



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/01/2014
Jurisdiction: City of McMinnville
Local file no.: G 1-14
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/25/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 52 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-14 {22388}

Received: 11/25/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of McMinnville

Local file no.: **G 1-14**

Date of adoption: Nov 18, 2014

Date sent: 11/25/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): July 28, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Doug Montgomery, Planning Director

Phone: (503) 434-7311

E-mail: montgod@ci.mcminnville.or.us

Street address: 231 NE 5th Street

City: McMinnville

Zip: 97128-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapters 17.12, 17.15, 17.18, 17.20, 17.21, 17.24, and 17.72.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 4984

An Ordinance amending the McMinnville Zoning Ordinance (No. 3380) to provide new or revised review procedures for vacation home rentals and bed and breakfast establishments.

RECITALS:

The City amended the McMinnville Zoning Ordinance in July of 1984 to conditionally permit "bed and breakfast" establishments in its single-family and two-family residential zones, and to allow them outright in its multi-family residential zone. In addition, the zoning ordinance was amended in 2008 to conditionally permit "vacation home rental" use in each of its residential zones.

Since those amendments were adopted there have been 25 applications seeking permission to establish a bed and breakfast or vacation home rental use submitted to the McMinnville Planning Commission for review, all of which have been approved. Public attendance at these hearings has been minimal, and, to the City's knowledge, the uses have generated no concern from adjoining neighbors in the time they have been in existence.

Given the history of these applications, and the objective standards by which they are reviewed, the Planning Commission believes it to be a more efficient use of their time, and appropriate, to have them reviewed administratively. As such, the Commission directed staff to prepare draft amendments to the current review process that would have such uses reviewed and acted upon by the Planning Director, and provided an option for a public hearing when appropriate or requested.

Staff's draft amendments were presented to the Planning Commission at a public work session on July 7, 2014, and at a public hearing held September 18, 2014. Notice of the work session and public hearing were published in the "News Register." No public comment was received regarding the draft amendments.

Following the close of the public hearing, the Commission voted to forward a recommendation to the City Council to approve the amendments, making vacation home rental use and bed and breakfast use subject to the "Director's Review with Notice" process provided in Section 17.72.110 of the McMinnville Zoning Ordinance. Other minor amendments necessary to implement this revision were also recommended. Now, therefore:

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the McMinnville Zoning Ordinance (No. 3380, as revised) is amended as follows:

- a. Move Sections 17.12.020 (P) and (R) to Sections 17.12.010 (N) and (O), respectively.
- b. Move Sections 17.15.020 (N) and (P) to Sections 17.12.020 (N) and (O), respectively.
- c. Move Sections 17.18.020 (N) and (P) to Sections 17.18.010 (P) and (Q), respectively.
- d. Move Sections 17.21.020 (Q) and (S) to Sections 17.21.010 (T) and (U), respectively.
- e. Amend Sections 17.12.010 (N), 17.15.010 (N), 17.18.010 (P), and 17.21.010 (T) to read as follows:
"Bed and breakfast establishments, provided **subject to the provisions of Section 17.72.110 and the following standards: [. . .]**"
- f. Amend Sections 17.12.010 (O), 17.15.010 (O), 17.18.010 (Q), and 17.21.010 (U) to read as follows:
"Vacation home rental, provided **subject to the provisions of Section 17.72.110 and the following standards: [. . .]**"
- g. Amend Section 17.24.030 (G) to reference 17.21.010 (T), rather than (R).
- h. Amend Sections 17.72.090 and 17.72.110 by adding "Vacation Home Rentals" and "Bed and Breakfast" to the list of applications subject to Director's Review with Notification.
- i. Amend Section 17.72.120 by adding the following text to the list of applications:
 - **Any application listed in Section 17.72.110 for which a public hearing is requested.**

Section 2. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of thirty (30) days.

First Reading: Read and passed by the Council this 28th day of October 2014, by the following votes:

Ayes: Menke, Ruden, Yoder

Nays: Jeffries

Second Reading: Read and passed by the Council this 18th day of November 2014, by the following votes:

Ayes: Hill, May, Menke, Ruden, Yoder

Nays: Jeffries

Approved this 18th day of November 2014.


MAYOR

Attest:


CITY RECORDER

Approved as to Form:


CITY ATTORNEY