application for an Exception pursuant to Section 17.62.120 to the Planning Department; or
 3. Submitting an application for an administrative variance pursuant to Sections 17.72.020 to the Planning Department; or
 4. Submitting an application for a variance pursuant to Section 17.72.020 to the Planning Department.
- F. The failure to appeal a Notice of Noncompliance pursuant to the provisions of this Section, shall preclude the owner from raising any issue addressed by Section 17.62.120 (B) or (C) as a defense to the enforcement of this ordinance.

Section 17.62.120 Exceptions

- A. Applications for an Exception shall be heard by theThe Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.
- B. ~~A.~~ An exception may be granted if the property owner establishes that:
1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
 3. The request will not be detrimental to community standards and the appearance of the city.
- C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
1. Deny the owner of all economically viable use of the property on which the sign is located; or
 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located.
- D. ~~B.~~ Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.
- E. ~~C.~~ The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered.



STAFF REPORT

DATE: October 20, 2016
TO: Planning Commission Members
FROM: Ron Pomeroy, Principal Planner
SUBJECT: Public Hearing: G 2-16 - Marijuana Ordinance Amendments

Report in Brief:

This is a public hearing to consider proposed amendments to Section 17.64.040(A)(6) (Marijuana Related Activities – Performance Standards) of the McMinnville Zoning Ordinance to add a reference to the Oregon Administrative Rule definition of “school” and to delete a reference to “state licensed preschool.”

Background:

The McMinnville City Council adopted Chapter 17.64 (Marijuana Related Activities) as part of the McMinnville Zoning Ordinance (Ord. No. 3380) in December, 2015. In the course of applying this new zoning ordinance chapter, there has surfaced an interest in amending the regulations specifically with regard to locational regulations.

Discussion:

In June of 2016, the City Council directed the Planning Department to initiate a legislative process to consider amending this chapter to remove the term “state licensed preschool.” At a public meeting held on September 15, 2016, the Planning Commission participated in a work session to consider this, and other, possible amendments. At the work session, the Commission directed staff to draft two specific chapter amendments for public review and comment as follows:

1. Add a reference to the Oregon Administrative Review definition of “school,” and
2. Remove the term “state licensed preschool” from the portion of the chapter related to buffers from marijuana related facilities.

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough-font~~.

Section 17.64.040(6) (Marijuana Related Activities – Performance Standards).

Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following:

- a. Public, private or parochial elementary or secondary school as defined by OAR 333-008-1110(2).
- b. McMinnville public library, community center, or aquatic center.
- c. ~~State licensed preschool.~~

Fiscal Impact:

There is no anticipated fiscal impact with this action.

Recommendation/Suggested Motion:

Staff recommends that the Planning Commission, after receiving testimony and deliberating on the request, forward a recommendation to approve the proposed legislative amendment, attached herein, to the City Council.

Suggested Motion: "That based on the testimony and materials submitted, the Planning Commission recommends that the City Council approve the proposed amendment as recommended by staff."

Exhibit 1

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- a. Public, private or parochial elementary or secondary school **as defined by OAR 333-008-1110(2)**.
- b. McMinnville public library, community center, or aquatic center.
- c. ~~State licensed preschool.~~



CITY OF MCMINNVILLE
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MEMORANDUM

DATE: October 20, 2016
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
RE: Annual Update – Yamhill Valley Gospel Rescue Mission year-round social relief facility and year-round emergency shelter (CU 2-15)

Report in Brief:

Annual review of the neighborhood impact of the 2015 Planning Commission approval of a year-round social relief facility and emergency shelter approved for the Yamhill County Gospel Rescue Mission.

Background:

On October 15, 2015, the McMinnville Planning Commission approved a conditional use permit request (CU 2-15) submitted by the Yamhill Valley Gospel Rescue Mission to allow placement of a 13-person year-round social relief facility and a 35-person year-round emergency shelter on residentially zoned land adjacent to an existing Yamhill Valley Gospel Rescue Mission social relief facility. The two recently approved shelters are located, generally, at 14th and Macy Streets.

As part of that conditional use approval, the Commission adopted a condition that requires an annual review the impact of the shelters on the livability of abutting properties. Specifically, condition of approval number four (4) states:

“That the Planning Commission review, on an annual basis, the impact of the shelters on the livability of abutting properties. If the Planning Commission should find, based upon the testimony received, that the criteria necessary to approve this conditional use are not being met, or cannot be met by the application of additional conditions, the Commission may act to void this approval or modify the conditions under which it was originally approved to include, but not limited to, hours of operation, off-street parking requirements, intake procedures, or occupancy limits. If this should occur, the applicant shall cease use of the subject site for social relief facility purposes within 45 days of the Commission’s decision. The decision of the Commission is subject to appeal to the City Council following the procedures of Section 17.72.180 (Appeal from Ruling of Planning Commission) of the McMinnville Zoning Ordinance. Use of the property for social relief facility purposes may continue pending the outcome of any appeal, but shall cease within 45 days of any final ruling that would void the prior approval.”

MEMORANDUM TO : Planning Commission

Re: Annual Update – Yamhill Valley Gospel Rescue Mission year-round social relief facility and year-round emergency shelter (CU 2-15)

October 20, 2016

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Discussion:

Neither of the two subject shelters are currently operational. The double-wide modular emergency shelter proposed to locate on the southern portion of the site to provide shelter for up to 35 people is currently in place. The Planning Department understands that this facility is in the final stages of plumbing and building modifications necessary to enable this facility to receive final occupancy approval in time for the coming season of more severe inclement winter weather. The second facility, the triple-wide modular unit to be placed on the northern portion of the site to accommodate up to 13 people, has not yet been installed. While site work and other efforts continue moving this effort forward the Planning Department has not been informed of an estimated date for placement and occupancy of that structure.

As neither of these facilities are currently operational there are not yet any occupants related to the conditional use approval. Consequently, the Planning Department has received no complaints or comments related the impact of the approved facilities on the livability of the surrounding neighborhood.

Recommendation:

That the Planning Commission direct staff to continue the schedule, as noted in CU 2-15 condition of approval No. 4, and provide the Commission with report on neighborhood livability impacts at the Commission's October, 2017, public meeting.